

State Police Commission



Post Office Box 66555
Baton Rouge, La. 70896-6555
Phone (504) 925-7057
Fax (504) 925-7058

Jane Orr, Director

December 5, 1991

General Circular No. 5

TO: State Police Commission Members, Colonel Marlin A. Flores, Russell J. Culotta, Rosemary Hannie, Walt Smith, James E. Jordan, Jr., Michael W. O'Neal, Wayne D. Winkler, Barry J. Hebert, Michael R. Field, Steven J. Martel, Jimmy B. Odom, James L. Matthews, III, Bernard R. Daigle, Claude O. Alford, James C. McKenzie and Albert B. Pressburg

SUBJECT: Proposed Rule Changes to Chapters 7, 8 and 9

The State Police Commission will hold a public hearing on Monday, December 16, 1991, to consider final adoption of revisions to Chapters 7, 8 and 9 of the State Police Commission Rules. Attached hereto are copies of the proposed Rules. The public hearing will begin at 9:00 a.m. in Classroom No. 17, Second Floor, Dormitory Building, Louisiana State Police Training Academy, 7901 Independence Boulevard in Baton Rouge, Louisiana.

All interested persons are invited to attend.

Sincerely,


Jane Orr
Executive Director

Attachments

CHAPTER 7

EXAMINATION AND ELIGIBLE LISTS

7.1 Examinations.

- (a) The Director shall conduct competitive examinations at such times and places as deemed necessary or desirable to the needs of the State Police classified service.
- (b) Unless specifically provided otherwise in examination announcements, applications for admission to examinations shall be accepted on a continuing basis.

7.2 Public Notice of Open Competitive Examinations.

- (a) The Director shall give reasonable public notice of each open competitive examination in advance of the deadline date for filing applications.
- (b) When an examination for State Police Cadet has been announced, the Director shall conduct active recruitment for candidates through all appropriate and reasonable channels. All persons recruited shall be given a reasonable time, established by the Director, to test for the position.
- (c) Notices of open competitive examinations shall be posted on a bulletin board maintained at or near the principal office of the State Police Commission, and at all Troop Headquarters, Regions, and at the Office of Human Resource Management and all other appropriate locations at State Police Headquarters. The Director may also advertise tests in such publications and locations as are deemed appropriate and use any other means considered necessary or desirable to bring the notice of the examinations to the attention of the general public and to those qualified for admission.
- (d) Each official notice shall state the place and manner of making application, and any other information which the Director considers pertinent and appropriate.

7.3 Amended and re-enacted effective March 15, 1966 as part of Rule 7.9.

7.4 Admission to Examinations

- (a) The Director shall, subject to the Rules and the class specifications, determine the qualifications for admission to any examination.
- (b) A person whose employment is prohibited by any law or Rule shall not be admitted to any examination, except

that where, the Director finds there exists reason to believe that the prohibition will cease to exist within a reasonable time, an applicant may be admitted to the examination and certified for a position, but such person shall not be appointed as long as his employment is prohibited.

- (c) Whenever age limits are specified in the qualification requirements, such age limits shall not apply to any applicant who has had at least one year of experience in the class of position for which application is made for examination.
- (d) Applicants who take an examination shall not take the same examination again until a period of at least thirty (30) days has elapsed from the date of the last examination, and no applicant shall be admitted to the same examination more than three times in any twelve-month period. The applicant's official grade shall be the one obtained on his most recent examination.
- (e) Repealed effective February 10, 1976).

7.5 Rejection of Application.

- (a) The Director shall reject the application of any person for admission to examination or refuse to examine any applicant
 - 1. Whose employment in the State Police classified service would be prohibited by law; or
 - 2. Whose conduct has been infamous or disgraceful; or who
 - 3. Is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he/she has applied or has been examined; or
 - 4. Is physically unfit to perform effectively the duties of a position of the class; or
 - 5. Is addicted to the habitual use of drugs or intoxicating liquors to excess; or
 - 6. Has been adjudged guilty by a court of competent jurisdiction of a crime involving moral turpitude; or
 - 7. Has been dismissed from the public service for delinquency or misconduct or has been permitted to resign in lieu thereof; or

8. Has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his/her application, or examination, or otherwise in securing or attempting to secure eligibility for appointment for anyone; or
9. Whose application was filed after the closing date fixed for receipt of application; however, failure to reject an untimely application shall not nullify any aspect of the hiring process.

(b) Repealed, effective _____, and incorporated as 7.5 (a)9.

(c) A person whose application has been rejected under this Rule shall receive prompt written notification from the Director. Specific reason(s) for such action will be included in the notification.

7.6 Postponement and Cancellation of Tests.

In the event that an insufficient number of qualified candidates apply for a test, the Director may extend the last filing date and postpone the date of test, or cancel the administering of the test and shall, in each such case, give suitable notice thereof.

7.7 Content of Tests.

- (a) Tests for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek promotion. Promotional examinations may consist of a rating of training, education, and experience, a performance test, an objective written test, an oral examination, an assessment center, or any combination thereof.
- (b) Examinations for entrance into the State Police Service shall be open, competitive, practical in nature, and be constructed to reveal the capacity of the applicants for the class of State Police Cadet. Examinations may consist of a rating of training, education and experience, a written objective test, a performance test, an oral examination, a questionnaire, a psychological evaluation, or any combination thereof, with due reference also to ability to develop in such ways as to merit advancement to positions of higher classes.
- (c) Attendance and successful completion of the State Police Academy shall be considered a part of the examination process, and the components and conduct of the Academy shall be designed and conducted by the Office of State Police, with notification to the Director. Such Academy

shall:

- (1) Consist of components that are bona fide requirements for successful performance as a State Police Trooper.
- (2) Have established, reasonable pass points set for each component prior to the beginning of the Academy, and no alteration of these established pass points shall be permitted during the actual period of the Academy.
- (3) Provide for periodic testing of a Cadet's performance on the various components, and shall provide special study and/or counseling for Cadets whose performance on these tests indicates a need for such.
- (4) Be designed so as to permit no discrimination as to race, gender, religion, nationality, or any other non-merit factors.

[This rule has been changed considerably, in that: (a) deals now with promotional State Police exams, and (b) deals with entry-level exams, and (c) deals with the Academy (all new).

This Rule incorporates existing Rules 7.7 and 7.8.

The part concerning the Academy is to protect the Office of State Police and the State Police Commission from potential lawsuits of discrimination in the event that Academy pass points are ever changed after an Academy begins. In no way is the Director trying to usurp the Superintendent's right to run the Academy as he/she sees fit.

**NOTE: THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE WOULD LIKE TO HAVE RULE 7.7(c) STRICKEN IN ITS ENTIRETY.

7.8 Repealed, effective _____, and incorporated as part of Rule 7.7.

7.9 Promotional Examinations.

- (a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided
 1. The Director shall issue an appropriate announcement in advance of such examination and it shall be the duty of the Appointing Authority to make every effort to see that employees are informed of the announcement;

2. a. Admission to such examination shall be restricted to permanent employees who meet the qualifications stated in the class specifications for the position for which the promotional examination is announced. An employee currently rated unacceptable (i.e., "needs improvement or "unsatisfactory") shall not be admitted to any competitive test.
 - b. Repealed, effective March 15, 1973.
 - c. Whenever minimum qualification requirements are changed and incumbents of positions in affected classes do not meet the new requirements, such incumbents will be allowed to remain in the class of position occupied, unless a specific license or certification is required by law, and to continue gaining qualifying experience for the higher levels that are in the normal career progression for that class.
 - d. Repealed, effective _____, and partially incorporated in 7.9 (a) 2 c.
3. Repealed, effective _____, and incorporated in Rule 7.7 (a).
 4. The eligible list established from such examination shall contain the names of all candidates who pass the examination, ranked according to their final ratings.
 5. In assigning a rating based on training and experience, credit shall not be allowed for periods of leave of thirty days or more absence without pay granted under the provisions of Rule 11.27(a) and (b), unless the work performed during the period of absence is creditable under the examination specifications.

(b) Repealed, effective_____.

BEGINNING OF JOINT PROPOSAL BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE AND LSTA FOR INCLUSION OF RULE 7.9(b) TO READ AS FOLLOWS:

(b) Non-competitive promotions may be made to non-competitive classes only in accordance with the provisions of Rule 7.20.

END OF JOINT PROPOSAL OF RULE 7.9(b) .

(c) The Director may indicate the principal or normal line of

promotion from and to each class of position.

- (d) If there are sufficient qualified available employees in the State Police classified service whose name appear on a list of eligibles prepared from an open competitive examination, the Director may, in discretion, use the names of such employees from such list in lieu of conducting a competitive promotional examination.

BEGINNING OF JOINT PROPOSAL BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE AND LSTA PROPOSAL OF RULE 7.9(d):

- (d) Upon receipt by the Director of a request to fill a promotional vacancy, the Director shall admit to examination and consider for certification all qualified applicants whose applications are then on file with the Director for the vacancy being filled; provided that the Director may restrict the number of times that an applicant may be admitted to the same examination within a twelve month period.

END OF JOINT PROPOSAL OF RULE 7.9(d).

- (e) Repealed, effective _____.

7.10 Amended and reenacted effective March 15, 1966 as a part of Rule 7.9.

7.11 Preferential Eligibility Credits.

- (a) Repealed effective January 1, 1975.

- (b) Subject to the provision of Subsection (e) and (g) of this Rule, five-point preference in original appointments shall be granted to persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:

1. In the wartime period July 1, 1958 through May 7, 1975; except the period July 1, 1958 through August 4, 1964 shall apply only to those who served within the area known as the Vietnam Theater; or
2. Repealed, effective _____.
3. Repealed, effective _____.
4. Repealed, effective _____.
5. In a peacetime campaign or expedition for which campaign badges are authorized.

- (c) Subject to the provisions of Sub-sections (e) and (g) of this Rule, ten-point preference in original appointment shall be granted to:
1. Each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration;
 2. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;
 3. The unremarried widow of each deceased veteran who served in a war period as defined in Sub-section (b) of this Rule, or in a peace-time campaign or expedition;
 4. The unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
 5. The divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.
- (d) The ten-point preferences provided for in this Rule shall be utilized in the following manner:
1. Only one ten-point preference shall be allowed in the original appointment to any person enumerated in Sub-section (c) of this Rule.
 2. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes appointment as a Cadet or because of his/her death, the preference as defined in Sub-section (c) of this Rule, shall be available to the spouse, unremarried widow or widower or eligible parents as defined in Sub-section (c) of this Rule, in the order specified.
- (e) Preference may be given only to persons who have received at least the minimum passing score required on the test and who have received at least the minimum rating required for eligibility.
- (f) Repealed, effective January 1, 1975.
- (g) Except for Subsection (c) (1) of this Rule, service that is for the purpose of training only shall not be

considered as qualifying service.

7.12 Proof of Eligibility for Military Preference.

Proof of eligibility for military preference shall be furnished the Director by the person claiming the preference on the form prescribed by the Director for this purpose, together with such evidence as may be called for on the form.

7.13 Results of Tests.

The rating of each test shall be completed as soon as possible after the test is given, and the Director shall have prepared an eligible list for the class from the results with the names of those persons who have met the eligibility placed in grade order from the highest to the lowest. Persons competing in any test shall be given written notice of their final earned rating, or their failure to attain a place on the list.

7.14 Repealed, effective _____.

7.15 Repealed, effective April 20, 1981.

7.16 Regrading of Tests.

Upon proper application to the Director, a competitor in an examination shall be entitled to have the test paper and rating reviewed, unless such is prohibited by agreement between the Director and a professional testing service. Any rating errors disclosed shall be corrected but such changes shall not per se invalidate any certification or appointment made from an eligible list.

7.17 Establishment of Eligible Lists.

(a) The Director shall, subject to the Rules, establish eligible lists from the results of State Police Merit System examinations. Such lists shall contain the names of all candidates who pass the related examinations.

(b) Eligibles shall be ranked on such lists in the relative order of the rating attained, including preference points, if any.

7.18 Amended and reenacted effective December 17, 1957 as parts of Rules 7.1 and 7.17.

7.19 Amended and reenacted effective March 15, 1966 as part of Rule 7.9.

7.20 Noncompetitive Classes.

(a) Repealed, effective _____.

(b) Repealed, effective January 1, 1975.

(c) Repealed, effective _____.

(d) Repealed, effective _____.

(e) When testing for a class is impractical because of situations that require considerable education in a formal body of knowledge and professional testing prior to legal licensing and practice of a profession, the Director may, with approval of the Commission, dispense with competitive examining procedures for those classes.

7.21 Repealed effective January 14, 1983, and incorporated into Chapter 17.

7.22 Consolidation of Lists.

When an eligible list is established for a class of position for which an eligible list is already in existence, the existing list may be canceled or merged with the new list, at the discretion of the Director. If the name of any individual appears on both the old and the new list, and the lists are merged, the candidate's standing on the new list shall be determined by the score on the more recent examination.

7.23 Amendment of Lists.

Any eligible list may be amended by the addition of names of other successful applicants who are admitted to subsequent examinations, and their scores shall be merged in rank order with the scores of those on the original list.

7.24 Removal of Name from Eligible List.

(a) The Director may remove from any list the name of any person who is not qualified, is not available or is not suitable for appointment to the position for which the list was established.

(b) The Director may remove, at the request of the Appointing Authority, the names of persons who have been considered three times for appointment to State Police Cadet and who have not been offered employment.

(c) At the expiration of one year from entry on any eligible list, except preferred re-employment lists, an applicant's name may be removed from the list for State Police Cadet only. Such applicant may prevent the removal of his/her name by reestablishing his/her eligibility in accordance with the provisions of these Rules and the regulations on admission to examinations.

7.25 Restoration to Eligible Lists After Removal.

- (a) The Director may restore the name of a person removed from an eligible list upon receipt of written application for restoration and a showing that the causes for removal from the eligible list no longer exist or that an error was made in making the removal from the list.
- (b) The Director may restore the name of a former employee who has acquired permanent or probationary status to the register of eligibles from which he/she was appointed if that employee makes application for such restoration within one year from the last date the employee worked in the position, provided the register is still in use.

7.26 Duration of Eligible Lists.

- (a) Each eligible list shall remain in effect until cancelled.
- (b) The Director may cancel an eligible list, except a department preferred reemployment list, at such time that the list becomes unsatisfactory or undesirable because of the high percentage of unavailable eligibles on the list, changes in qualification standards, development of new examining procedures, or for such other reasons as may be in the interest of good personnel administration.

7.27 Repealed, effective _____, and incorporated in Rule 7.26 (b).

7.28 Repealed and re-enacted effective January 1, 1963 as Rule 14.1.1(d).

CHAPTER 8

CERTIFICATION AND APPOINTMENT

8.1 Methods of Filling Vacancies

Vacancies in the State Police Service may be filled by original appointment or by promotion, reassignment, demotion, transfer, reinstatement following an appeal, restoration to duty following military service, or noncompetitive reemployment.

8.2 When proposing to fill a vacancy by original appointment, the appointing authority shall request the Director to certify the names of persons eligible for appointment, furnishing such information about the vacancy as may be necessary for the Director to make a determination as to those persons eligible for appointment.

8.2.1 Repealed, effective _____.

8.3 Anticipation of Need.

Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to issue an announcement, if necessary, and to establish a list of eligibles.

8.4 Certification of Eligibles.

(a) The Director, in issuing certificates, shall certify to the appointing authority the names of the highest ranking eligibles from the appropriate list for the class of the vacant position.

(b) Repealed, effective _____.

(c) Repealed, effective November 14, 1990.

(d) The Director may establish a range of certifiable scores for any job class, and may permit competitive employment of applicants who have attained scores within that range.

8.5 Selective Certification.

(a) When requested and adequately justified by the appointing authority, the Director may selectively certify from an eligible list the names of eligibles who possess particular qualifications.

BEGINNING OF PROPOSAL BY LSTA OF RULE 8.5(a)

(a) When requested and adequately justified by the appointing

authority, the State Police Commission, after public hearing, may order the Director to selectively certify from an eligible list the names of eligibles who possess particular qualifications.

END OF LSTA PROPOSAL OF RULE 8.5(a).

(b) In specific instances, and pursuant to and in conformity with an order of the State Police Commission, a court, or other commission, or agency of competent jurisdiction, the Director may make, or permit the appointing authority to make, selective certification.

8.6 Repealed, effective November 14, 1990.

8.7 Amended and re-enacted effective December 18, 1957 as part of Rule 7.24.

8.8 Determination of Availability for Appointment.

(a) The appointing authority or his/her agent shall determine the availability of the eligibles certified for appointment and shall submit to the Director written evidence of unavailability or failure to reply unless a selection is made from one of the eligibles within the five highest final grade groups or the certifiable band of scores, whichever is applicable.

(b) If a certified eligible indicates unavailability for appointment, or fails to reply to an availability inquiry within ten (10) calendar days after mailing of notification, the appointing authority may consider that individual as having been removed from the certificate.

8.9 Appointment of Eligibles from Certificates.

(a) Except as provided in subsection (c) hereof, appointment from certificates must be made from one of the eligibles within the five highest final grade groups or certifiable band of scores, except in making appointments from a department preferred reemployment list, in which case the highest ranking eligible shall be appointed. All candidates having the same final grade will be considered as "a grade group". When processing a certificate of eligibles, if five or more candidates whose names are among the five highest final grade groups express availability for a vacancy, appointment will be restricted to such candidates. If one or more of the five top grade groups is eliminated in accord with the Rules, the appointing authority may proceed to the next final grade group or groups until there are at least five grade groups from which to choose. Certificates showing action taken thereon must be returned by the expiration date specified on the certificate, unless the time is

extended by the Director. In each case of appointment, such appointment shall become effective on the day the appointee begins duty.

(b) Repealed, effective October 7, 1987.

(c) If a certificate contains the name of an eligible who has previously been subjected to removal or dismissal by the appointing authority or who has resigned to escape possible disciplinary action, he/she may be removed from consideration, and if there are fewer than five final grade groups remaining, the appointing authority may proceed to the next group or groups until there are at least five final grade groups.

8.10 Repealed, effective _____.

8.10.1 Probationary Appointment.

When a vacancy in a position is filled by an original appointment of an eligible, such appointment shall be for a probationary period of no less than six (6) nor more than twelve (12) months.

8.11 Repealed, effective _____.

8.12 Repealed, effective _____.

8.13 Repealed and amended and incorporated as Rule 8.29, effective _____.

8.14 Job Appointment

(a) Temporary appointments for specified periods not exceeding twelve (12) months may be made when an employee is needed for temporary work or to substitute for a permanent or probationary employee.

(b) The Director may authorize the appointment of any person who possesses the minimum qualifications stated in the class specifications.

8.15 Repealed, effective _____.

8.15.1 Repealed, effective _____.

8.16 (a) Reassignment.

The appointing authority may, with the approval of the Director, reassign any probationary or permanent employee from one position in a class to another position in a different class for which the employee is qualified and which has the same minimum entrance rate of pay.

(b) Change in Hours of Work.

The appointing authority may in the best interest of the State Police program change the hours of work of any employee if no change in the employee's class of position is affected.

(c) Change in Duty Station.

The appointing authority may change the duty station of a permanent employee from one geographical area to another, and any such change shall be reported to the Director. Such change may not be taken in lieu of disciplinary action. The affected employee shall be given no less than two weeks notice, in writing, furnishing to the affected employee the reasons for the necessity for the change in duty station.

[change: this is a major change, in that many troopers in the field have stated that this Rule has been used to "punish" or to "reward." We do not want to restrict the Superintendent from being able to take such bona fide actions; however, we feel that some notice and reasons therefor should be given to employees when they are transferred.]

BEGINNING OF LSTA PROPOSAL OF RULE 8.16(c)

8.16 (c) Change in Duty Station.

1. The appointing authority may change the duty station of a permanent or probationary employee from one geographical area to another with or without the consent of the employee for a period not to exceed ninety (90) days, provided that the employer shall pay all related moving, housing and meal expenses.
2. The appointing authority may permanently change the duty station of a permanent or probationary employee from one geographical area to another with the consent of the employee, in which case the employee shall pay related moving and housing expenses. Such change shall be reported to the Director.
3. The appointing authority may permanently change the duty station of a permanent or probationary employee from one geographical area to another without the consent of the employee, provided that the change is necessary to accomplish the department's mission, is approved by the Commission at a public hearing called for that purpose, and provided that the employer shall pay all related

moving and housing expenses.

END OF LSTA PROPOSAL OF RULE 8.16(c)

(d) Detail to Special Duty.

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the department other than the position to which he/she is regularly assigned, the employee may be detailed to perform the duties of such position for a period not to exceed thirty (30) days without change in title, status or pay. If the detail exceeds thirty (30) days, the employee shall be officially detailed into the position, with the approval of the Director, and shall be retroactively paid according to Rule 6.11.
2. When a position becomes temporarily vacant for a period to exceed one month, the appointing authority shall receive approval from the Director in order to detail a permanent employee into the position.
3. An employee detailed into a position must meet the minimum qualifications for the detailed job.
4. No permanent vacant position may be filled by a detail without adequate justification by the appointing authority and without securing prior approval from the Director.
5. No one employee may be detailed into a position for more than four (4) months. If the job is still temporarily vacant, another employee shall be detailed into the position, such detail not to exceed four (4) months.
6. If the appointing authority can show reasonable job related cause to the Director, the Director may approve a detail in excess of four (4) months.

[change: This is a significant change in the present Rule. The concept of a detail is for a position that is temporarily vacant (e.g., an employee is on extended sick leave, worker's compensation, or terminal annual leave prior to retirement). It is not designed to give any one employee additional experience and training in a vacant position. A vacant position should be filled on a permanent basis. The State Police would like an exception made for Executive Security, so that the Governor, Lieutenant Governor, and Attorney General can choose their protective services staff. Rule 8.16(d)6 would allow for this].

BEGINNING OF LSTA PROPOSAL OF RULE 8.16(d)

8.16 (d) Detail to Special Duty.

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the department other than the position to which the employee is regularly assigned, the employee may be detailed to perform the duties of such position for a period not to exceed ten (10) working days without change in title, status or pay. If the detail exceeds ten (10) working days, then the employee's title, status and pay shall be changed, with the approval of the Director, and the employee shall be paid retroactively for the detail.
2. When a position becomes temporarily vacant for a period exceeding ten (10) working days, then a permanent employee shall be detailed into the position by the appointing authority with change in title, status and pay.
3. Permanent employees may not be rotated into temporarily vacant positions so as to avoid payment for the detail.
4. An employee detailed into a position must meet the minimum qualifications for the position.
5. No permanently vacant position may be filled by detail.

END OF LSTA PROPOSAL OF RULE 8.16(d).

****NOTE: THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE IS OPPOSED TO BOTH PROPOSALS OF RULE 8.16(d) AND WOULD PREFER THE USE OF CURRENT RULE 8.16(d), IN ITS ENTIRETY.**

8.17 Amended and re-enacted effective April 1, 1954 as parts of Rules 6.22 and 8.16.

8.18 Noncompetitive Reemployment Based on Prior State Service.

- (a) Subject to the provision of Subsection (d) hereof and with the approval of the Director, a former permanent employee who has been separated from the classified service may, within five (5) years from separation, be noncompetitively reemployed in any job for which the former employee is qualified and which has the same or lower entrance salary as the current minimum for the job in which he/she had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than

an upward reallocation of the position after the employee separated from it, or undergoes a change in minimum qualification requirements, the former employee shall not lose this reemployment eligibility for such position or lower position in the same job series, if such exists, except where the qualification lacking is one required by law or under a recognized accreditation program. In this case eligibility remains, even if the entrance pay has moved upward. Further, the employee shall be eligible to be reemployed in any other job at the same or lower current entrance pay as the job to which his/her former position changed in title, provided the former employee meets the minimum qualification requirements.

- (b) Repealed, effective March 15, 1966.
- (c) Repealed, effective February 10, 1976.
- (d) No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, or unsatisfactory performance, or by resignation to escape possible disciplinary action shall be eligible for noncompetitive reemployment under provisions of this Rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which he/she was separated or demoted for delinquency, misconduct or unsatisfactory performance.
- (e) Repealed, effective _____.
- (f) Repealed, effective _____.

8.19 Restoration of Duty Upon Return from Military Service.

Any employee, who subsequent to January 1, 1991 has left or leaves a probationary or permanent classified position, for active duty in the armed forces of the United States for an indefinite period of involuntary service or not more than six years of voluntary service and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for reemployment within ninety days following discharge or within ninety days after release from hospitalization continuing after discharge for a period of not more than one year shall:

- (a) If still qualified to perform the duties of such position, be restored by his/her department to such position or to a position of like seniority, status and pay; or
- (b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the

department where he/she formerly worked be restored to such other position as will provide him/her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his/her case.

8.20 Promotion.

- (a) Subject to the provision of Rules 8.9 (a) and 8.9 (c), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director following competitive examination.
- (b) The Director shall issue a promotional certificate from a register of eligibles established following a competitive promotional examination. Candidates shall be certified in grade order.
- (c) Repealed, effective _____.
- (d) the Director shall not include in any promotional certification nor authorize the non-competitive promotion of the name of an employee having a current unacceptable service rating (i.e., "needs improvement" or "unsatisfactory").
- (e) Repealed, effective March 15, 1973.
- (f) Repealed, effective March 15, 1973.

8.21 Demotion.

A permanent or probationary employee may be demoted for cause, or at his/her request, to any position for which he/she possesses the qualifications specified in the appropriate standards of requirements for such position.

8.22 Repealed, effective January 14, 1983, and incorporated into Chapter 17.

8.23 Repealed, effective January 14, 1983, and incorporated into Chapter 17.

8.24 Repealed in its entirety, effective September 1, 1981.

8.25 Fingerprinting of Employees.

All applicants for the State Police classified service shall be required to provide a classifiable set of fingerprints.

8.27 Repealed, effective _____.

8.28 Substance Abuse Testing

- (a) Prior to appointment into the State Police classified service, an applicant shall be administered a substance abuse test, and such test must show a negative result in order for the applicant to be considered for employment.
- (b) The State Police shall submit members of the State Police classified service to periodic random substance abuse testing.

8.29 Cancellation of Eligibility for Appointment.

- (a) The Director shall cancel the employment eligibility of any applicants, or of any probational or temporary employees following certification or employment if:
 - 1. Their employment in the State Police service would be prohibited by law; or
 - 2. They are prohibited from employment for any of the reasons listed in Rule 7.5(a).
- (b) An applicant whose employment eligibility has been cancelled under this Rule shall be notified promptly by the Director.
- (c) The Director shall notify the employee and the appointing authority immediately when an employee's eligibility has been cancelled in accordance with this Rule, and the Superintendent shall terminate the employee from State Police within five (5) days of receipt of such notice.

CHAPTER 9

PROBATIONARY PERIOD

9.1 Probationary Period.

- (a) A probationary period of no less than six (6) nor more than twelve (12) months shall be served by employees following original appointment or non-competitive reemployment.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required performance standard of work.

- (b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not serve a probationary period in the new position.
- (c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than six months or more than twelve months in such new position.
- (d) Repealed, effective _____.
- (e) A probationary employee may be removed by the Appointing Authority at any time, provided that he/she furnish the Director reasons therefor in writing.
- (f) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.
- (g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

9.2 Permanent Appointment Action Following Probationary Period.

- (a) Permanent appointment of a probationary employee shall begin upon certification by the Appointing Authority. Certification will consist of a statement in the "remarks" section of the SF- 1, " I certify that this employee has met the required standard of work during the probationary period."
- (b) A permanent appointment must be reported on an SF-1.

(c) The Appointing Authority shall remove employees who have not been certified as permanent at the end of the twelve-month probationary period in accordance with the provisions of Rule 9.1 (e).

9.3 Interruption of Probationary Period for Military Purposes.

A probationary employee who is absent for military training or military active duty shall be returned to duty in the probationary status at the point he/she reached in the probationary period before leaving.

9.4 Repealed.

9.5 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in State service.