

State Police Commission

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Debra L. Johnson
Director



General Circular No. 112

Issue Date: September 11, 2000

Subject: Chapter 1, Definitions

Pursuant to the provisions of State Police Commission Rule 2 10(a), the State Police Commission will hold a public hearing on Thursday, October 19, 2000 to consider repealing and reenacting Chapter 1 Definitions to include a new definition for "Discrimination". The hearing will begin at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana.

CHAPTER 1

DEFINITIONS

. . . .

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, gender or race.

. . . .

Explanation: Some time ago, in reviewing a State Civil Service Commission decision, the Louisiana Supreme Court considered the issue of whether that Commission had jurisdiction of alleged discrimination, other than the four types provided for in its enabling act, Louisiana Constitution of 1974, Article X, Section 8, which are that based on political or religious beliefs, sex or race. Louisiana Department of Agriculture and Forestry v. Sumrall, 728 So.2d 1254 (La. 1999), rehearing denied April 1, 1999. Despite the Commission's rules, which provided for an expanded definition of discrimination, the Court held that the Constitution provided for the Commission's jurisdiction only over claims of discrimination which are based on the four enumerated in Article X, Section 8.

The jurisdiction of the State Police Commission over alleged discrimination is provided for by Article X, Section 46 of the Louisiana

Constitution of 1974. This section includes only discrimination based on political or religious beliefs, sex or race. As the State Police Commission's jurisdiction in this is identical with that of the State Civil Service Commission, it is clear that the State Police Commission's jurisdiction is similarly restricted.

This definition is being revised in order to conform with the Court's decision in the Agriculture, case.

Please review this proposal and furnish, in writing, by October 10, 2000 any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by October 10, 2000 of your intention to address the Commission, in order to be placed on the agenda.

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

Sincerely,

Debra L. Johnson
Director