

State Police Commission



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March 18, 1997

Transmittal Sheet No. 20

Subject: Adoption of State Police Commission Rule 1.30.1 and Revision of State Police Commission Rule 7.5

Issue Date: March 18, 1997

At its March 17, 1997 meeting, the State Police Commission voted to adopt State Police Commission Rule 1.30.1 and revise State Police Commission Rule 7.5(a), 1., 2., 3., 4., 5. and 6. Attached hereto are complete copies of Chapters 1 and 7 of the rules. Also, please post this notice in a prominent place, accessible to all employees of the Office of State Police. If you have any questions, please feel free to contact me.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachments (2)

CHAPTER 1

DEFINITIONS

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

- 1.1 **Abandonment of Position** - means the desertion by a Classified employee of his position.
- 1.1.1. **Acceptable Rating** - means a performance appraisal rating of either "Achieves Results Expected", "Exceeds Results Expected" or "Outstanding."
- 1.2 **Allocation** - means the determination of the job to which a position is deemed to pertain.
- 1.3 Repealed, effective January 1, 1975.
- 1.3 **Annual Leave** - Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.
- 1.4 **Appointing Authority** - The agency, department, board or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to and removals from positions in the State Police Service.
- 1.5 **Appointment** - The designation, in accordance with Chapter 8 of the State Police Commission Rules, of an employee to a certain office and his acceptance thereof.
- 1.5.01 **Article or State Police Commission Article** - Article X, Part IV of the Constitution of the State of Louisiana of 1974.
- 1.5.1 **Bona Fide Student** - A person enrolled in an accredited high school, college or university in the State, or a person enrolled in a state-operated vocational/technical school, who meets the criteria of such institution to be classified by that institution as a full-time regular student; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose such status because of vacations during the academic year or because of his failure to attend summer school.

- 1.5.2 **Career Field** - means any one of a job series or group of positions considered to have 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 that were 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 as updated through the latest Transmittal Sheet dated before the layoff plan is received by the State Police Commission.
- 1.5.2.1 **Certifiable Scores** - means a range of scores on a selection procedure which would likely be in the top five grade groups on a certificate of eligibles if one were issued.
- 1.5.3 **Change in Position** - for the purpose of the performance appraisal rating 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 in another agency.
- 1.6 **Class**- for the purpose of these Rules, means the same as 'Job'. (See Rule 1.17.1.1)
- 1.6.1 **Classification Plan** - means the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.
- 1.7 **Classified Position** - means any office or position in the Classified Service.
- 1.8 **Classified Service** - Any person in the State Police Service, except those specifically placed in the Unclassified Service in accordance with these Rules by the Commission or exempt from the Classified Service by the Article.
- 1.9 **Commission** - means the State Police Commission.
- 1.9.01 **Commuting Area** - The geographic area in which employees are subject to competition for a layoff, which shall encompass only the parish of the abolished position(s) and all bordering parishes.
- 1.9.02 **Compensation** - means salary, wages, fees, and special pay considerations authorized under Chapter 6 of these Rules earned by or paid to any employee, by reason of service rendered in any position.

- 1.9.1 **Continuing Position** - means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 **Continuous State Service** - means 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.
- 1.11 **Demotion** - means a change of a permanent or probationary employee from a position of one grade level to a position of a lower grade level.
- 1.12 **Department**- mans any legally constituted agency, board or commission whose employees are in the State Service as defined by the Article.
- 1.13 **Department Preferred Reemployment List** - means a list of 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). Employee on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 **Designated Holiday** - means 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.
- 1.13.1 **Detail to Special Duty** - means 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 an to his regular position.
- 1.14 **Director** - means the Director of the State Police Commission.
- 1.14.1 **Discrimination**- Consideration in the appointment, removal, discipline or any other action which adversely affects a probationary or permanent employee of any non-merit factor including, but not limited to, religious or political beliefs, gender, sexual orientation, race, personal animosity or favoritism or reprisal for actions lawfully taken by an employee.
- 1.14.2 **Efficiency Rating** - means the service rating of an employee on the basis of satisfactory or unsatisfactory.

- 1.15 **Eligible**- means any person who, after receiving a final passing rating in a State Police Commission examination, is currently on an eligible list.
- 1.15.1 **Employee Affected by a Layoff** - means one who has experienced one of the consequences of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.
- 1.15.1.1 **Exempt** - is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.15.2 **Furlough** - means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
- 1.15.2.1 **General Increase** - means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.
- 1.15.2.2 **Hiring Rate** - means the beginning rate at which persons are hired into a job.
- 1.15.2.3 **Individual Pay Rate** - means 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.
- 1.15.3 **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.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
- 1.17.1 Repealed, effective January 1, 1975.
- 1.17.1.1 **Job** - means 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 and which is performed at the same skill/responsibility level. This definition, for the purpose of these Rules, means the same as "Class" (See Rule 1.6).
- 1.17.2 **Job Analysis** - means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of work behaviors and tasks performed.

- 1.18 **Job Appointment** - A temporary appointment of an employee for work of a temporary nature or to substitute for another employee. An employee serving in a third successive job appointment shall be considered to have acquired permanent status.
- 1.18.1 **Job Evaluation** - means a formal process which determines the relative value to be placed on various jobs within the organization.
- 1.18.2 **Job Specification** - means 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.
- 1.19 **Layoff**- The removal of an employee from a position because of a lack of work or funds or for other non-disciplinary reasons not provided for in Rules 12.6 or 12.10.
- 1.19.1 **Layoff Avoidance Measures** - mean action taken by an appointing authority and approved by the Director and/or the commission to help prevent a layoff. These include withholding of merit increases, reductions in pay, reductions in work hours and furloughs.
- 1.20 **Leave Without Pay** - Leave or time off from work, other than a disciplinary suspension as provided for in Chapter 12, which is granted or ordered by the appointing authority and during which the employee receives no pay.
- 1.20.001 **Market Grade Job** - means a job that is assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.
- 1.20.002 **Merit Increase** - means an adjustment to individual pay rate based on performance, or some other individual equity basis.
- 1.20.01 **Military Active Duty** - Full-time duty in the active military service, other than active duty for training.
- 1.20.02 **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).
- 1.20.03 **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.

1.20.04 **Minimum-** means the interim minimum of a pay range, as stipulated in Chapter 19 until such minimum no longer exists.

1.20.1 **Multiple Restricted Appointment** - means more than one restricted appointment of one person during any twelve (12) month period when the person's total accumulated time on such appointments will exceed three (3) calendar months.

1.20.2 **Official Domicile** - means 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 located 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.

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

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

1.21.1 **Organizational Unit** - for purposes of layoff means the area subject to a layoff, as approved by the Director. It shall normally be one of the following:

- (a) One of the state Departments authorized in the Constitution.
- (b) An office headed by a secretary, assistant secretary, or undersecretary, or an office established by law and headed by a comparable official having appointing authority over that office.
- (c) An institution with an appointing authority and supporting services such as a hospital or school.

- (d) A separate state agency or one that is housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.
- 1.22 **Original Appointment** - means initial appointment of a person to a classified position by provisional, probationary or job appointment.
- 1.23 Repealed, effective June 29, 1987.
- 1.24 **Pay Plan** - means 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.
- 1.24.001 **Pay Range** - means the range of pay rates from minimum to maximum set for a pay grade.
- 1.24.002 **Pay Structure** - means the organization of pay grades and ranges established for jobs within the classified service.
- 1.24.003 **Pay Structure Adjustment** - means a change in the range minimum and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.
- 1.24.01 **Performance Appraisal Rating** - means the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.
- 1.24.02 **Performance Standard** - means a statement or description of observable conditions that define the levels of performance for each major task or duty area.
- 1.24.1 **Political Activity** - An effort or activity to support or oppose the election of a candidate for political office or, other than party registration, effort or activity to support or oppose a particular party in an election or otherwise.

- 1.25 **Position** - means 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.
- 1.25.1 **Preference Employee** - means an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.
- 1.25.2 Repealed, effective July 2, 1986.
- 1.26 **Probationary Appointment** - means appointment of a person to serve a working test period in a position.
- 1.26.1 **Progress Review** - means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.
- 1.27 **Promotion** - means a change of a permanent employee in the Classified Service from a position of one job to a position of another job which is assigned to a higher pay grade.
- 1.28 **Promotional List** - means 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.
- 1.29 **Provisional Appointment** - A temporary appointment of a non-permanent employee to a position in the absence of an adequate eligible list, until such time as the appointed employee demonstrates the required skill level to qualify for the job.
- 1.30 **Public Hearing** - means 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.
- 1.30.1 **Public Employment** - Employment in any capacity or status, whether appointed or elected, classified or unclassified, by any branch, agency or program of the United States government or any branch, agency or program of any State government or any political subdivision thereof.
- 1.31 Repealed, effective March 15, 1966.

- 1.32 **Reallocation** - means a change in the allocation of a position from one job to another wherein the duties of the position have undergone a change.
- 1.33 **Reassignment** - means 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.
- 1.33.01 **Red Circle Rate** - means an individual pay rate that is above the maximum of a pay range for a grade.
- 1.33.1 **Reemployment** - means the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.
- 1.34 **Regular or Permanent Appointment** - means the status attained by a classified employee upon the successful completion of his probationary period.
- 1.35 Repealed, effective March 15, 1966.
- 1.36 **Reinstatement** - The restoration to duty and pay status, under the conditions set forth by the restoring authority, of a former classified employee pursuant to an order by the Commission or a court.
- 1.37 **Removal or Dismissal** - means the termination of employment of an employee for cause.
- 1.37.1 **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.
- 1.38 **Resignation** - The voluntary termination, including retirement, by an employee of his employment in the Classified Service.
- 1.38.1 **Restricted Appointment** - means a temporary appointment of a person to a temporary position or to a temporarily vacant allocated position for a period up to three (3) calendar months.
- 1.38.2 **Retitle** - occurs when the revision in the job specifications results in a change in the job title.
- 1.39 **Service Rating** - means the individual rating of an employee, made in accordance with the service rating system established by these rules.

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

1.39.1 **Sick Leave** - Leave with pay requested by and granted to an employee who is suffering from an illness, disability or other physical condition which prevents him from performing his usual duties and responsibilities or who requires medical, dental, optical or psychological consultation or treatment.

1.39.2 **State Service** - for the purpose of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months, and days as an employee of a State agency or agencies subject to the following:

(a) periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:

1. All leave without pay not expressly authorized in Subsection (b)9 of this Rule.
2. State service earned before retirement in any state retirement system by an employee who is rehired into state service after such retirement.
3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.
4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment.
5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed - WAE) appointment, if such service was acquired after January 1, 1983.

(b) Periods of time counted as Classified State Service under this definition for the purpose of layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a)2:

1. All time spent on any type of Classified and/or Unclassified appointment prior to January 1, 1983.

2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments that were converted to probational or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.
3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.
4. Any military service that interrupts Classified employment, including 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, subject to the provisions of Rule 17.21(a).
5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.
6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 8.27.
7. Periods of time that the layoff avoidance measures stipulated in Rule 17.5(c), 17.12 and 17.13 are in effect for full-time employees shall count as full-time employment.
8. All authorized leave with pay.
9. Authorized leave without pay under the following conditions:
 - a. Any leave without pay taken prior to January 1, 1983.
 - b. Any period(s) of leave without pay which does not exceed 30 calendar days, if taken after January 1, 1983. Additionally, if any period of leave without pay taken after January 1, 1983 equals or exceeds a 30 calendar day period, i.e., a reportable action to the State Police Commission, 30 days on one reportable period shall be counted in any calendar

year, i.e., January 1, 1983 through December 31, 1983.

c. To hold an unclassified office, job or position with the State.

d. Leave without pay for military purposes as provided in Rule 11.26.

e. If authorized for educational purposes and approved by the Director. Such education must be required by the agency, pertinent to the job or needs of the agency, and full-time as defined by the educational institution attended, except that a final semester's work toward a degree need not be full-time.

(c) All periods of Classified State Service not expressly excluded or included in these Rules shall be submitted to the Director for a ruling.

1.40 **Suspension** - The enforced leave without pay of an employee for disciplinary purposes.

1.40.1 **Title Change** - means 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.

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

1.41.1 **Unacceptable Rating** - means a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory".

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

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.

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 "unsatisfactory") 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) Non-competitive promotions may be made to non-competitive classes only in accordance with the provisions of Rule 7.20.
- (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 provision of Subsection (e) and (g) of this Rule, five-point preference in original appointments shall be granted to persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:

1. In the wartime period July 1, 1958 through May 7, 1975; except the period July 1, 1958 through August 4, 1964 shall apply only to those who served within the area known as the Vietnam Theater; or
2. Repealed, effective January 28, 1992.
3. Repealed, effective January 28, 1992.
4. Repealed, effective January 28, 1992.
5. In a peacetime campaign or expedition for which campaign badges are authorized.

- (c) Subject to the provisions of Sub-sections (e) and (g) of this Rule, ten-

point preference in original appointment shall be granted to:

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

7.12 Proof of Eligibility for Military Preference.

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

7.13 Results of Tests.

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

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

7.21 Repealed 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 Director. If the name of any individual appears on both the old and the new list, and the lists are merged, the candidate's standing on the new list shall be determined by the score on the more recent examination.

7.23 Amendment of Lists.

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

7.24 Removal of Name from Eligible List.

- (a) The Director may remove from any list the name of any person who is not qualified, is not available or is not suitable for appointment to the position for which the list was established.
- (b) The Director may remove, at the request of the Appointing Authority, the names of persons who have been considered three times for appointment to State Police Cadet and who have not been offered employment.
- (c) At the expiration of one year from entry on any eligible list, except preferred re-employment lists, an applicant's name may be removed

from the list for State Police Cadet only. Such applicant may prevent the removal of his/her name by reestablishing his/her eligibility in accordance with the provisions of these Rules and the regulations on admission to examinations.

7.25 Restoration to Eligible Lists After Removal.

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

7.26 Duration of Eligible Lists.

- (a) Each eligible list shall remain in effect until 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).