



State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

General Circular No. 220

Date: May 26, 2021

Subject: Public Hearing to Amend State Police Commission Rules
11.13, 11.26, and 12.19

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on June 10, 2021, to consider amendments to State Police Commission Rules 11.13, 11.26, and 12.19. The hearing will begin at 10:00 A.M. in Veterans Memorial Auditorium, Suite 1247, Dept. of Agriculture and Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana, 70806.

Summary of Proposal – SPC Rules 11.13 and 11.26

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed amendment to State Police Commission Rule 11.13 will incorporate verbiage for the care of a child during a declared pandemic. Placement of this verbiage within Chapter 11 will ensure its availability for use if/when a future need arises and no longer relies on Emergency Rule 21.1 which is set to expire on August 15, 2021.

The proposed amendments to State Police Commission Rule 11.26 will ensure that a classified employee's military leave is reported timely by the Department to the Louisiana State Police Retirement System. Additionally, the amended rule would ensure that a classified employee is made aware of certain rights to purchase military service credit following the return to work.

| Current Rule | Proposed Rule |
|---|---|
| CHAPTER 11 | |
| <p>11.13 Use of Sick Leave.</p> <p>(a) Sick leave may be utilized by an employee who has sufficient leave credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> 1. Illness or injury which prevents the performance of usual duties. 2. Medical, dental, or optical consultation or treatment. 3. (Intentionally left blank) 4. Assertion, supported by medical certification, of the employee's own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor and who has been diagnosed with a condition that is generally recognized to put that individual in a high-risk category for contraction and/or reaction to the health risk giving rise to the declaration. | <p>11.13 Use of Sick Leave.</p> <p>(a) Sick leave may be utilized by an employee who has sufficient leave credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> 1. Illness or injury which prevents the performance of usual duties. 2. Medical, dental, or optical consultation or treatment. 3. (Intentionally left blank) 4. Assertion, supported by medical certification, of the employee's own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor and who has been diagnosed with a condition that is generally recognized to put that individual in a high-risk category for contraction and/or reaction to the health risk giving rise to the declaration. 5. The need to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the Governor, and there is no other suitable person available to care for the son or daughter because his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic. |

| Current Rule | Proposed Rule |
|--|--|
| <p>11.26 Military Leave.</p> <p>(a) Military Leave with Pay.</p> <ol style="list-style-type: none"> 1. Provided advance notice is given, employees serving on probationary or permanent status, who are members of a Reserve Component of the Armed Forces of the United States, shall be entitled to military leave with pay. Notice shall be in writing. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving. 2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable. 3. Maximum military leave with pay for military purposes is fifteen (15) working days per calendar year, except that it shall be limited to fifteen (15) working days for each tour of active duty. <p>(b) Use of Annual and Compensatory Leave for Military Purposes.</p> <ol style="list-style-type: none"> 1. Employees serving on probationary or permanent | <p>11.26 Military Leave.</p> <p>(a) Military Leave with Pay.</p> <ol style="list-style-type: none"> 1. Provided advance notice is given, employees serving on probationary or permanent status, who are members of a Reserve Component of the Armed Forces of the United States, shall be entitled to military leave with pay. Notice shall be in writing. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving. 2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable. 3. The Department shall notify the Louisiana State Police Retirement System within fourteen (14) days of an employee giving notice of intent to use leave for military purposes. 34.Maximum military leave with pay for military purposes is fifteen (15) working days per calendar year, except that it shall be limited to fifteen (15) working days for each tour of active duty. <p>(b) Use of Annual and Compensatory Leave for Military Purposes.</p> <ol style="list-style-type: none"> 1. Employees serving on probationary or permanent |

| Current Rule | Proposed Rule |
|---|---|
| <p>status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.</p> <p>2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.</p> <p>(c) Use of Leave Without Pay for Military Purposes.</p> <p>Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified state police service.</p> <p>(d) Rights Upon Return.</p> <p>Probationary and permanent employees returning to their classified positions under the provisions of this Rule or</p> | <p>status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.</p> <p>2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.</p> <p>(c) Use of Leave Without Pay for Military Purposes.</p> <p>1. Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified state police service.</p> <p>2. The Department shall notify the Louisiana State Police Retirement System within fourteen (14) days of an employee being placed on leave without pay for military purposes.</p> <p>(d) Rights Upon Return.</p> <p>1. Probationary and permanent employees returning to their classified positions under the provisions of this Rule or</p> |

| Current Rule | Proposed Rule |
|--|--|
| <p>Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.</p> <p>(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay:</p> <p>1.</p> | <p>Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.</p> <p>2. The Department shall notify the Louisiana State Police Retirement System within fourteen (14) days of an employee returning to their classified position under the provisions of this Rule or Rule 8.12 after a period of time on leave without pay for military purposes. Such employee shall have certain rights to purchase additional military service credit in accordance with the Louisiana State Police Retirement System's policies and governing statutes.</p> <p>(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay:</p> <p>1.</p> |

| Current Rule | Proposed Rule |
|--|--|
| <p>(a) If paid leave was utilized during the entire period of voluntary service, shall be credited with the value of annual and/or compensatory leave represented by the difference in military base pay and state base pay in the same proportion as that annual leave and/or compensatory time was utilized during the period of involuntary service, and said credit shall be in the form of restoration of such leave;</p> <p>(b) If leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or,</p> <p>(c) If leave without pay was utilized for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, part (a) shall apply; and,</p> <p>Without regard to whether the military base pay was less than the State Police Trooper base pay:</p> <p>2. shall be allowed fifteen (15) working days per calendar</p> | <p>(a) If paid leave was utilized during the entire period of voluntary service, shall be credited with the value of annual and/or compensatory leave represented by the difference in military base pay and state base pay in the same proportion as that annual leave and/or compensatory time was utilized during the period of involuntary service, and said credit shall be in the form of restoration of such leave;</p> <p>(b) If leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or,</p> <p>(c) If leave without pay was utilized for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, part (a) shall apply; and,</p> <p>Without regard to whether the military base pay was less than the State Police Trooper base pay:</p> <p>2. shall be allowed fifteen (15) working days per calendar</p> |

| Current Rule | Proposed Rule |
|--|--|
| <p>year of military leave with pay;</p> <p>3. and shall continue to accrue sick and annual leave for a period not in excess of one year from the beginning date of involuntary service on the same basis as though he had not been activated and be credited such leave and all emoluments upon return from active duty as though he had not been activated;</p> <p>4. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;</p> <p>5. and shall not be subject to separation for the duration of the resulting involuntary active duty, provided he returns to employment within ninety days after his release from active duty;</p> <p>6. and may repurchase in one payment only all or part of any annual leave utilized during the period of involuntary service within twenty-four months from return to active state service.</p> <p>(f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his request, and within 90 days of his release</p> | <p>year of military leave with pay;</p> <p>3. and shall continue to accrue sick and annual leave for a period not in excess of one year from the beginning date of involuntary service on the same basis as though he had not been activated and be credited such leave and all emoluments upon return from active duty as though he had not been activated;</p> <p>4. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;</p> <p>5. and shall not be subject to separation for the duration of the resulting involuntary active duty, provided he returns to employment within ninety days after his release from active duty;</p> <p>6. and may repurchase in one payment only all or part of any annual leave utilized during the period of involuntary service within twenty-four months from return to active state service.</p> <p>(f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his request, and within 90 days of his release</p> |

| Current Rule | Proposed Rule |
|--|--|
| <p>from active duty, have his resignation rescinded and become eligible for the benefits of subsection (e) of this rule.</p> | <p>from active duty, have his resignation rescinded and become eligible for the benefits of subsection (e) of this rule.</p> |

Summary of Proposal - SPC Rule 12.19

The proposed amendment to State Police Commission Rule 12.19(f) corrects a typographical error. The rule references "the pre-deprivation notice required by Rule 12.8"; however, Rule 12.7 is the correct reference for the *Pre-dismissal, Removal or Discipline Procedure*.

Proposed additions appear in **blue** and omissions appear in **red**.

| Current Rule | Proposed Rule |
|---|---|
| CHAPTER 12 | |
| <p>Rule 12.19 Time to complete investigation and extensions of time</p> <p>(a) Except as otherwise provided in this Rule, each investigation of a Louisiana State Police Trooper which is conducted under the provisions of this rule shall be completed within sixty days of the date the investigation was initiated.</p> <p>(b) The appointing authority or his designee may petition the State Police Commission, or its Executive Director, for an extension of the time within which to complete the investigation. The executive Director shall have the authority to grant up to one fifteen (15) calendar day extension without the necessity</p> | <p>Rule 12.19 Time to complete investigation and extensions of time</p> <p>(a) Except as otherwise provided in this Rule, each investigation of a Louisiana State Police Trooper which is conducted under the provisions of this rule shall be completed within sixty days of the date the investigation was initiated.</p> <p>(b) The appointing authority or his designee may petition the State Police Commission, or its Executive Director, for an extension of the time within which to complete the investigation. The executive Director shall have the authority to grant up to one fifteen (15) calendar day extension without the necessity</p> |

| Current Rule | Proposed Rule |
|--|--|
| <p>of a hearing but the Trooper shall be notified of the request for extension of time.</p> <p>(c) The State Police Commission shall have the authority to grant up to a sixty (60) day extension, in addition to that set forth in subparagraph (b) above, upon a showing of good cause at a hearing conducted by the Commission. The Commission shall set the matter for hearing and shall provide notice of the hearing to the Louisiana State Police Trooper who is under investigation. The Louisiana State Police Trooper who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. Any hearing conducted regarding this Rule may be conducted either by the full Commission or a referee and may be conducted in person or by telephone or other electronic means, as deemed necessary and appropriate by the Commission.</p> <p>(d) Nothing contained in this Paragraph shall be construed to prohibit the Louisiana State Police Trooper under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty (60) days.</p> <p>(e) The investigation shall be considered complete upon determination of the appointing</p> | <p>of a hearing but the Trooper shall be notified of the request for extension of time.</p> <p>(c) The State Police Commission shall have the authority to grant up to a sixty (60) day extension, in addition to that set forth in subparagraph (b) above, upon a showing of good cause at a hearing conducted by the Commission. The Commission shall set the matter for hearing and shall provide notice of the hearing to the Louisiana State Police Trooper who is under investigation. The Louisiana State Police Trooper who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. Any hearing conducted regarding this Rule may be conducted either by the full Commission or a referee and may be conducted in person or by telephone or other electronic means, as deemed necessary and appropriate by the Commission.</p> <p>(d) Nothing contained in this Paragraph shall be construed to prohibit the Louisiana State Police Trooper under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty (60) days.</p> <p>(e) The investigation shall be considered complete upon determination of the appointing</p> |

| Current Rule | Proposed Rule |
|---|---|
| <p>authority to institute disciplinary action against the Louisiana State Trooper or a determination of an exonerated, unfounded or not-sustained complaint.</p> <p>(f) Written notice shall be given to the Trooper within seven (7) calendar days from the completion of the investigation, as described in (e) above, that the investigation is complete, the findings of the investigation (Sustained, Not Sustained, Exonerated or Unfounded), the proposed discipline and that the pre-deprivation notice required by Rule 12.8 shall be given within 45 calendar days.</p> <p>(g) Nothing in this paragraph shall limit an investigation of alleged criminal activity.</p> <p>(h) The investigation of criminal activity may suspend the sixty (60) day period for completing the administrative investigation.</p> <p>(i) If the Appointing Authority or his designee requires an extension of time within which to complete the investigation or if an extension of time is jointly requested, and the Trooper has been placed on leave pending investigation under Rule 12.4, the Trooper shall be continued on paid administrative leave pending investigation until the completion of the investigation</p> | <p>authority to institute disciplinary action against the Louisiana State Trooper or a determination of an exonerated, unfounded or not-sustained complaint.</p> <p>(f) Written notice shall be given to the Trooper within seven (7) calendar days from the completion of the investigation, as described in (e) above, that the investigation is complete, the findings of the investigation (Sustained, Not Sustained, Exonerated or Unfounded), the proposed discipline and that the pre-deprivation notice required by Rule 12.8 12.7 shall be given within 45 calendar days.</p> <p>(g) Nothing in this paragraph shall limit an investigation of alleged criminal activity.</p> <p>(h) The investigation of criminal activity may suspend the sixty (60) day period for completing the administrative investigation.</p> <p>(i) If the Appointing Authority or his designee requires an extension of time within which to complete the investigation or if an extension of time is jointly requested, and the Trooper has been placed on leave pending investigation under Rule 12.4, the Trooper shall be continued on paid administrative leave pending investigation until the completion of the investigation</p> |

| Current Rule | Proposed Rule |
|--|--|
| if the Appointing Authority finds that continued leave is warranted under Rule 12.4. | if the Appointing Authority finds that continued leave is warranted under Rule 12.4. |

Questions pertaining to information in this General Circular should be addressed to my attention at Jason.Hannaman@La.gov or via telephone at (225) 925-7057.

s/Jason Hannaman, PHR, SHRM-CP
Executive Director