



State Police Commission

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December 15, 2023

Transmittal Sheet No. 81

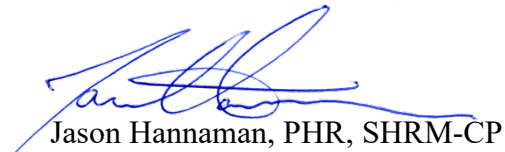
Subject: Adoption of Amendments to Chapters 1, 2, 7, 8, 13, and 14 of the State Police Commission Rules

Effective Date: December 14, 2023

At its meeting on December 14, 2023, on motions duly made, and seconded, by the unanimous vote of the members present, the State Police Commission voted to amend Chapters 1, 2, 7, 8, 13, and 14 as published in General Circular No. 234.

Attached is a complete copy of Chapters 1, 2, 7, 8, 13, and 14.

Sincerely,



Jason Hannaman, PHR, SHRM-CP
Executive Director

Attachments

CHAPTER 1

DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

Abandonment of Position - the desertion by a classified employee of his position.

Acceptable Rating - a performance appraisal rating of either "Exceptional" or "Successful".

Action - a personnel transaction affecting a change to a person's employment or to a position.

Administration - refers to the State Police Commission.

Allocation - the determination of the job to which a position is deemed to pertain.

Anniversary Date - the date at which an employee is eligible for a merit increase in pay measured from the first date of continuous State Police Service, normally one (1) year from date of hire. All time experienced in the State Police Service is counted as eligible time. If service time has been interrupted by breaks in service, add the composite of all State Police Service experience to the new hire date to determine the employee's anniversary date.

Annual Leave - is leave with pay granted to an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affair.

Appeal - classified employees have a right of review by the State Police Commission of certain disciplinary actions and certain discriminatory actions more specifically described in Commission Rule 13.1.

Applicant - a person who has completed and submitted a cadet application to the Louisiana State Police Commission seeking a Trooper position with the Louisiana State Police.

Appointing Authority - the Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services pursuant to LA R.S.36:401, et seq., is the appointing authority for the Office of State Police and have the power to make appointments to and removals from positions in the State Police Service.

Appointment - the designation, by an appointing authority of an employee to a certain office or position and his acceptance thereof.

Article or State Police Article - Article X, Part IV of the Constitution of the State of Louisiana of 1974.

Base Supplement pay - means additional pay above the range maximum, when authorized by the Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.

Cadet - is an applicant who has been accepted into the State Police Training academy, and who will undergo training in order to become a State Police Trooper.

Career Field - any one of a job series or group of positions considered having a close occupational relationship and categorized as such by the State Police Commission.

A career field - shall include a job series, or series of jobs created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing before the layoff plan is received by the State Police Commission.

Cause - means conduct which impairs the efficient or orderly operation of the public service.

Certifiable Scores - a range of scores on a selection procedure which would likely be in the top seven grade groups on a certificate of eligibles if one were issued.

Certificate of Eligibles - a list that represents the top seven grade groups or rank groups from a promotional examination.

Change in Position - for the performance evaluation system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position within the State Police Service.

Civil Service - The Louisiana State Police Commission was created by constitutional amendment to provide an independent civil service system for cadets and all regularly commissioned full-time law enforcement officers employed by the Department of Public Safety and Corrections, Office of State Police, or its successor, who are graduates of the State Police training academy of instruction and are vested with full state police powers, as provided by law.

Class - for these Rules, means the same as 'Job'.

Classification Plan - the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.

Classified Position - any office or position in the Classified Service.

Classified Service - any person in the State Police Service, except those specifically placed in the unclassified service by these Rules by the Commission or exempt from the classified service by the Article.

Commission - the State Police Commission.

Commuting Area - the geographic area in which employees are subject to competition for a layoff, which shall encompass either 1) the parish of the abolished position(s) or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).

Compensation - any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.

Contempt of the Commission - contempt of the Commission or its Referee is an act or omission tending to obstruct or interfere with the orderly discharge of the responsibilities and duties of the Commission or its Referee, or to impair the dignity of the Commission or its Referee or respect for their authority.

Continuous State Service - uninterrupted status of a Classified employee of a State agency or agencies exclusive of interruption

caused by authorized leave of absence, layoff of not more than one year, military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, or separation of not more than thirty (30) calendar days.

Demotion - a change of an employee's position from one grade level to a lower grade level.

Department - any legally constituted agency, board or commission whose employees are in the State Service as defined by the Article.

Department Preferred Reemployment List - a list of Permanent employees who have been laid off or otherwise affected by a layoff (e.g., displaced and/or demoted in lieu of layoff, changed in duty station, reassigned). Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.

Designated Holiday - a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof fell on the employee's regular day off.

Detail to Special Duty - the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.

Director - the Director of the State Police Commission.

Disciplinary Actions - include only the following: dismissals, suspensions without pay, reductions in pay, and involuntary demotions.

Discrimination - consideration in the appointment, removal, discipline or any other action which adversely affects a probationary or permanent employee and is based on any non-merit factor relating to the employee's religious or political beliefs, sex, or race.

Efficiency Rating - the service rating of an employee on the basis of satisfactory or unsatisfactory.

Eligibility List - a list of applicants who have successfully passed the entrance exam and are eligible for the State Police Academy. Those applicants who have been advised that they were not selected for the academy class for which they applied may submit a letter to State Police Commission requesting that their names be placed back on the eligibility list.

Eligible - any person who, after receiving a final passing rating in a State Police Commission examination.

Employee Affected by a Layoff - one who has experienced any consequence of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.

Evaluating Supervisor - shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the appointing authority or his designee shall designate a person most familiar with the employee's performance.

Exceptional - a rating on a performance evaluation which reflects that work and behavior consistently exceeded the performance criteria.

Exempt - is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.

Final Offer of Employment - After passing the medical exam, drug test and psychological evaluation, candidates will receive a letter for a Final Offer of Employment from Louisiana State Police. They will be required to sign and return the letter before a specified deadline.

Furlough - a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.

General Increase - an across the board wage and salary increase designed to bring pay in line with increases in cost of living.

Hiring Rate - the beginning rate at which persons are hired into a job.

Immediate Family Member - for the purposes of sick leave is an employee's spouse, child or stepchild, foster-child, parent or stepparent, or as otherwise defined in the Family and Medical Leave Act.

Individual Pay Rate - the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of service in grade, performance or some other basis for establishing variation in employee's merit.

Initial Military Active Duty for Training -training of not less than three months, which is an obligation for members of the Reserve and National Guard who have not previously served on active duty.

Job or Job Title - is a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature which is performed at the same skill/responsibility level. This definition means the same as "Class".

Job Analysis - a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of work behaviors and tasks performed.

Job Appointment- a temporary appointment of an employee for work of a temporary nature or to substitute for another employee.

Job Specification - a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification focuses on the job itself and not any specific individual who might fill the job.

Layoff - the non-disciplinary separation of an employee from a position because of lack of work or a lack of funds or the abolition of a position.

Layoff Avoidance Measures - action taken by an appointing authority and approved by the Director and/or the commission to help prevent a layoff. These include early retirement incentives, with holding of merit increases, reductions in pay, reductions in work hours and furloughs.

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.

Merit Increase - an adjustment to an individual pay rate based on performance, or some other individual equity basis.

Military Active Duty - full-time duty in the active military service, other than active duty for training.

Military Active Duty for Training - full-time paid duty in the active military service for training purposes. This may be indicated on military orders as "ADT" (Active Duty for Training), "FFTD" (Full-time Training Duty), "AT" (Annual Training), or IADT (Initial Active Duty for Training).

Military Training Duty - includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

Needs Improvement / Unsuccessful - a rating on a performance evaluation which reflects that work and/or behavior did not meet the performance criteria.

Notification of Layoff Avoidance Measures or Layoff - the appointing authority shall, as soon as it is determined that a layoff or a layoff avoidance measure is necessary, make a reasonable attempt to notify all employees in the area(s) to be affected.

Official Domicile - is the following:

(a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located. (b) The official domicile of a person in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.

Official Holiday - either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.

Organization Unit - any administrative agency or part thereof designated by rule or regulation hereunder as a unit for purposes of administering these Rules.

Original Appointment - initial appointment of a person to a classified position by provisional, probationary or job appointment.

Pay Grade - a pay level at which jobs are assigned by job evaluation and/or market adjustment.

Pay Plan - a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.

Pay Range - the range of pay rates from the lowest salary rate to the highest salary rate set for a pay grade.

Pay Structure - the organization of pay grades and ranges or salary rates established for jobs within the classified service.

Pay Structure Adjustment - a change in the salary rates for all pay grades to maintain a general competitive level with the market for recruitment.

Performance Adjustments - means an adjustment to individual pay rate based upon performance, or some other individual equity basis.

Performance Evaluation System - a tool used to measure individual performance on all classified employees.

Performance Evaluation year - shall be July 1st through June 30th of each year.

Performance Appraisal Rating - the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.

Personnel Action - a transaction affecting a change to the status of a person's employment.

Political Activity - an effort or activity to support or oppose the election of a candidate for political office or, to support or oppose a particular political party in an election, other than party registration.

Position - any office and any employment in the classified Service. Position for job evaluation and pay purposes means a

collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.

Preference Employee - an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.

Probationary Appointment - appointment of a person to serve a working test period in a position.

Progress Review - a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

Promotion - a change of a permanent employee in the Classified Service from a position of one job to a position of another job assigned to a higher pay grade.

Promotional List - a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.

Provisional Appointment - a temporary appointment of a nonpermanent employee to a position without an adequate eligible list, until the appointed employee demonstrates the required skill level to qualify for the job.

Public Hearing - a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.

Reallocation - a change in the allocation of a position from one job to another in which the duties of the position have undergone a change.

Reassignment - the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same pay range.

Red Circle Rate - an individual pay rate that does not match an established salary rate of the assigned pay grade for the position occupied.

Reemployment - the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.

Department Preferred Reemployment List - an employee who is reemployed in a permanent position following certification from a department preferred reemployment list shall have permanent status in his position.

Open Preferred Reemployment List - an employee, who is reemployed, other than on a temporary basis, from an open preferred reemployment list shall serve a probationary period as provided in Chapter 9.

Referee - the Commission may appoint its legal counsel as a Referee to hear appeals in lieu of the Commission and recommend a decision to the Commission.

Regular or Permanent Appointment - the status attained by a classified employee upon the successful completion of his probationary period.

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.

Removal or Dismissal - the termination of employment of an employee for cause.

Reserve Component - consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.

Resignation - the voluntary termination, including retirement, by an employee of his employment in the Classified Service.

Retitle - occurs when the revision in the job specifications results in a change in the job title.

Salary Rate - a pre-established and designated rate of pay within the pay range for each job.

Second Level Supervisor - an immediate supervisor's supervisor.

Service Rating - the individual rating of an employee, made in accordance with the service rating system established by these rules.

Shift Differentials -extra pay allowances made to employees who work nonstandard hours.

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.

State Police Service - is divided into the unclassified and the classified service.

State Police Academy-a program in which the cadet is trained and educated to become self-disciplined, vocationally competent, mentally mature, physically sound, emotionally stable, and a leader in the community.

State Service- for layoff and layoff avoidance measures, means the total length of Classified State Police Service in the equivalent full-time years, months, and days as an employee of Louisiana State Police.

Successful - a rating on a performance evaluation which reflects that work and behavior met the performance criteria.

Suspension - the enforced leave without pay of an employee for disciplinary purposes.

Title Change -a change in the title of the class to which a position is allocated without change in the position is allocated without change in the position's duty and responsibility content.

Transfer -the change of an employee from a position in one department to a position in another department without change in probation or permanent status and without a break in service of one or more working days.

Unacceptable Rating - a performance appraisal rating of either "Needs Improvement" or "Unsuccessful".

Uniform Pay Plan - a pay plan in which the pay structure and administrative rules are uniformly applicable to all agencies for positions of the Classified Service.

Withholding of Merit Increases to Avoid Layoff - when an appointing authority determines that it is necessary to withhold merit increases, of all employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the provisions as described in Chapter 17.

Work Period - for each full-time employee in the classified service, shall be eighty (80) hours in a two week period.

T/S-56 - Chapter 1 09/10/2015

T/S-68 - Chapters 1, 2, 11, and 21 9/10/2020

T/S-77 - Chapters 1 and 12 10/13/2022

T/S-81 - Chapters 1, 2, 7, 8, 13, and 14 12/14/2023

CHAPTER 2
ORGANIZATION, RULES, PROCEDURES AND POWERS
OF THE STATE POLICE COMMISSION

2.1 Election of the Chairman and Vice-Chairman

(a) The members of the Commission shall meet and organize by electing one of its members Chairman and one of its members Vice-Chairman. In case of a vacancy in either office, the Commission shall elect a replacement from among its members.

(b) The Chairman and Vice-Chairman shall be elected at the first meeting held following December 31 of each year.

2.2 Commission Meeting Dates

The Commission shall meet at such time and place as may be fixed by the Commission, the Chairman, or the Director. Notice of each meeting shall be given to all members of the Commission.

2.3 Rules of Order

The Commission shall not be bound by rules of order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish.

2.4 Meetings Open to the Public

- (a) All meetings and hearings of the Commission shall be open to the public except executive meetings.
- (b) The Commission may hold an executive meeting upon an affirmative unanimous vote of its constituent members present, taken at an open meeting for which notice has been given pursuant to Rule 2.5. No final or binding action shall be taken during an executive meeting except as provided herein.
- (c) The Commission may hold an executive meeting for one or more of the following reasons:
 - (1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting.

- (2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigation position of the Commission.
- (3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
- (4) Investigative proceedings regarding allegations of misconduct.
- (5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances or other matters of similar magnitude.
- (6) Discussion of any matter deemed confidential by these Rules, or State or Federal Law or Regulation.
- (7) Consideration and discussion of the merits of any appeal filed pursuant to these Rules. Final and binding action may be taken during an executive meeting held to discuss and decide such an appeal.

2.5 Notice of Meetings

- (a) The Commission shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before that meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon the unanimous approval of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, such notice shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.
- (b) Written public notice shall include:
 - (1) Posting a copy of the notice at the office of the director no less than twenty-four (24) hours before the meeting.
 - (2) Sending a copy of the notice to any member of the news media who requests notice of meetings of the Commission.

2.6 Quorum and Voting

- (a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.
- (b) During a declaration of emergency in the State of Louisiana, Commission members who are unable to attend a meeting of the State Police Commission in person due to conditions closely and directly related to the emergency may be present and participate in the meeting virtually. Except for executive session, when Commission members participate virtually, that participation must be conducted in such a manner that all members and the public can hear that participation and provide public comment to all Commissioners, including any participating virtually.
- (c) The concurrence of a majority of the members present, including any participating virtually, shall constitute a ruling upon an item of business then before the Commission.
- (d) In the event of a tie vote the Commission may, in its discretion;
 - 1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or
 - 2. Continue the matter for consideration at a later meeting.
- (e) Temporary absence or temporary disruption of electronic communications during the consideration of an item of business that does not affect the Commissioner's understanding of the issues and facts shall not disqualify a member from voting on said item.

2.7 Secretary to the Commission

The Director shall act as Secretary of the Commission and shall keep adequate records and minutes of its business and official actions.

2.8 Minutes of the Proceedings

The minutes of the proceedings of the Commission shall be prepared and maintained by the Director on behalf of and subject to the approval of the Commission.

2.9 Powers of the Commission

The Commission is empowered:

(a) To represent the public interest in the improvement of personnel administration in the Department of Public Safety & Corrections, Office of State Police, whose personnel practices are governed by the Article and the State Police Commission Rules.

(b) To appoint, review, remove and discipline the Director.

(c) To conduct investigations whenever it has reason to believe the provisions of the State Police Service Article or Rules are being violated or have been violated by any person or Department of Public Safety & Corrections, Office of State Police; and to hold public hearing when charges of such violations have been filed with it. The Commission may issue appropriate orders in any such case, in addition to those orders provided for in Subsections (h) and (i) of this Rule.

(d) To make, alter, amend and promulgate Rules for the impartial administration and regulation of the State Police Service as authorized by the State Police Service Article and otherwise to provide for the establishment and maintenance of an independent Civil Service system.

(e) To adjudicate appeals of disciplinary actions taken by the Appointing Authority. To hear commissioned State Police officer's complaints that they have been discriminated against because of their political or religious beliefs, sex or race. To provide decisions that are consistent with the basic tenets of the merit system, the State Police Service Article, the State Police Commission rules, existing jurisprudence and equity and improve the appeal and discipline process.

(f) To perform such other acts as may from time to time be required of it by the Constitution or by Statute.

(g) To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings consistent with judicial resolution of matters coming before it for consideration.

(h) To issue orders withholding compensation from any person who, after investigations by public hearings, has been found by the Commission to be employed or paid by the State contrary to the provisions of the Constitution or the Rules adopted there under. Such orders may be directed to the officer having authority to approve the payroll or assign the paycheck for such employee; and the officer to whom it is directed and any other person to whom such order is directed shall make no payment of compensation or authorize the making of any such payment to such person until authorized by the Commission upon penalty of personal liability for the sum so paid contrary to the order of the Commission and such other penalties as are otherwise provided by the Constitution and/or the Rules.

(i) To enforce its rules, regulations, and orders in the courts of this State by mandamus or injunction suits.

(j) Ensure that independent audits of the Commission's accounts and equipment are conducted regularly.

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

(a) Except as provided for herein in Rule 2.10 (b), the adoption, amendment or repeal of any rule shall be approved by the Commission only after fifteen (15) days written notice and approval in a public hearing, and such adoption, amendment or repeal of any rule shall become effective upon approval of the Commission, unless the Commission specifically provides another effective date.

(b) If the Commission finds that an imminent peril to the public health, safety or welfare or another emergency requires adoption of a rule change without compliance with

Rule 2.10(a), the adoption, amendment or repeal of any rule may be approved by the Commission.

(c) Repealed, November 20, 1995.

(d) Repealed, November 20, 1995.

(e) Repealed, November 20, 1995.

2.11 Contempt of the Commission

A contempt of the Commission or its Referee is an act or omission tending to obstruct or interfere with the orderly

discharge of the responsibilities and duties of the Commission or its Referee, or to impair the dignity of the Commission or its Referee or respect for their authority.

A contempt of the Commission includes, but is not limited to, any of the following acts:

(a) Willful failure to comply with a subpoena or summons to appear before the Commission or its Referee, proof of service of which appears of record.

(b) Willful violation of an order excluding, separating, or sequestering a witness.

(c) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a non-incriminating question when ordered to do so by the Commission or its Referee.

(d) Insolent or disorderly behavior toward the Commission or an attorney or other officer or Referee of the Commission, tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.

(e) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.

(f) Use of insulting, abusive or discourteous language by an attorney or other person before the Commission or its Referee, or in a motion, plea, brief or other document filed with the Commission or its Referee in irrelevant criticism of the Commission, a Commissioner, an attorney, the Director or his staff, or an officer or Referee of the Commission.

(g) Action by any person taken or ordered to be taken without approval of the Commission when such approval for the actions is required by either the State Constitution or by the State Police Commission Rules.

(h) Failure of any person to comply with any order or directive of the Commission unless otherwise stated by a Court of proper jurisdiction or unless within the time

limits for such compliance provided by applicable rule or law.

(i) Willful failure of an attorney to appear at the time and place set for the hearing in which he is to participate.

2.11.1 Cooperation of Persons Within the State Police Service with the Department Of State Civil Service

- (a) Upon request by certified letter from the Director of the Department of State Civil Service, or his representative, all persons within the State Police Service so notified shall fully cooperate with any public investigation being conducted by the Department of State Civil Service, including being interviewed and truthfully answering all questions and/or providing all requested documents.
- (b) Failure of any person within the State Police Service to fully and truthfully cooperate in public investigations being conducted by the Department of State Civil Service shall constitute contempt of the State Police Commission, and such persons shall be punished accordingly.

2.12 Procedure for Punishing for Contempt

- (a) When a person has committed a contempt of the Commission or a Referee in the presence of the Commission or a Referee, he may be found guilty and punished therefore by the Commission or Referee forthwith, without any trial other affording him an opportunity to be heard orally by way of defense or mitigation.
- (b) When a person is charged with committing a contempt outside of the presence of the Commission or a Referee, he shall be tried by the Commission or the Referee on a Rule to show cause alleging the facts constituting the contempt. The Rule may be issued by the Commission or Referee on its own motion, or on motion of the Director.
- (c) A copy of the motion and of the Rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the Rule.
- (d) If a person charged with contempt is found guilty, the

Commission or a Referee shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.

- (e) Should a person served in accordance with this Rule fail to appear at the time, date, and place set for the hearing on the Rule, the Commission or Referee may order any law enforcement officer to apprehend and to bring before the Commission or Referee the person charged with contempt, to proceed with the hearing in the absence of the person charged, or to institute proceedings before the judiciary of this State as the Commission or Referee deems proper.

2.13 Penalties for Contempt

In addition to that which is provided for in these rules, the Commission or a Referee may punish a person adjudged guilty of contempt of the Commission or the Referee by a fine of not more than five hundred dollars (\$500.00).

2.14 Commanding Immediate Presence

In addition to that which is provided for herein, the Commission or a Referee may order any law enforcement officer to locate and bring before the Commission or the Referee, any person who fails to appear at a hearing pursuant to a subpoena if proof of service appears of record and if the immediate presence of that person will facilitate the progress of the subject hearing.

2.15 Opportunity to Address the Commission

- (a) In order to inform itself, so as to better perform its executive and legislative functions, during regularly or specially scheduled meetings, or otherwise as determined by the Commission, the Commission may provide an opportunity for employees and/or others to address the Commission on subjects relevant to its jurisdiction.
- (b) Matters relating to specific individual circumstances, which are, may or should be the subject of an appeal to the Commission, and/or requests for specific relief for individuals shall not be heard during such proceeding. (c) Except as provided by Rule 2.5(a), only persons and/or issues scheduled by agenda prior to the meeting may be heard during such proceeding.

d) Employees and/or others wishing to be placed on the Commission's agenda for such purpose must make a written request for such, to be received by the Director at least ten (10) days prior to the meeting at which they wish to appear. The request to appear shall state the topic and nature of the appearance and of the information to be presented to the Commission, in the absence of which, such request shall not be considered by the Director. The Director or the Commission may, by policy, limit the amount of time allotted to individuals and/or the total amount of time allotted to such proceeding.

(e) Within the Director's discretion, the Director shall determine whether a request is placed on the Commission's agenda, and the number of persons to be placed on a particular agenda. Except where such is impracticable, at least five (5) days prior to the Commission meeting, the Director shall send notification to or otherwise notify the person making the request that they have been placed on the Commission's agenda and of the date, time and place of such appearance, or that the request has been declined or not considered. When a request is declined or not considered, the Director shall state the reason for such in writing, a copy of which shall be sent to each Commission member.

T/S-56 - Chapter 2	09/10/2015
T/S-68 - Chapters 1, 2, 11, and 21	09/10/2020
T/S-81 - Chapters 1, 2, 7, 8, 13, and 14	12/14/2023

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 by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

7.4 Admission to Examinations.

- (a) The Director shall, subject to these 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 by the State Civil Service Commission effective February 10, 1976.
- (f) An applicant can take only the promotional examination for the rank immediately above the applicant's permanent rank.

7.5 Rejection of Application.

- (a) Under any of the below circumstances, the Director shall reject the application of any person for admission to examination, refuse to examine any applicant or refuse to reinstate a prior grade or pass status:
 - 1. Whose employment in the State Police Service would be prohibited by law or these Rules;
 - 2. Who lacks the minimum qualifications (and any other qualifications) prescribed as requirements for admission to examination for the class for which he/she has applied or has been examined.
 - 3. Who has been adjudged guilty by a court of competent jurisdiction of any felony; or who has been convicted of any misdemeanor which involves moral turpitude;
 - 4. Who has been dismissed from public employment (as defined by Rule 1.30.1) for cause or has been permitted to resign in lieu thereof;
 - 5. Who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his/her application for

examination for public employment (as defined by Rule 1.30.1), or otherwise in securing or attempting to secure public employment and/or eligibility for appointment for himself/herself or anyone else; or

6. Whose application was filed after the closing date fixed for receipt of the application. In such case, the application shall be automatically accepted for the next available examination.
- (b) Repealed, effective January 28, 1992, 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.

7.8 Repealed, effective January 28, 1992, 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 "unsuccessful") shall not be admitted to any competitive test.
 - b. Repealed by the State Civil Service Commission 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 January 28, 1992, and partially incorporated in 7.9(a)2c.
3. Repealed, effective January 28, 1992, 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 December 14, 2023.
 - (c) The Director may indicate the principal or normal line of promotion from and to each class of position.
 - (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.

(e) Repealed, effective January 28, 1992.

7.10 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as a part of Rule 7.9.

7.11 Preferential Eligibility Credits.

(a) Repealed by the State Civil Service Commission effective January 1, 1975.

(b) Subject to the provisions of Subsection (e) and (g) of this Rule, in original appointments, the appointing authority shall give some consideration and preference to:

1. Persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:

(a) 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

(b) Prior 7.11(b)2. repealed, effective January 28, 1992.

(c) Prior 7.11(b)3. repealed, effective January 28, 1992.

(d) Prior 7.11(b)4. repealed, effective January 28, 1992.

(e) Prior 7.11(b)5. repealed, effective January 28, 1992.

(f) In a peacetime campaign or expedition for which campaign badges are authorized.

2. 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;

3. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;

4. The unremarried widow of each deceased veteran who served in a war period as defined in Subsection (b) 1. (a) of this Rule, or in a peacetime campaign or expedition;

5. The unremarried widowed parent of any person who dies in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
 6. 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.
- (c) Prior 7.11(d) 1. and 2. and (e) repealed, by the State Police Commission, effective July 21, 1997.
- (d) Prior 7.11(f) repealed by the State Civil Service Commission, effective January 7, 1975.
- (e) Except for Subsection (b) 2. 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 January 28, 1992.

7.15 Repealed by the State Civil Service Commission 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 these 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 by the State Civil Service Commission effective December 17, 1957 as parts of Rules 7.1 and 7.17.

7.19 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

7.20 Noncompetitive Classes.

- (a) Repealed, effective January 28, 1992.
- (b) Repealed by the State Civil Service Commission effective January 1, 1975.
- (c) Repealed, effective January 28, 1992.
- (d) Repealed, effective January 28, 1992.
- (e) Repealed, effective December 14, 2023.

7.21 Repealed by the State Civil Service Commission 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 Executive 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 highest score attained since the last mandatory examination taken on or after April 13, 2023. The Executive Director has the discretion to determine mandatory examination dates and the effective dates of a consolidated eligible list.

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.
- (d) The Director may remove the name of any person who is temporarily not suitable for appointment to the position for which the list was established.

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 canceled.
- (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 January 28, 1992, and incorporated in Rule 7.26 (b).

7.28 Repealed and re-enacted by the State Civil Service Commission effective January 1, 1963 as Rule 14.1.1(d).

T/S-3 Chapter 7	01/27/1992
T/S-20 Rule 7.5	03/17/1992
T/S-21 Rule 7.11	07/25/1997
T/S-38 Rules 7.24(a) & (d)	02/17/2005
T/S-42 Rule 7.4(f)	07/16/2009
T/S-78 Rule 7.22	04/13/2023
T/S-81 Rule 7.9(a)2(a), 7.9(b), 7.20(e)	12/14/2023

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 decide those persons eligible for appointment.

8.3 Anticipation of Need

As far 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) 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 qualification.
- (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 Determination of Availability for Appointment

- (a) The appointing authority or its 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 seven 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.

8.7 Appointment of Eligibles from Certificates

- (a) Except as provided in subsection (b) hereof, appointment from certificates must be made from one of the eligibles within the seven highest final grade groups, or certifiable band of scores, except in making appointments from a department preferred re-employment 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 seven or more candidates whose names are among the seven highest final grade groups express availability for a vacancy, appointment will be restricted to such candidates. If one or more of the seven 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 seven grade groups from which to choose. Certificates showing action taken thereon must be returned by the expiration date specified on the certificate, unless the Director extends the time. In each case of appointment, such appointment shall become effective on the day the appointee begins duty.
- (b) 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, they may be removed from

consideration, and if there are fewer than seven final grade groups remaining, the appointing authority may proceed to the next group, or groups, until there are at least seven final grade groups.

8.8 Probationary Appointment

When a vacancy in a position is filled by an original appointment of an eligible, such appointee shall serve a probationary period. The probationary period shall be from the date of appointment to the State Police service, and extending through twelve (12) months from the date of graduation from the State Police Training Academy. For employees who are non-competitively re-employed, such probationary period shall be twelve (12) months from the date of re-employment.

8.9 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.

8.10 (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 hiring 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

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 or provide all related expenses to the employee in accordance with State Travel Regulations.
2. The appointing authority may permanently change the duty station of a permanent employee from one geographical area to another with the consent of the employee, in which case the employer may, at the employer's option, pay all 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, before such change, approved by the Commission at a public hearing, and provided that the employer shall pay all related moving and housing expenses.

(d) Detail to Special Duty

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a higher 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 thirty (30) calendar days without change in title, status or pay.
2. If the detail exceeds thirty (30) calendar days, within five (5) business days after that, the employee shall be officially detailed into the position, with the approval of the Director. The notice of the official detail shall state the position and class to which the employee has been temporarily assigned, and briefly describe the duties such employee is then performing in the

detail, and the anticipated duration of the detail.

3. When an employee is officially detailed to special duty, the employee shall be paid at the rate they could receive upon promotion to such position, all in accordance with Rule 6.11.
4. An employee detailed into a position must meet the minimum qualifications for the detailed job.
5. An appointing authority may end a detail at any time.
6. The Director may issue policy standards for use of details to special duty upon approval by the Commission.
7. The Commission may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to detail employees for longer than one month.

(e) Temporary Duty Assignment (TDY)

1. When in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the same or lower class, an employee may be assigned to such temporary duty for a period not to exceed one hundred eighty (180) days. Such assignment to temporary duty shall not affect the employee's title, status or pay.
2. When a temporary duty assignment exceeds thirty (30) calendar days, the appointing authority shall, within five (5) business days after that, report such temporary duty assignment to the Director in writing. The notification shall briefly describe the assigned temporary duties to be performed, and the anticipated duration of the temporary assignment.
3. When the assignment to temporary duty requires a change in the employee's duty station from one geographical area to another, the appointing authority shall pay all related expenses of such temporary assignment, in accordance with State Travel Regulations.

4. When an appointing authority determines that a temporary duty period lasting beyond one hundred eighty (180) days is in the immediate best interest of public safety, the appointing authority shall submit a request to the Commission for consideration of an extension to the temporary duty period.

8.11 Noncompetitive Re-employment Based on Prior State Service

- (a) With the approval of the Director, a former permanent employee who has been separated from the classified State Police Service may, within five (5) years from separation, be noncompetitively re-employed in any job for which the former employee is qualified and which has the same or lower entrance salary as the current hiring rate for the job in which the employee 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 re-employment 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 re-employed in any other job at the same or lower current entrance pay as the job to which their former position changed in title, provided the former employee meets the minimum qualification requirements.
- (b) No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, unsatisfactory performance or by resignation to escape possible disciplinary action shall be eligible for noncompetitive re-employment under the provisions of this Rule; nor shall any person acquire eligibility for noncompetitive re-employment through service in a position from which they were separated or demoted for delinquency, misconduct or unsatisfactory performance.

8.12 Restoration of Duty Upon Return from Military Service

Any employee, who subsequent to June 24, 1948, has left or leaves a classified position in which he/she was or is serving with provisional, probationary or permanent status, for active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for re-employment within ninety days thereof or within ninety days after he is released from hospitalization continuing after discharge for a period of not more than one year shall:

- (1) If still qualified to perform the duties of such position, be restored by the department to such position or to a position of like seniority, status and pay; or
- (2) 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 the duties of which he/she is qualified to perform as will provide him/her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his/her case.

8.13 Promotion

- (a) Subject to the provisions of Rules 8.7, each promotion shall be made by appointing one of the eligibles within the seven 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) The Director shall not include in any promotional certification of the name of an employee having a current unacceptable service rating (i.e., "needs improvement" or "unsuccessful").

8.14 Demotion

A permanent or probationary employee may be demoted for cause, or at the employee's request, to any position for which the

employee possesses the qualifications specified in the appropriate standards of requirements for such position.

8.15 Fingerprinting of Employees

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

8.16 Substance Abuse Testing

The Office of State Police may establish and implement a policy of substance abuse testing of candidates and employees, pursuant to State law.

8.17 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 canceled 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 canceled in accordance with this Rule, and the appointing authority shall terminate the employee from State Police within five (5) days of receipt of such notice.

T/S-36	09/19/2002
T/S-62	08/03/2017
T/S-64	05/24/2018
T/S-81 8.13(a), 8.13(c)	12/14/2023

CHAPTER 13

APPEALS AND HEARINGS

13.1 Appeals to the Commission.

An appeal may be made to this Commission by

- (a) Any person in the Classified State Police Service who is alleged to have been discriminated against or subjected to any disciplinary action because of his/her political or religious beliefs, sex, or race.
- (b) Any person in the Classified State Police Service who, having gained permanent status, is alleged to have been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these Rules.
- (c) Any person in the Classified State Police Service who is alleged to have been adversely affected by the violation of any provision of the State Police Commission Article or of any State Police Commission Rule other than a rule in Chapter 10.
- (d) REPEALED - EFFECTIVE JANUARY 10, 2019
- (e) REPEALED - EFFECTIVE JANUARY 10, 2019
- (f) REPEALED - EFFECTIVE JANUARY 10, 2019
- (g) REPEALED - EFFECTIVE JANUARY 10, 2019
- (h) REPEALED - EFFECTIVE JANUARY 10, 2019
- (i) REPEALED - EFFECTIVE JANUARY 10, 2019
- (j) REPEALED - EFFECTIVE JANUARY 10, 2019
- (k) REPEALED - EFFECTIVE JANUARY 10, 2019
- (l) REPEALED - EFFECTIVE DECEMBER 14, 2023
- (m) REPEALED - EFFECTIVE JANUARY 10, 2019

13.2 Request for Appeal.

A notice of appeal must:

- (a) Be in writing. For purposes of this chapter, the terms "written" or "writing" shall include documents created and/or transmitted electronically, including but not limited to emailed or faxed documents; and
- (b) Be signed by the appellant or on the appellant's behalf by an attorney duly licensed to practice law in the Courts of the State of Louisiana or by a senior student of law designated under the provisions of Rule 13.11(b)2; and
- (c) Give the name and mailing address of the appellant and of the attorney or law student signing the notice of appeal, if any; and
- (d) Contain a clear and concise statement of the actions complained against and a clear and concise statement of the basis of the appeal. Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal. A conclusion of discrimination is not sufficient. The types of facts which must be included are:
 1. the date, time and place the discriminatory action took place;
 2. the name of the person or agency alleged to have taken the discriminatory action;
 3. a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
 4. the names of other persons treated differently and the dates the different treatment occurred;
 5. a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on religious or political beliefs, sex, race, or any other non-merit factor.

In all notices of appeal, specific facts supporting the conclusion that a violation and/or discrimination has occurred must be alleged in sufficient detail to enable the agency to prepare a defense.

- (e) Give the date on which the action appealed from occurred, or that the appellant learned thereof; and
- (f) State the date that the appellant received written notice of the action complained against, if written notice was given; and
- (g) State the relief the appellant seeks.

13.3 Delay for Making Appeal.

- (a) No appeal shall be effective unless a written notice complying with the requirements of Rule 13.2 is either (i) received in the office of the Executive Director of the State Police Commission (located at 5825 Florida Blvd., Suite 1180, Baton Rouge, Louisiana 70806), or (ii) is addressed to the Executive Director of the State Police Commission at Post Office Box 66555, Baton Rouge, Louisiana 70896-6555, with proper postage affixed, and is dated by the United States Post Office:
 - 1. Within thirty (30) calendar days after the date on which appellant received written notice of the action on which the appeal is based when written notice before or after the action is required by these Rules; or
 - 2. Within thirty (30) calendar days after the date when appellant learned or was aware that the action complained of had occurred when no written notice is required by these Rules or, if required, was given tardily or not at all.
- (b) Legal holidays and days on which the office of the State Police Commission is closed shall not serve to extend the delay period specified in Sub-section (a) hereof; however, if the last day to file as outlined in Sub-section (a) falls on a legal holiday or day on which the Commission office is closed then the appeal shall be considered timely so long as it is received or postmarked on the next business day.

- (c) No appeal shall lie against any action following the expiration of three hundred sixty-five (365) calendar days from the date on which it occurred.
- (d) Except in the case of an appeal which is subject to being dismissed as defective, no appeal shall be supplemented or amended following the expiration of the delay period provided by Sub-section (a) hereof.

In the case of an appeal which is subject to being dismissed as defective, the appeal may be supplemented or amended only once after the delay period provided by Sub-section (a) hereof.

Upon notice to the parties that an appeal is subject to being dismissed as defective, the Commission or the Referee shall set the time in which the appeal may be supplemented or amended. To be considered, a supplement or amendment or an appeal must be received by or mailed to the Executive Director within the time fixed. The receipt or mailing of the supplemented or amended appeal shall be the same as provided for the original appeal in Sub-sections (a) and (e) hereof. When requested by the appellant within the original time fixed for filing the supplemented or amended appeal, for good cause shown, the Commission or the Referee may extend the period in which the supplemented or amended appeal may be filed.

- (e) Proof of the timeliness of mailing a request for appeal or the supplement or amendment of an appeal shall be shown only by a legible official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. In the event that the postmark is absent or illegible, the date that the request is received in the Executive Director's office shall determine whether the appeal was timely filed.

13.4 Docketing Appeals.

The Executive Director shall cause the date of filing of each notice of appeal to be noted. An appeals docket shall be maintained upon which each appeal shall be docketed in the order filed, be numbered consecutively, and be given an appropriate title. Promptly after docketing, the authority or

person against whose action the appeal is directed shall be notified of the appeal.

13.5 Summary Disposition of Appeal.

- (a) Whether on motion of a party or on its own motion, the Commission may summarily dispose of all or part of an appeal on the following grounds or in accordance with the provisions of Rule 13.11(e);
1. That the Commission lacks jurisdiction of the subject matter, or of the person against whom relief is sought.
 2. That the appellant has no legal right to appeal.
 3. That the appeal has not been made in the required manner or within the prescribed period of delay.
 4. That the appeal has become moot.
 5. That an appellant has failed to appear at the time fixed for the hearing of the appeal, without having been granted a continuance.
 6. That the written notice expressing the cause for the action complained against is insufficient; or, that the cause as expressed does not constitute legal ground for the disciplinary action.
 7. That the disciplinary action was not taken by the proper appointing authority.
 8. That, after resting its case in chief, the appointing authority has failed to establish by a preponderance the cause for the disciplinary action or the appellant has failed to establish the claim of discrimination and/or the violation of a rule by a preponderance.
 9. That the undisputed facts clearly establish that the mover is entitled to a summary disposition or partial summary disposition.
- (b) 1. Every written request for summary disposition including all supporting evidence shall contain a certificate, signed by the person filing it, which

shall state that the request has been served on the adverse party in a manner which would reasonably provide notice to the adverse party on the same date as the request is to be received by the Commission. The certificate shall state the date and method by which the request was filed and the service was made.

2. The adverse party shall have forty-five (45) calendar days after such service to file with the Executive Director an opposition, which may be supported by legal argument and admissible evidence. The Commission or referee may set a different date for the filing of an opposition. Any opposition shall be subject to the certificate and service requirements of 13.5(b)(1).
- (c) A Referee, with or without motion, may at any time summarily dispose of any preliminary or interlocutory issue, claim or request.
 - (d) Prior to the final disposition of an appeal, any determination on a request for any relief by a party may be reconsidered by the Commission or a Referee.
 - (e) When the Commission summarily disposes of an appeal, its decision shall be final and appealable on the date it files with the Executive Director its written decision thereon.
 - (f) Repealed effective December 18, 1995.
 - (g) The only documents the Commission shall consider in support of or in opposition to a request for summary disposition are the letter of discipline, the appeal by the classified employee, certified medical records, written stipulations, recorded statements of appellants, transcribed statements of appellants, affidavits, and other documentary evidence that the Commission deems reliable.
 - (h) The burden of proof rests with the party requesting summary disposition.

13.6 Assigning Appeals for Hearing.

The Executive Director shall fix the time and place for the hearing of appeals by the Commission, and, as far as practicable, shall fix them in the order in which docketed, provided that, for good cause shown, the Commission, its Chairman, or the Executive Director may upset any fixing or placement on the docket or give the matter a special assignment both as to time and place. If a referee has been appointed to hear an appeal, the referee shall fix the time and place for hearing the appeal and may upset and refix same.

(a) REPEALED - EFFECTIVE JANUARY 10, 2019

(b) REPEALED - EFFECTIVE JANUARY 10, 2019

13.7 Place of Hearing.

(a) Subject to the provisions of Subsection (b) hereof all appeals before the Commission shall be heard in a convenient place, accessible to the public, in the City of Baton Rouge, Louisiana, selected by the Executive Director.

(b) If the Commission or the Executive Director deems that the interest of the State or of any agency thereof, or the location of the parties or witnesses, or the ends of justice so require, the Executive Director may order that hearings before the Commission be held in any other convenient place of public accessibility within the State.

(c) All appeals before a referee shall be heard in a convenient place, accessible to the public, selected by the Executive Director or referee.

13.8 Notice of Hearing of Appeals.

(a) Notice of the time and place fixed for the hearing shall be mailed to the appellant and to the appointing authority at least thirty (30) calendar days prior to the date of the hearing;

(b) With the approval of the Commission, the Executive Director, or the referee, and by consent of all interested parties, this notice and delay may be waived.

13.9 Continuance of Appeal.

- (a) An appeal fixed for hearing may be continued, without prejudice to the appellant.
 - 1. By the Executive Director, or the referee in the case, upon submission of justifications deemed adequate by the Executive Director or the referee; or
 - 2. By the Commission or its Chairman, for cause deemed sufficient by either; or
 - 3. If it is not reached for hearing.
- (b) With the approval of the Commission, the Executive Director, or the referee in the case, an appeal fixed for hearing may be continued by consent of all interested parties. If an appellant requests a continuance, the Commission, may, in its discretion, deny any compensation for that portion of time lost by reason of the continuance if the appeal is sustained.
- (c) No continuance shall be granted except for compelling cause or to serve the ends of justice.
- (d) An appeal fixed for hearing and not reached shall be refixed by preference over any appeal continued for any other reason and any appeal subsequently docketed.

13.10 Pre-Hearing Procedures.

- (a) In any appeal, on its or his own initiative, or on the request of a party, the Commission or the referee for the case may order a pre-hearing conference with the parties and/or their attorneys to consider:
 - 1. The identification and/or simplification of the factual and/or legal issues;
 - 2. What material facts are or are not in substantial dispute, and stipulations which might be entered into by the parties;
 - 3. The limitation of the number of witnesses, including expert or cumulative fact witnesses;

4. Documentary or other exhibits which may be used and/or offered at the hearing; or
 5. Such other matters as may aid in the hearing or disposition of the appeal.
- (b) At the discretion of the Commission or the referee for the case, the pre-hearing conference referred to in Section (a) above may be held in person or by other appropriate electronic communication.
- (c) In any appeal, whether before or after a pre-hearing conference, the Commission or referee in the case, with or without a written request of a party made in conformity with the requirements of State Police Commission Rule 13.13(d), may order the parties and/or their attorneys, in the manner and within the time ordered, to produce, exchange copies of and/or allow inspection of documents or other tangible things.
- (d) As soon as practicable after a pre-hearing conference, the Commission or the referee for the case shall render an order which recites:
1. The action taken at the pre-hearing conference;
 2. The agreements made by the parties as to any of the matters considered; or
 3. The orders made with regard to the production, exchange and/or inspection of documents, tangible things or other exhibits.
- (e) The order issued by the Commission or the referee pursuant to Section (d) above shall control subsequent proceedings, including the hearing, unless modified by the Commission or the referee to prevent injustice.
- (f) After ordered by the Commission or the referee, a party or the party's attorney who fails, without good cause, to produce, exchange copies of and/or allow inspection of any document or other tangible things shall, unless necessary to prevent injustice, be prohibited from using or offering such document or tangible things at the hearing or otherwise.

- (g) Failure of a party or attorney, without good cause, to appear at or participate in a pre-hearing conference ordered by the Commission or the referee shall be a contempt of the Commission and may be punished by the Commission as such. Additionally, within the discretion of the Commission or the referee, this failure may cause the continuance of a hearing, and if the failure is attributable to the appellant, the denial to appellant of back pay or other benefits during the period of delay caused by the failure.

13.11 Procedure for Hearing Appeals.

- (a) All hearings shall be open to the public.
- (b) Parties shall have the right, but shall not be required, to be represented by counsel. Any such counsel must be
 1. Duly licensed to practice law in the State of Louisiana; or
 2. A senior student of law attending a university in the State of Louisiana who has been recommended by the President of that university specifically for the purpose of representing individuals who have been certified as indigent for the purposes of this Chapter.

The Executive Director shall establish the procedure by which an appellant shall be certified as indigent for the purposes of this Chapter.

When any party is represented by more than one counsel, as described in this Rule, in any hearing before the Commission, or a referee, only one for each party shall be permitted to examine the same witness.

- (c) Subject to the provisions of Subsection (r) of this Rule, the burden of proof as to the facts shall be on the appointing authority, which shall open the case.
- (d) Where appropriate and not inconsistent with these Rules, the rules of evidence applicable to civil trials in the district courts of the State shall be observed in all hearings before a referee or the Commission.

- (e) REPEALED - EFFECTIVE JANUARY 10, 2019
- (f) REPEALED - EFFECTIVE JANUARY 10, 2019
- (g) Affidavits and other ex parte statements shall not be received in evidence without the consent of all parties, except to refresh memory or to discredit a witness.
- (h) Parties and witnesses shall be subject to cross examination as in civil trials before the courts of the State, and the Commission, each member of the Commission, or referee may examine and cross examine any witness.
- (i) REPEALED - EFFECTIVE JANUARY 10, 2019
- (j) The Commission or the referee may limit corroborative evidence.
- (k) Where appropriate and not inconsistent with these Rules, hearings and the taking of testimony shall be conducted according to the accepted practice in civil trials before the district courts of the State.
- (l) The Commission or the referee may receive stipulations of undisputed facts from the parties. The Commission or the referee may also state for the record those facts which the Commission or the referee find to be undisputed and, subject to appropriate review, those facts will be deemed to be proven. Thereafter, the Commission or the referee may refuse to receive further evidence on the facts deemed to be proven. A party that timely objects to this ruling shall have the right to proffer evidence to the referee, at which time the Commission members shall exit the hearing room for the duration of the proffer.
- (m) Subject to the provisions of Subsections (r) and (s), the facts expressed in writing by the appointing authority as cause for disciplinary action shall not be accepted as prima facie true. Evidence shall not be received to supplement or enlarge the expressed cause. The appellant may offer proof to rebut any proof offered by the appointing authority in support of the expressed cause for the disciplinary action.
- (n) Without a request from a party, the Commission or the referee may order the sequestration of witnesses. Sequestration shall be ordered upon the request of a

party. In application of this Rule only one person, in addition to counsel, shall represent the appointing authority or the agency.

- (o) The Commission, or a referee, may fix the total time to be allowed for oral argument, according to the circumstances of each case, and may limit oral argument to one or more issues.

Except with special leave of the Commission, or referee, only one attorney shall be permitted to present oral argument for any party. This rule shall not bar a separate attorney from making the opening and closing for a party.

The Commission or the referee may invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of the written argument shall be subject to the certificate and service requirements of 13.5(b)(1).

- (p) The Commission or a referee may take notice of the provisions of the Article, the Rules, the Classification Plan, and the Pay Plan without the necessity of an offer in evidence.
- (q) When during the course of a hearing a ruling by the Commission is to be made, the presiding Commissioner or referee with the consent of the presiding Commissioner shall rule and this ruling shall constitute that of the Commission; provided, that should a member of the Commission object to such ruling or offer an alternative ruling, the ruling of the Commission shall be determined by majority vote of those members present.
- (r) Subject to the provisions of Subsections (m) and (s), when a classified state police employee alleges discrimination because of that employee's political or religious beliefs, sex, or race, the burden of proof as to the alleged discrimination shall be on the appellant.
- (s) In combination appeals, where the appellant denies the verity or severity of a portion or all of the charges set

forth in writing and alleges discrimination with respect to all or a portion of the charges:

1. As to that portion of the facts set forth in writing, the verity or severity of which is denied by the appellant, the burden of proof shall rest upon the appointing authority.
 2. As to that portion of the appeal in which the appellant alleges discrimination, the burden of proof shall rest upon the appellant.
- (t) Authentic acts delegating appointing authority or certified copies thereof may be offered into evidence without further proof and shall be accepted as prima facie proof of the recitals contained therein.
- (u) When a violation of Article X Section 46 (A) of the Louisiana Constitution or a Rule in Chapter 12 is the basis for appeal, the burden of proof, as to the facts, shall be on the appointing authority. When a violation of any other Section of the Article or any other Rule is the basis for appeal, the burden of proof, as to the facts, shall be on the employee.

13.12 Referees.

- (a) The Commission may appoint a referee to manage an appeal, to hear and decide preliminary and interlocutory issues, claims and/or requests and to hold a hearing and take testimony in an appeal.
- (b) A referee shall have subpoena power and power to administer oaths as well as the powers granted in this Chapter.
- (c) After hearing an appeal, a referee shall prepare proposed written findings of fact and conclusions of law, which shall be submitted as a recommendation to the Commission, which after a review of the record, may accept, modify, or reject the recommendation.

13.13 Subpoena of Witnesses; Production of Documents.

- (a) The Commission, each member thereof, the Executive Director, any referee appointed by the Commission, and any specially designated agent of the Commission shall

have the power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, provided the witnesses and books and papers are within the State.

- (b) For all hearings conducted, no subpoena requested by a party will be issued unless a written request for the issuance of subpoenas is received in the office of the Executive Director of the State Police Commission no later than fifteen (15) calendar days before the date fixed for the hearing. The request for subpoenas shall contain the names of the witnesses, the street addresses at which the witnesses can be served, and a brief statement of what is intended to be proved by each witness.
- (c) In lieu of the issuance and service of formal subpoenas to State employees, the Commission or any person authorized by Sub-section (a) of this Rule may request any appointing authority to order any designated employee under its supervision to attend and testify at any hearing, and upon being so ordered the employee shall appear at the hearing and furnish testimony.
- (d) For all hearings conducted, no subpoena for the production of books, papers, or other items will be issued at the request of a party unless a written request for the issuance of subpoenas is received in the office of the Executive Director of the State Police Commission no later than fifteen (15) calendar days before the date fixed for the hearing. The request for a subpoena for books, papers or other items shall contain a description of the items to be produced in sufficient detail for identification and shall contain the name and street address of the person who is to be required to produce the items and a brief statement of what is intended to be proved by each item.
- (e) No subpoena will be issued at the request of a party unless the request therefor complies with this Rule and the person authorized to issue the subpoena is satisfied that the testimony of the witness or the production of the books, papers, or other items is relevant to the issues before the Commission. If denied, the issue can be presented to the Commission for consideration.

- (f) Authentic copies of books, papers, photographs, or other items in the custody of any department, board, or agency of the State or any sub-division thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if the original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.
- (g) The Commission, its Chairman, the Executive Director, or a referee, for cause deemed sufficient, may issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued under the provisions of this Rule. By agreement, the parties may recall a subpoena for a witness.
- (h) The abuse of the privilege to require the attendance of witnesses or the production of books, papers, photographs, or other items shall be deemed a violation of these Rules and shall be dealt with accordingly.
- (i) All subpoenas shall be issued only for the specific hearing for which they are requested. A party may request a reissuance of all or some of the subpoenas for a subsequent hearing date.

13.14 Dismissal for Non-appearance at Hearing of Appeal.

- (a) If, without good cause or excuse, neither a party nor his or her counsel appears at the time and place fixed for hearing, the Commission, on its own or on the recommendation of a referee appointed to hear the appeal, may summarily dispose of the appeal, including dismissing or granting the appeal or other appropriate action.
- (b) Subject to the Commission's discretion to continue a hearing, if an appellant or the chosen representative of the appointing authority fails, without good cause or excuse, to appear at the time and place fixed for hearing, but that party's counsel is present, that party shall be deemed to have waived the right to appear in person or by a representative.
- (c) If either the appellee or the appellant fails to appear at the place and time fixed for any hearing, but counsel for the absent party is present, the absent party shall be deemed to have waived the right to appear and the

hearing shall proceed and testimony may be taken in the absence of the party with the same effect as if the party were present.

- (d) Nothing in this Rule shall prevent the Commission or a referee from continuing the appeal if the Commission or referee learns the reason for the absence and determines that the absence of a party or that party's attorney was due to circumstances beyond the control of the party or attorney.

13.15 Consolidation.

When two or more appeals involve similar or related circumstances, the Commission may order a joint hearing of any or all the matters at issue in the appeals, or may order that all these appeals be consolidated.

13.16 Transcripts of Proceedings of Appeals to the Commission.

- (a) The proceedings of all appeal hearings before the Commission or a referee shall be recorded, but shall be transcribed only upon order of the Commission or the Executive Director and upon payment of the estimated transcription cost thereof as determined by the Executive Director by the party requesting the transcript. After transcription, if the estimate was below the actual costs, the additional costs shall be paid before release of the transcript. If the estimate was higher than the actual costs, a refund of the over payment shall be made to the party making the payment.
- (b) REPEALED - EFFECTIVE JANUARY 10, 2019
- (c) Whenever any portion of the Commission's Rules, Classification Plan, or Pay Plan is relied upon in an appeal to the Court of Appeal and is material to the decision of any issue, the portion relied upon shall be copied into the transcript prepared for the Court of Appeal, First Circuit, if not contained in the Commission's written opinion.

13.17 Refusal to Appear; Refusal to Testify; False Testimony.

- (a) In addition to any other penalties provided by law, any officer or employee in the classified state police service who willfully refuses or fails to appear before

the Commission or its Referee in response to a subpoena or a request under the provisions of Rule 13.13, or having appeared refuses to testify or answer any question pertinent to the matters under consideration or who knowingly gives false testimony or who knowingly solicits, condones, or accepts, without refutation, false, or misleading testimony given by any witness in his/her behalf at a hearing, or who fails to produce any books, papers, photographs, or other items pertinent to any hearing may be found by the Commission or the Referee to be guilty of contempt in accordance with these Rules. In addition, the Commission may find that the person has forfeited the office or position held and/or that the person will not to be eligible thereafter for appointment to any position in the classified state police service for a period not to exceed ten years or be subject to a suspension from the office or position held.

- (b) In addition to any other penalties provided by law, any person who willfully fails to appear in response to a subpoena or to an order issued under the provisions of Rule 13.13 hereof, or who willfully fails to answer any questions or to produce any books, papers, photographs, or other items pertinent to any hearing before the Commission or a Referee, or who knowingly gives false testimony or who knowingly solicits, condones, or accepts, without refutation, false, or misleading testimony given by any witness in his/her behalf at any such hearing may be found guilty of contempt by the Commission or the referee in accordance with these Rules.
- (c) Any officer or employee required to testify shall not be subjected to any disciplinary action by the appointing authority of the officer or employee because the employee so testifies.

13.18 Costs of Appeals.

Subject to the provisions of 13.16(a), the Commission or the referee has the discretion to order the costs of any hearing or appeal, or any portion of such costs, including the costs of recording and transcribing testimony to be paid by or charged to either or both interested parties.

13.19 Witness Fees.

- (a) The travel expenses of an employee in state police service other than the appellant who is required to appear before the Commission or a referee in the hearing of an appeal shall be paid by the department which employs the employee.
- (b) The Commission or the referee may order that any person who is not an officer or employee of the department and who is subpoenaed to testify at a hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Nineteenth Judicial Court for the Parish of East Baton Rouge.
- (c) Witness fees and travel expenses may be taxed to either party, in the Commission's discretion.
- (d) The Commission and any person authorized to issue a subpoena may before doing so, require the party requesting a subpoena of one other than an officer or employee of a department to deposit with the Executive Director a sum sufficient to cover the mileage and witness fees pending a determination of costs by the Commission.

13.20 Commission Action on Appeal.

- (a) After hearing of an appeal, the Commission shall make a written decision containing its findings of facts and conclusions, which shall be filed with the Executive Director. The decision of the Commission shall be final on the day that it is filed.
- (b) On the same date that the decision is filed, the Executive Director shall mail a copy of the decision to the parties or their counsel.
- (c) If the Commission after any hearing orders a dismissed or suspended employee reinstated, it may reinstate such employee under such conditions as it deems proper and subject to Rule 13.9 may order full pay for lost time.

13.21 Interlocutory Rulings.

- (a) Formal exceptions to the interlocutory rulings or orders of the Commission or of a referee are unnecessary. At

the time the ruling is made or the order is communicated, a party shall make known any objection thereto and the grounds therefore, which objection shall be noted in the record.

- (b) The Commission or a referee may, at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

13.22 Amicable Settlement of Appeals.

In any appeal pending before the Commission, the parties thereto may agree to submit a proposed settlement which, if approved by the Commission, shall constitute a final disposition of the appeal.

13.23 Recusal of a Commissioner or Referee.

The grounds for recusal of a Commissioner or a referee shall be the same as the grounds for the recusal of judges of the courts of the State of Louisiana.

13.24 Interrogatories; Pre-Trial Discovery; Rehearing of Appeal.

- (a) Interrogatories and pre-trial discovery proceedings shall not be recognized by the Commission or a referee.
- (b) No rehearing shall be granted from a final decision of the Commission.

13.25 Finality of Commission Action on Rules and Plans.

No appeal to the Commission shall lie from the adoption by the Commission, after public hearing, of a Classification Plan, a Pay Plan, or of any Rule, or of any Amendment to these Plans or Rules.

13.26 Attorney's Fees.

- (a) When the Commission approves a settlement, rescission or modification of an action that has been appealed, or renders a decision which reverses or modifies an action that has been appealed, the appellee may be ordered to pay attorney's fees in an amount not to exceed \$1,500, unless the Commission concludes that the appointing authority has acted arbitrarily and capriciously, in

which case the Commission may award reasonable attorney's fees in excess of that amount.

- (b) The Commission or a referee may allow such evidence and argument in support of the request for attorney's fees as is deemed appropriate considering the status of the appeal at the time the request for attorney's fees is filed. No attorney's fees shall be awarded unless a written request is filed before the final disposition of the appeal by the Commission.

13.27 Action Required Following Commission's Decision.

- (a) Following the granting of an appeal of a termination, and within fifteen (15) calendar days from the date of the mailing of the decision, the appellant shall present ready for work at the time and place of their employment as it existed prior to the termination. Appellant shall be returned by the appointing authority to the regular payroll at that time. Appellant shall at that time, or as soon thereafter as possible, present to the appointing authority satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of appellant's termination.

If no wages or unemployment compensation have been so received, appellant shall present a written and signed statement to that effect to the appointing authority upon their return. Within fifteen (15) days following receipt of the information about the amount, if any, of wages or unemployment compensation, the appointing authority shall deliver to the human resources office a request for the appropriate disbursement to the employee. The human resources office shall promptly cause this disbursement. The appointing authority shall otherwise comply with the orders contained in the decision. Further, within thirty (30) days from receipt by the appellant of the back pay due, appellant, at their sole option, may repurchase all or part of the annual leave balance they held at the time of termination, the value of which was paid at the time of termination, pursuant to Rule 11.10(a). All of the above shall apply unless otherwise stayed by a court of competent jurisdiction.

- (b) Following the granting of the appeal of a suspension, demotion or reduction in pay, and within fifteen (15) calendar days from the date of the mailing of the copy of

the decision to all parties or as soon thereafter as possible, the appellant shall present to the appointing authority satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of suspension. If no wages or unemployment compensation have been received, appellant shall present to the appointing authority a signed statement to that effect. Within fifteen (15) days from receipt of such proof or written statement, the appointing authority shall deliver to the human resources office a request for such disbursement. The human resources office shall promptly cause such disbursement. The appointing authority shall otherwise comply with the orders contained in the decision.

- (c) In the event all or part of the decision granting an appeal is stayed by a court of competent jurisdiction, the time limits specified herein shall begin to run upon the date the decision of the judiciary in the case presented to it becomes final.

13.28 Mediation.

- (a) The Commission, or a referee, may direct the attorneys and the parties in an appeal to participate in nonbinding mediation to attempt to resolve the appeal before a hearing.
- (b) Any member of the Commission or the referee, or another person may conduct the mediation.
- (c) The Mediator's role is to facilitate communication among the parties at the mediation. The mediator will not later influence, participate in, or make any decision on any issue in the appeal. The Mediator will not issue any orders or sanctions pertaining to the mediation or the appeal.
- (d) Before the mediation, the attorneys must confer with their clients about the clients' goals and expectations from settlement. The attorneys and every person whose authority is necessary for settlement must appear at the mediation (or, at the discretion of the Mediator, be available by telephone), on time and prepared to negotiate.

- (e) The Commission, or a referee, presiding over the appeal may order the attorneys and/or the parties to bring to, or exchange before the mediation, a witness and exhibit list, relevant documents and/or exhibits, a proposed settlement offer, and anything else that will aid in resolving the appeal.
- (f) The mediation will not be open to the public and will remain confidential.
- (g) If anyone fails to comply with an order pertaining to the mediation, the Commission, or a referee, presiding over the appeal may order appropriate sanctions. Those sanctions may include punishing for contempt, dismissing the appeal or portions of it, reversing the action appealed or portions of it, and assessing costs and attorney's fees against the noncomplying person.

13.29 Electronic Notice.

For purposes of this chapter, the terms "written" or "writing" shall include documents created and/or transmitted electronically, including but not limited to emailed or faxed documents. Any faxed or emailed document shall be considered filed on the date and time such document is received by the Director.

13.30 Electronic Filing.

The parties to an appeal may have the option to receive all notices, orders, and decisions electronically, with the exception of Settlement documents. All settlements must be submitted with the original signatures of the parties.

Instructions on the procedure to "opt in" are sent with the Notice of Docketing each time a new appeal is filed. Electronic noticing participants are responsible for providing a valid email address for electronic receipt of documents, and must notify the State Police Commission immediately if the email address changes. Participation may be cancelled at any time by written notice to the State Police Commission.

T/S-1 Rule 13.35	09/16/1991
T/S-6 Rules 13.12, 13.21, and 13.37	10/18/1993
T/S-8 Rule 13.18.1	03/24/1994
T/S-13 Multiple Ch. 13 rule edits	12/18/1995
T/S-15 Rule 13.21(i)	03/18/1996
T/S-23 Rules 13.12(a) and 13.12(d)	05/18/1998

T/S-33 Chapter 13 in its entirety	03/22/2002
T/S-35 Rule 13.27(a), (b), & (c), and 13.28	05/17/2002
T/S-65 Chapter 13	01/14/2019
T/S-81 Rule 13.1(1)	12/14/2023

CHAPTER 14

REQUIRED OR PROHIBITED ACTIVITIES

14.1 Every classified member of the State Police Service shall:

- (a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and
- (b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State Police Commission and/or its Director.

14.1.1 The Appointing Authority of the State Police Service shall:

- (a) Implement training, policies and procedures to ensure that all members of the classified state police service comply with the rules of the Louisiana State Police Commission, the policies and procedures of the Office of State Police, the laws of the United States and the U.S. Constitution, the laws and Constitution of the State of Louisiana and other rules and procedures that are applicable for the good manner and order of the members of the classified state police service.
- (b) Ensure that all members of the classified state police service undergo annual, sensitivity training to raise awareness of diversity, inclusion, sensitivity, and racial, ethnic, gender and sexual orientation bias and shall include training on awareness of attitudes and behavior toward others, including people who are different in race, color, ethnicity, gender, sexual orientation, religion, age, and ability. Sensitivity training shall include teaching members of the classified state police service how to be respectful of people with different experiences, backgrounds and communication styles.
- (c) Ensure that the department, through established policy and training, protects employees who report possible misconduct and/or policy violations and shall not take or threaten to take adverse personnel or disciplinary action against an employee because he or she disclosed wrongdoing. However, nothing in this rule shall prohibit discipline or adverse employment action against any employee who violates policies or procedures.

14.2 Prohibited Political Activity.

- (a) Except as provided in subsection (b) (below), no member of the State Police Commission and no classified member of the State Police Service shall:
 - (1) Participate or engage in political activity, including, but not limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular political party in an election;
 - (2) Be a candidate for nomination or election to public office;
 - (3) Be a member of any national, state, or local committee of a political party or faction;
 - (4) Make or solicit contributions for any political purpose, party, faction, or candidate;
 - (5) Use or attempt to use his position to influence, punish or coerce the political action of any person, including a classified member of the State Police Service;
 - (6) Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign;
 - (7) Take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to influence or coerce any person, including a classified member of the State Police Service or of the State Police Commission, into participating in any such effort or attempt to influence or coerce any person into signing a recall petition; or
 - (8) Directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction or candidate, nor solicit or take part in soliciting any such assessment, subscription or contribution, and no person shall solicit any such assessment, subscription or contribution of any classified employee in the State Police Service.
- (b) Prohibited political activity shall not include:
 - (1) Seeking election as the classified state police officer serving on the State Police Commission;
 - (2) Activity in support of or opposition to the

election of the state police officer serving on the State Police Commission;

- (3) The exercise as a citizen of the expression of an opinion privately;
- (4) Serving as a commissioner or official watcher at the polls for any state or federal election;
- (5) Casting a vote in any local, state or federal election;
- (6) Except as provided in subsection (a) (7) (above), activity in support of or opposition to any referendum, including a tax referenda, amendment of the state or federal constitutions or issues involving bonded indebtedness; or
- (7) Signing a petition to recall from office an elected public official.

14.3 Other Prohibited Activity.

- (a) Discrimination, as defined in Chapter 1, is prohibited.
- (b) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified State Police Service, or in any way favored or discriminated against with respect to employment, because of the employee's political or religious beliefs, sex, or race.
- (c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in a position in the classified State Police Service.
- (d) No appointing authority, agent, or deputy thereof, or supervisor of any employee shall, directly or indirectly, discipline, influence, coerce or take any other action against any employee in the classified State Police Service for the purpose of influencing his vote, support or other political activity in any general or primary election.
- (e) No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the classified State Police Service.
- (f) No person shall be appointed, promoted, transferred

or in any way employed in or to any position in the classified State Police Service under any class title which has not been approved by the Director as appropriate to the duties to be performed.

- (g) No classified member of the State Police shall be appointed, promoted, transferred or in any way employed in or to any position which is not within the State Police Service.
- (h) No payment for personal services of any classified member of the shall be made until the Director has approved the appointment.
- (i) No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Article or Rules of the State Police Commission, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Article or Rules.
- (j) No person or appointing authority shall, directly or indirectly, persuade, induce or coerce or attempt to persuade, induce or coerce any prospective applicant or eligible to withhold filing an application or to withdraw from competition or eligibility for positions in the classified State Police Service for the purpose of either improving or diminishing the prospects for appointment of any applicant or eligible or prospective applicant or eligible.

In addition to other penalties which may be imposed by the Commission, the Director shall cancel any and all applications or eligibilities of any person who violates the provisions of subsection (j) (above).

- (k) No action shall be taken or authorized to be taken by any person without approval of the Commission or the Director, when such approval is required by the Article or the Rules.
- (l) Unless otherwise stayed by the Commission, a court of proper jurisdiction or the provisions of the Article, Rules, laws or constitution, no person shall fail to comply with any order or directive of the Commission.

T/S-21 Chapter 14	07/21/1997
T/S-76 Rules 14.1(c), 14.1(d)	12/16/2021
T/S-79 Rules 14.1, 14.1.1	05/11/2023
T/S-81 Rules 14.3(a), 14.3(b)	12/14/2023