

# SCOTT MUNICIPAL POLICE CIVIL SERVICE BOARD RULES

## RULE I

### MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, herein after referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Scott Police Department, 445 Lions Club Road, in the Patrol Room.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Two members of the board must be present to constitute a quorum of the board. Concurring votes of two members are necessary for decision of all matters before the board.

## RULE II

### SUBJECT MATTER OF MEETINGS:

- SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.
- SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

**RULE III****ORDER OF BUSINESS:**

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

**RULE IV****EXECUTIVE SESSIONS:**

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions will be conducted ***only*** upon return to public meeting.

**RULE V****APPLICATION FOR APPEALS AND HEARINGS:**

SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Act may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15)

days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

## **RULE VI**

### **PROCEDURE ON APPEALS: (Revised Statute 33:2561)**

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee comparable to that currently being charged by the Lafayette Parish Sheriff's Department will be required for any additional subpoena requested after the first four (4).

SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

## **RULE VII**

### **DISMISSAL OF APPEALS:**

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such

evidence as may be adduced at the hearing.

### **RULE VIII**

#### **TRANSCRIPTS OF HEARINGS:**

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

### **RULE IX**

#### **OTHER HEARINGS:**

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Act in general.

### **RULE X**

#### **APPLICATION FOR ADMISSION TO TEST:**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the

classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When the State Examiner furnishes results of any examination to the board, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

## **RULE XI**

### **DISTRIBUTION OF BOARD RULES:**

SECTION 1: One copy of the board rules shall be distributed to each board member, one copy to the governing body, one copy to the Police Chief, and one copy posted on the police station bulletin board.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

## **RULE XII**

### **LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:**

#### **SECTION 1: LEAVES OF ABSENCE**

A. Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay  
Absence without leave and pay (AWOL) occurs when an employee does not receive permission to take time off and is in a non-approved and non-pay status. Any employee who is absent without leave and pay shall be subject to disciplinary action, up to and including termination.

B. Sick leave:

1. Each full-time employee of the classified service whose normal work day totals **8** hours per day, shall accrue sick leave at the rate of **4** hours per month of service.
2. Each full-time employee of the classified service, whose normal work day totals **12** hours per shift, shall accrue sick leave at the rate of **6** hours per month of service.
3. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action, which

could include termination. The Appointing Authority is encouraged to establish written policies necessary to monitor sick leave and to prevent abuse of this benefit, which may include but not limited to the following: notification prior to duty when calling in sick, situations when doctor's excuses are required, and employee's conduct while on sick leave.

4. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

C. Funeral Leave

1. An employee's immediate family is defined to consist of parents, spouses, brother or sister, grandparents, children, step-children, and current in-laws.
2. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed three (3) days, except in extenuating circumstances endorsed by the employee's chief.
3. Funeral leave is authorized for the specific purpose of attending the funeral of the deceased family member.
4. The Appointing Authority is encouraged to establish written policies necessary to monitor funeral leave and to prevent abuse of this benefit, which may include notification prior to duty.

D. Examinations

1. Each employee of the classified service shall be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.

E. Civil Leave

1. Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

## F. Mayor's City, District Court, or Civil Service Board Attendance

1. Attendance in mayor's, city or district court, on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance in court on departmental business, on his/her off time, such time shall be compensated at his/her normal rate of pay or the time will be adjusted.
2. Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance.
3. Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board.

## G. Military Leave with Pay

1. An employee shall be authorized to take leave without loss of pay, time, or annual leave on all days during which they are ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days, as provided by Louisiana Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

## H. Military Leave without Pay

1. Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the employee have used all leave to which he is entitled (in Section G), he shall be granted military leave without pay.

2. Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.
3. Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.
4. After a period of service of one hundred eighty-one (181) days or more, the employee must submit an application for re-employment no later than ninety (90) days after completion of the period of service.
5. Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

I. Annual Leave

1. Each full-time employee of the classified service shall accrue vacation leave as indicated below:

**SHIFT EMPLOYEES**

| <b>YEARS OF SERVICE</b> | <b>HOURS</b> |
|-------------------------|--------------|
| One (1) year            | 60           |
| Two (2) years           | 120          |
| Eight (8) years         | 180          |
| Fifteen (15) years      | 240          |
| Twenty five (25) years  | 300          |

**ADMINISTRATIVE EMPLOYEES**

| <b>YEARS OF SERVICE</b> | <b>HOURS</b> |
|-------------------------|--------------|
| One (1) year            | 40           |
| Two (2) years           | 80           |
| Eight (8) years         | 120          |
| Fifteen (15) years      | 160          |
| Twenty five (25) years  | 200          |



2. Consistent with the effective operation of the department in which an employee works, an employee may take annual leave at any time during the calendar year in which their anniversary falls, except during the first full year of employment. One full year of service must be completed before an employee is eligible for annual leave.
3. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2557.

J. Special Leave - Seniority

1. If an employee has exhausted all annual leave, he/she may apply and be granted special leave without pay up to (30) days by the appointing authority when such leave would *be in the departmental interest*. Any special leave, with or without pay, exceeding thirty (30) days must first be approved by the civil service board and if approval is granted, the board will determine, at that time, if departmental seniority is to be interrupted or continued.

K. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at *Level III or above* in the American Red Cross Regulations and Procedures.
2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

L. Administrative Leave - With Pay

1. The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days when circumstances develop that would warrant the removal of an employee from the department, without disadvantage, in order for the appointing authority to conduct an investigation concerning the conduct of the

employee or as may be otherwise required under department policies and procedures. This period may not be extended beyond sixty (60) days except as may be provided under R.S. 40:2531.1. B. (7). At the end of the sixty (60) day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first, administrative leave shall be terminated.

M. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to be absent without leave and pay and shall be subject to disciplinary action, up to and including termination.