

State Police Commission



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Bobby Jindal
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General Circular No. 172

Date: May 26, 2015

Subject: Revision of State Police Commission Rule Chapter 3:
Duties of the Director and Chapter 4: Agencies and persons
governed by these rules.

Pursuant to the provisions of State Police Commission Rule 2.10
(a), the State Police Commission will hold a public hearing on
June 11, 2015, to consider the revision of State Police
Commission Rule Chapter 3: Duties of the Director and Chapter 4:
Agencies and persons governed by these rules. The hearing will
begin at 9:00 A.M. in Suite 208, Office of Management and
Finance and OMV Building, 7979 Independence Boulevard, Baton
Rouge, Louisiana.

CHAPTER 3

DUTIES OF THE DIRECTOR

3.1 Duties of the Director.

It shall be the duty of the Director

- (a) To serve as the executive and administrative head of the State Police Commission and direct and supervise all of ~~the Commission's~~ its administrative ~~and technical activities~~ functions.
- (b) To attend all meetings of the Commission and to act as its secretary and keep minutes of its proceedings.
- (c) To establish and maintain a roster of all employees within the State Police Service, which roster shall indicate as to each employee the class title of the position held the salary or pay, any change in class title, pay or status and any other necessary data.

AN EQUAL OPPORTUNITY EMPLOYER

- (d) To appoint, ~~and~~ remove and otherwise discipline, under the provisions of the State Police ~~Service Commission~~ Article and Rules, ~~such employees of the State Police Commission~~, such personnel and exercise powers and duties to the extent prescribed by the commission appointing him, and such experts and special assistants as may be necessary to carry out effectively the provisions of the State Police ~~Commission~~ Service Article and Rules.
- (e) Consistent with the State Police Service Article and the Rules, to formulate and prescribe procedures, and to publish them in a Personnel Manual; conduct examinations; maintain a list of eligibles; and certify qualified persons for appointment within the State Police Service. Permanent appointments and promotions in the classified State Police Service shall be made only after certification by the Director under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive.
- (f) To develop, in cooperation with the appointing authority of the Office of State Police ~~and others~~, training, educational, and safety programs for all employees governed by the State Police Service Article.
- (g) Implement policies as well as create a strategic plan with annual goals and objectives, this includes the financial and administrative management of the agency. To make and publish annual reports regarding the work of the Commission, and such special or other reports to the Commission and the Governor as he considers desirable.
- (h) To perform any other acts or functions which are necessary or desirable to carry out the purposes of the ~~Article or these Rules, or such acts or functions which he may be directed to perform by the Commission or its Chair.~~ State Police Service Article, or which he may be directed to perform by the Commission or the Chairman.

- (i) The State Police Commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and administer oaths to witnesses. To serve as referee in employee appeals or to appoint a member of the State Police Commission, or the Commission's Attorney, also known as Special Counsel to represent the Commission and its Director, to serve as referee when needed.
- (j) Subject to review by the Commission, to prepare and submit budget requests covering the estimated costs of administering the Commission. The legislature shall make adequate appropriations to the State Police Commission to enable it to implement this Part efficiently and effectively. The amount so appropriated shall not be subject to veto by the governor, under the provisions of the State Police Service Article and Rules, Article X. Part IV, Sec 51.
- (k) To act between meetings of the Commission on routine matters requiring Commission approval. Subject to the provisions of Sub-section (n) of this Rule, any such action of the Director shall be reported to the Commission at its next meeting and unless approved by the Commission at such meeting, shall terminate.
- (l) To make such investigations as may be necessary to enforce the provisions of the State Police ~~Commission~~ Service Article and Rules and to determine the qualifications and suitability of applicants for employment in the Classified Service.
- (m) To establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or the Commission under the State Police ~~Commission~~ Service Article.
- (n) To act between meetings on piecemeal Classification and Pay Plan matters requiring Commission approval. Any such action by the Director shall be reported to the Commission at the next public hearing called to consider Classification and Pay Plan matters and unless approved by the Commission following such hearing, shall terminate.

- (o) To review and approve or disapprove ~~all contracts entered into between the Office of State Police~~ state contracts for personal services, prior to their effective date, between State Police Commission and any instrumentality thereof, or between the State Police Commission and ~~all~~ any persons, firms, corporations or other entities rendering personal services to or on behalf of the ~~Office of State Police~~ State Police Commission. ~~Said contracts shall be submitted to the Director by the Office of State Police prior to the effective date of the contract~~ Specifically, as it relates to the contract for the development, scoring, and validation of custom hiring examinations and revision, administration/proctoring, and scoring of promotional examinations is valid. Or the contract on behalf of special counsel, to represent the State Police Commission and it's Director, and serve as Referee for the State Police Commission, when requested by the Commission.

Upon receipt of the contract, the Director shall approve or disapprove the contract or, where the Director finds that the contract does not provide for services within the State Police Service, the Director shall return the contract without action. In such case, the Director shall state, in writing, the basis for returning the contract. When the Director disapproves a contract, the Director shall state in the instrument of disapproval the position to which such services are or may be assigned.

The contract is contingent upon the appropriations of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, or if such appropriation is reduced by the veto of the Governor or by any means provided in the appropriations act to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is to provide insufficient monies for the continuation of the contract, the director shall terminate the contract on the date of the beginning of the first fiscal year for which funds are not appropriated.

- (p) To develop and propose to the Commission uniform classification and pay plans and amendments thereto.
- (q) To develop and propose to the Commission, rules and amendments thereto governing employment conditions within State Police Service for employees in the Classified Service.
- (r) To require ~~departments and agencies~~ State Police Service to establish and implement, in accordance with established policy, an affirmative action program to assure equal employment opportunity in the Classified Service of State government.
- (s) To notify the State Police Commission of any proposal which would effect the pay of jobs in the protective services concurrent with the issuance of the State Police Commission monthly agenda and supplemental agenda. Due to the nature of Protective Services assignments, Internal Affairs Investigator assignments, and WAE Trooper, the director may approve these assignments, due to budgetary constraints, an unclassified commissioned officer and work assigned up to 60 hours per pay period. The reduction in fulltime employee benefits would show a tremendous cost saving to their section and overall department budget. This is a "when actually employed" (WAE) position compensated on an hourly basis and does not receive any other form of compensation or related benefits. These positions may also be used to supplement a response to a declared emergency or civil disturbance.
- (t) Present a monthly report to the Commission detailing all expenditures for the previous month. The Director shall also provide, if requested by any commission member, documentation in support of this report.

3.2 ~~Amended and re-enacted as Rule 3.1(k) effective March 15, 1966.~~

Repealed effective June 11, 2015

3.3 ~~Amended and re-enacted as Rule 3.1(l) effective March 15, 1966.~~

Repealed effective June 11, 2015

3.4 Appointment of the Director.

- (a) Under the provisions of the State Police Service Article and Rules, Article X, Part IV, Sec 44, The Commission shall appoint a director and such personnel as shall be necessary to carry out its duties. Subject to the provisions of Sub-section (b) of this Rule, the Director shall be appointed by the Commission following competitive examination administered in a manner prescribed by the Commission.
- (b) The Commission shall have access to other provisions of these Rules for the temporary, interim appointment of an acting director, if such is necessary.
- (c) The salary of the Director shall be established by the Board of Directors.

3.5 Status of the Director.

Under the provisions of the State Police Service Article and Rules, the Director shall be employed within the ~~Classified Service of the State~~ Unclassified Service of the State.

CHAPTER 4

AGENCIES AND PERSONS GOVERNED BY THESE RULES

4.1 Classified and Unclassified Positions.

- (a) All departments and persons subject to the State Police ~~Service Commission~~ Article are governed by these Rules. The State Police Service is divided into the unclassified and the classified service. Persons not included in the unclassified services are in the classified service. The State Police Commission shall determine those positions which shall be in the unclassified service and may provide that any such position shall become classified.
- (b) Subject to the provisions of Sub-sections (c) and (d) of this Rule, ~~all-officers~~ the State Police Service is established and includes 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 course of instruction and are vested with full state police powers, as provide by law, and persons in training to become such officers and employees of the State of Louisiana are in the Classified Service.
- (c) Subject to the provisions of Sub-section (d) of this Rule, the following officers and employees of the State of Louisiana shall be in the Unclassified Service.
 - (1) ~~Elected officials and persons appointed to fill vacancies in elective offices.~~ The Director of the State Police Commission; as under the provisions of Article X of the State Constitution, Part IV: State Police Service; He shall be the administrative head of his department.
 - (2) The head of each principal executive department appointed by the Governor; the Superintendent of the Department of Public Safety and Corrections, office of State Police as under the provisions of Article X of the State Constitution.

- (3) ~~Registrars of voters.~~ State Police Commission personnel: whereas the Director shall appoint personnel and exercise powers and duties to the extent prescribed by the Commission appointing him;
- (4) ~~Members of State boards, authorities and commissions.~~ Members of the State Police Commission; who are electors of this state, four of whom shall constitute a quorum, and at least one appointed member shall be from each congressional district; is the seven-member body that has final authority over the administration of the State Police Commission;
- (5) ~~One private Secretary to the president of each college or university.~~ Additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by the State Police Commission;
- (6) ~~One person holding a confidential position and one principal assistance or deputy to any officer, board, commission, or authority mentioned in (1), (2), (3), or (4), above, except the State Police Commission.~~

Repealed, effective June 11, 2015

- (7) ~~Members of the military or naval forces.~~
Repealed, effective June 11, 2015
- (8) ~~The teaching and professional staffs, and administrative officers of schools, colleges, and universities of the State, and bona fide students of those institutions employed by any State agency.~~

Repealed, effective June 11, 2015

- (9) ~~Employees, deputies, and officers of the legislature and of the offices of the Governor, Lieutenant Governor, and Attorney General; and of police juries, school boards, and assessors; and of all offices provided for in Constitutional Article V.~~

Repealed, effective June 11, 2015

- (10) ~~Commissioners of elections, watchers, and custodians and deputy custodians of voting machines.~~

Repealed, effective June 11, 2015

- (11) ~~Railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.~~

Repealed, effective June 11, 2015

- (12) ~~Notaries Public~~

Repealed, effective June 11, 2015

(d) 1. The Director, upon submission by ~~an employing agency~~ the Department of Public Safety and Corrections, the Superintendent of the office of State Police of written justification deemed adequate by him, may add to the unclassified service positions involving duty assignments which are seasonal, temporary, intermittent or part-time.

2. The Commission, upon submission or adequate justification by the ~~employing agencies~~ the Department of Public Safety and Corrections, the Superintendent of the office of State Police and upon considering the recommendations of the Director, may add positions to the unclassified service and may, revoke any position added to the unclassified service under the provision of this Sub-section.

3. The Director may not revoke any position added to the unclassified service by the Commission, but may revoke those positions added by him.

~~4. Repealed, effective April 6, 1978.~~

Deleted, effective June 11, 2015

(e) Repealed, effective November 15, 1993