



State Police Commission

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John Bel Edwards
Governor

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Executive Director

General Circular No. 206

Date: March 24, 2020

Subject: Adoption of Emergency Rules Regarding COVID-19

At an emergency business meeting of the State Police Commission held on March 24, 2020, the Commission adopted the following chapter on an emergency basis:

Chapter 21 Emergency Rules

Response to Coronavirus Disease 2019 ("COVID-19")

The emergency rules in this chapter are prompted by the COVID-19 pandemic declaration of emergency in the State of Louisiana. The appointing authority is encouraged to consider telework for employees, as practical.

21.1 Sick Leave Expansion

The appointing authority may grant sick leave for the following reasons:

- a) To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
- b) To care for a dependent child residing in his household due to a school closure related to COVID-19; or
- c) To an employee with high-risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

21.2 Special Paid Leave

- a) After an employee has exhausted all sick, compensatory and annual leave, the appointing authority may grant the employee special leave under Rule 11.23(d) for the following reasons:

1. To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
2. To care for a dependent child residing in his household due to a school closure related to COVID-19;
3. To care for himself due to a positive diagnosis of COVID-19; or
4. To allow for an employee with high risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

b) The appointing authority is authorized to grant special leave out of an abundance of caution and in the best interest of the agency for situations related to COVID-19 not otherwise addressed herein.

21.3 Required Sick Leave

The appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave but presents for duty displaying symptoms associated with COVID-19 including fever, cough and/or shortness of breath or was potentially exposed to COVID-19 even though the employee has not been presumptively or positively diagnosed with the coronavirus. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after personally examining the employee, certifies that he is capable of performing the essential functions of his position without posing a risk of harm to himself or others. If the employee is diagnosed with COVID-19, the provisions of Rule 21.2(a)3 apply; otherwise, regular sick leave rules under Chapter 11 shall apply.

21.4 Limitation of State Police Commission Rule 12.10

For the effective period of this emergency rule of this Chapter, the appointing authority shall not non-disciplinarily remove an employee for exhaustion of sick leave related to COVID-19.

21.5 Overtime Pay Expansion

For the duration of this Chapter, state overtime performed by both exempt and non-exempt employees related to the COVID-19 pandemic may be paid at the time and one-half rate.

21.6 Delegation of Authority to Director

- a) Because guidance from healthcare authorities and government officials is constantly changing due to the fluidity of the COVID-19 situation, the authority granted to the Executive Director in State Police Commission Rule 3.1(k) is expanded to allow the Executive Director to act between meetings on non-routine matters requiring Commission approval including, but not limited to, work schedules, leave, compensation and staffing matters of an urgent nature related to COVID-19. Such authority includes, but is not limited to, authority to promulgate emergency rules to address these matters.
- b) In the event the Executive Director acts under this authority, the Executive Director shall notify commissioners of his action electronically. The action shall be reviewed at the next meeting of the Commission.

21.7 Suspension of Deadlines

All deadlines imposed by the State Police Commission Rules are suspended for forty-five calendar days effective retroactively to March 13, 2020, unless such suspension is extended by the Commission or the Executive Director. This provision does not apply to deadlines imposed by the Constitution, including the 30-day period for appealing the Commission's decision to the Court of Appeal.

21.8 Special Meeting Rules

During the COVID-19 pandemic declaration of emergency in the State of Louisiana and in the absence of ability to otherwise establish a quorum, as certified and posted with the meeting agenda, 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 pandemic may attend and participate in the meeting via electronic means. Except for executive session, deliberations involving Commission members participating electronically must be conducted in such a manner that all members and the public can hear.

21.9 Supporting Documentation

The Appointing Authority may require appropriate documentation to establish a need for leave as set forth in Rules 21.1 and 21.2.

21.10 Duration of Chapter

This Chapter is effective retroactively from March 13, 2020. The provisions of Rule 21.1(b) and 21.2(a)2 shall expire at 12:01 a.m. on April 13, 2020 unless extended by the Commission or the Director. The remaining provisions of this Chapter expire upon Order of the Commission or in 120 days, whichever comes first.