

# State Police Commission



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General Circular No. 92

Issue Date: April 29, 1998

Subject: Revision of State Police Commission Rules

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing to consider repealing, reenacting and adopting State Police Commission Rules 6.4, 6.10, 6.15, 17.14, 17.17, 17.19 and 11.27.1 of the State Police Commission Rules. The hearing will begin at 9:00 a.m. on Monday, June 15, 1998, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana.

Please review these proposals and furnish, in writing, by Thurscay, June 4, 1998, any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by June 4, 1998 of your intention to address the Commission, to be placed on the agenda.

Please post this General Circular prominently, so that all employees will receive notice of this hearing. If any special accommodations are needed, please notify us prior to the hearing date.

Sincerely,

*Debra L. Johnson*

Debra L. Johnson  
Director

Attachment

#### 11.27.1 Leave of Absence to Assume Unclassified Position

- (a) Notwithstanding the provision of Rule 11.27 (a) and/or (b), upon the acceptance by a permanent employee of a position in the unclassified State Police Service, the employee shall be placed on a leave of absence without pay. The leave of absence shall continue until the employee leaves the unclassified position by termination or resignation.

Upon placing the employee on such leave of absence, that employee's position and all vacancies within the chain of command created by the filling of that position may only be filled on a permanent basis.

- (b) An employee, who has been placed on a leave of absence without pay under the provisions of Subsection (a) hereof, shall be restored to duty, in pay status, on the first working day following the effective date of their termination or resignation from their unclassified position.

If, without valid excuse, the employee fails to report for or refuses to be restored to duty in pay status as provided for in the preceding paragraph, he or she shall be considered as having deserted their position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.

- (c) A probationary employee shall not be placed on leave to serve in an unclassified position.
- (d) If, upon the return of an employee from an unclassified position, their classified position is occupied, the employee with the greatest length of total state service shall retain that position. In such case, the employee with the lesser amount of total state service shall be displaced from that position in accordance with the provisions of Chapter 17.

#### 6.4 Rates in Pay Plan

- (b) Subject to the provisions of Rules 6.10(c), 6.10(d), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at a rate within the range for the grade of the job to which his position is allocated.

#### 6.10 Rate of Pay Upon Demotion

- (d) Except as provided by Rule 17.19 (b), when an employee is demoted in lieu of layoff, the appointing authority may set the employee's pay at any rate within the lower pay range which does not exceed his current rate of pay.

#### 6.15 Red Circle Rates

Rates that fall within the range become the employee's authorized individual pay rate. Individual pay rates that fall above the maximum

established for the grade become red circle rates and remain in effect **until the range catches up with the rate**; however, eligibility for a red circle rate is lost upon separation from **the State Police Service, promotion or demotion**. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions outlined below:

- (f) in accord with the provisions of Rule 17.19(b), when the pay of an employee being demoted in lieu of layoff due to a displacement occurring pursuant to Rule 11.27.1(d) exceeds the maximum of the lower range to which the employee is assigned.

#### 17.14 Notification and Authority for Layoff

When the appointing authority determines that it is necessary to reduce force or reorganize, or a displacement occurs pursuant to the provisions of Rule 11.27.1(c), and such decision or displacement affects any permanent employee(s), a layoff shall be conducted according to the following procedures:

- (a) Except as provided for in the second paragraph of this subsection, the appointing authority shall select the organizational unit(s), the geographic area(s), the career field(s) and class level or class(es) where the layoff shall begin. In the event a career field is not established the layoff shall take place in a class or classes selected by the appointing authority and approved by the Director.

**A layoff caused by a displacement occurring pursuant to Rule 11.27.1(d), shall be limited to the geographic area of the domicile of the employee's classified position.**

#### 17.17 Displacement Rights of Permanent Employees

(c) . . .

- 5. Vacancies may be offered in lieu of occupied positions, **except in layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), vacancies shall be offered in lieu of occupied positions.**

#### 17.19 Pay Reductions

- (a) **Except as provided for in subsection (b) hereof, the percentage of pay reductions resulting from employees being placed in lower pay ranges shall be uniform, unless a written request with justification is approved by the Director. Such reductions shall not result in an employee's being paid above the maximum or below the minimum of the range for the position to which the employee is moved as the result of layoff.**

- (b) In layoffs caused by a displacement occurring pursuant to Rule 11.27.1(c), no classified pay reductions shall occur. This provision includes employees whose pay rates fall above the maximum of the range for the position to which the employee is moved, as provided for in Rule 6.15(f).

REVISED RULE 17.19 - EFFECTIVE JANUARY 1, 1999

17.19 Pay Reductions in Layoffs

- (c) In layoffs caused by a displacement occurring pursuant to Rule 11.27.1(c), no classified pay reductions shall occur. This provision includes employees whose pay rates fall between salary rates or above the highest salary rate of the range for the position to which the employee is moved, as provided for in Rule 6.15(d)(7).