

State Police Commission

Post Office Box 66555
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June 27, 1996

General Circular No. 61

To: State Police Commission Members, Colonel William R. Whittington, Personnel, Legal, Retirement, LSTA, Walter Smith, Floyd Falcon and LSTA Affiliate Presidents

In Re: Revisions in Chapters 1, 2 and 3 of the State Police Commission Rules

The State Police Commission will hold a public hearing on Monday, August 19, 1996, at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana to consider the revisions to Chapters 1, 2 and 3 of the State Police Commission Rules, as more fully set forth in the attachments hereto.

Please review these proposals and furnish, in writing, by August 07, 1996, 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 Gilda Russ by August 07, 1996 of your intention to address the Commission, in order 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 meeting date.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachments

CHAPTER 1

DEFINITIONS

- 1.3 **Annual Leave** - Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.
- 1.4 **Appointing Authority** - The agency, department, board or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appoints to and removals from positions in the State Police Service.
- 1.5 **Appointment**- The designation, in accordance with Chapter 8 of the SPC Rules, of an employee to a certain office and his acceptance thereof.
- 1.5.01 **Article or State Police Commission Article** - Article X, Part IV of the Constitution of the State of Louisiana of 1974.
- 1.5.1 **Bona Fide Student** - A person enrolled in an accredited high school, college or university in the State, or a person enrolled in a state-operated vocational/technical school, who meets the criteria of such institution to be classified by that institution as a full-time regular student; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose such status because of vacations during the academic year or because of his failure to attend summer school.
- 1.8 **Classified Service** - Any person in the State Police Service, except those specifically placed in the Unclassified Service in accordance with these Rules by the Commission or exempt from the Classified Service by the Article.
- 1.9.01 **Commuting Area** - The geographic area in which employees are subject to competition for a layoff, which shall encompass only the parish of the abolished position(s) and all bordering parishes.
- 1.14.1 **Discrimination**- Consideration in the appointment, removal, discipline or any other action which adversely affects a probationary or permanent employee of any non-merit factor including, but not limited to, religious or political beliefs, gender, sexual orientation, race, personal animosity or favoritism or reprisal for actions lawfully taken by an employee.
- 1.18 **Job Appointment** - A temporary appointment of an employee for work of a temporary

nature or to substitute for another employee. An employee serving in a third successive job appointment shall be considered to have acquired permanent status.

- 1.19 **Layoff** - The removal of an employee from a position because of lack of work or funds or for other non-disciplinary reasons not provided for in Rules 12.6 or 12.10.
- 1.20 **Leave Without Pay** - Leave or time off from work, other than a disciplinary suspension as provided for in Chapter 12, which is granted or ordered by the appointing authority and during which the employee receives no pay.
- 1.24.1 **Political Activity** - An effort or activity to support or oppose the election of a candidate for political office or other than party registration, effort or activity to support or oppose a particular party in an election or otherwise.
- 1.29 **Provisional Appointment** - A temporary, appointment of a non-permanent employee to a position in the absence of an adequate eligible list, until such time as the appointed employee demonstrates the required skill level to qualify for the job.
- 1.36 **Reinstatement** - The restoration to duty and pay status, under the conditions set forth by the restoring authority, of a former classified employee pursuant to an order by the Commission or a court.
- 1.38 **Resignation** - The voluntary termination, including retirement, by an employee of his employment in the Classified Service.
- 1.39.1 **Sick Leave** - Leave with pay requested by and granted to an employee who is suffering from an illness, disability or other physical condition which prevents him from performing his usual duties and responsibilities or who requires medical, dental, optical or psychological consultation or treatment.
- 1.40 **Suspension** - The enforced leave without pay of an employee for disciplinary purposes.

CHAPTER 1

DEFINITIONS

- 1.3 This merely renumbers this rule.
- 1.4 This adds "removals", which is in accordance with court rulings, as well as changes "State Service" to "State Police Service".
- 1.5 This adds this definition in accordance with court rulings and a reference to Chapter 8.
- 1.5.01 This rewords and clarifies the rule and corrects the reference to the enabling article.
- 1.5.1 This rewords and clarifies this rule.
- 1.8 This rewords and clarifies this rule and corrects the designation to the State Police Service.
- 1.9.01 This rewords and clarifies this rule.
- 1.14.1 This rewords and clarifies this rule and adds the requirement that there be an adverse effect to the employee, as well as the non-merit factors of sexual orientation, personal animosity or favoritism or reprisal for actions lawfully taken by an employee.
- 1.18 This adds the provision that an employee serving in a third successive job appointment shall be considered to have acquired permanent status, which is consistent with prior court rulings.
- 1.19 This removes the word "cause" which confuses the rule, and adds a reference to the reasons for removal provided for by Rules 12.6 or 12.10.
- 1.20 This changes the title of and rewords and clarifies the rule, as well as removing investigatory suspensions and adds a reference to Chapter 12.
- 1.24.1 This adds "activities" as well as the word "otherwise" with regard to efforts or activities concerning political parties so as to clarify the prohibition.
- 1.29 This adds the words "non-permanent" to clarify the rule.
- 1.36 This adds "under the conditions set forth by the restoring authority" which clarifies the rule. It also removes the word "appellate", as a reinstatement might be ordered by a district court.
- 1.38 This adds retirement as a means of resignation so as to clarify the rule.
- 1.39.1 This adds the requirement that sick leave be requested by the employee, which is in accordance with prior court rulings. It also adds "other physical condition" so as to include such things as the normal effects of pregnancy, which may not be considered an illness or disability. It also adds an allowance for psychological consultation or treatment.
- 1.40 This rewords and clarifies the rule.

EXPLANATION OF PROPOSALS

CHAPTER 2

ORGANIZATION, RULES, PROCEDURES AND POWERS OF THE STATE POLICE COMMISSION

2.9 Powers of the Commission

(f) Renominated as (e)

(l) Renominated as (f)

(j) Renominated as (g)

(k) Renominated as (h)

(l) Renominated as (i)

2.10 Adoption, Amendment or Repeal of Rules; Emergency Rule Changes

(c), (d) and (e) removed

CHAPTER 3

DUTIES OF THE DIRECTOR OF PERSONNEL

3.1 Duties of the Director.

It shall be the duty of the Director of Personnel

- (a) To serve as the executive and administrative head of the State Police Commission and direct and supervise all of the Commission's administrative and technical activities functions.

.

- (c) To establish and maintain a roster of all employees within the State Police Service, which roster shall indicate as to each employee the class title of the position held, the salary or pay, any change in class title, pay or status and any other necessary data.

- (d) In accordance with the Article and/or Rules, to appoint and remove, or otherwise discipline, such employees of the Commission, and such experts and special assistants as may be necessary to effectively carry out the provisions of the Article and Rules.

- (e) Consistant with the Article and the Rules, to formulate and prescribe procedures, and to publish them in a Personnel Manual; conduct examinations; maintain a list of eligibles; and certify qualified persons for appoint within the State Police Service.

- (f) To develop, in cooperation with the appointing authority of the Office of State Police and others, training, educational, and safety programs for all employees governed by the Article.

- (g) To make and publish annual reports regarding the work of the Commission, and such special or other reports to the Commission and the Governor as he considers desirable.

- (h) To perform any other acts or functions which are necessary or desirable to carry out the purposes of the Article or these Rules, or such acts or functions which he may be directed to perform by the Commission or its Chair.

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- (j) Subject to review by the Commission, to prepare and submit budget requests covering the estimated costs of administering the Commission.

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- (l) To make such investigations as may be necessary to enforce the provisions of the Article and Rules, and to determine the qualifications and suitability of applicants for employment in the State Police Service.

3.1

Duties of the Director.

- (a) Rewords and clarifies this rule.
- (c) Rewords and clarifies this rule.
- (d) Rewords and clarifies this rule.
- (e) Rewords and clarifies this rule and changes "State Personnel Manual" to "Personnel Manual".
- (f) Rewords and clarifies this rule with regard to the appointing authority of the Office of State Police.
- (g) Rewords and clarifies this rule.
- (h) Rewords and clarifies this rule.
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