

**WESTWEGO MUNICIPAL FIRE AND  
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. The board shall post notice of such meetings at the beginning of each calendar year. The notice shall state the date, time, and place of each quarterly meeting. The board may reschedule these quarterly meetings and may change the location of the meeting as provided in Sections 3 and 4 of Rule I. The board shall hold such special meetings as may be called by the chairperson or as provided Revised Statute 33:2531, et seq.

SECTION 2: Unless otherwise provided in the notice for such meetings shall be held at the Westwego Fire Station located at 1000 Fourth St., Westwego, Louisiana.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the Westwego Fire Station 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. Notification of board meetings shall also be posted on the board's website, if the board has a website.

Each item on the agenda shall be listed separately and with reasonable specificity. Also, in accordance with R.S. 42:19, the agenda shall not be revised less than twenty-four hours preceding a board meeting. Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in

accordance with R.S. 42:14.

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 Act 282.

SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by R.S. 42:16 and R.S. 42:17.

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: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

SECTION 8: The chairperson shall vote on all matters before the board except in situations when he/she is required to recuse himself/herself as provided in R.S. 33:2561(D) and in accordance with the Louisiana Code of Ethics. The vice-chairperson shall act in the absence of the chairperson and shall be authorized to sign all board documents, as necessary.

SECTION 9: The board secretary or another person designated for the purpose by the board chairperson, shall keep written minutes of all open meetings. The minutes shall include but shall not be limited to the date, time, and place of the meeting; the members recorded as either present or absent; a record of officials, attorneys, and others present; the substance of all matters decided by the board; a record of all motions and votes; and any other information that any member, the State Examiner, and others request to be discussed at the meeting and included in the minutes.

## **RULE II**

### **SUBJECT MATTER OF BUSINESS**

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 upon unanimous approval of the members present at the meeting, other matters may be considered.

### **RULE III**

#### **ORDER OF BUSINESS**

SECTION 1: At regular and special meetings the order of business may be as follows:

1. Call to Order
2. Roll call of members present
3. Adoption of the agenda
4. Reading and approval of the minutes of previous meetings
5. Unfinished Business
6. New Business
7. Executive Sessions
8. Announcements
9. Adjournment

### **RULE IV**

#### **EXECUTIVE SESSIONS**

SECTION 1: In accordance with R.S. 42:16, the board may meet in executive session during regular or special meetings, by two-thirds vote of those present in order to discuss those matters which are exceptions to open meetings as provided in R.S. 42:17. Any voting on matters discussed in executive sessions shall be conducted only upon return to the public meeting.

The board may go into executive session to discuss an employee's character, professional competence, or physical or mental health only if such employee was notified in writing of the executive session discussion at least twenty-four (24) hours before the meeting, and such employee may request that the discussion be held in an open 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 Law 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 Sect. 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 request 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 and a copy thereof filed with the vice-chairperson of the board.

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**

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 shall be on the appointing authority except in those cases where, (1) an employee is alleging that he was not given a fair opportunity to prove his abilities in his position after the appointing authority has failed him in his working test period as provided for in R.S. 33:2555 and, (2) 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. In appeal hearings against disciplinary action, 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 shall, on request of any party or on its own motion, sequester witnesses and thus exclude them from the hearing room. The board may instruct witnesses to cease all discussions of the matter that is before the board.

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 fifteen (15) calendar days before the date fixed for the hearing. The request for a subpoena of a witness shall contain the name of the witness, the street address at which the witness may be served, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena. The request for a subpoena for books or papers shall contain a description of the items to be produced in sufficient detail for

identification, the name of the custodian of such records, the street address of the custodian, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena.

Each board member shall have the power to subpoena witnesses and compel the production of books and papers without compensation. The board may serve such subpoenas in any manner it deems appropriate. The board may hire an outside entity to serve subpoenas and the cost shall be billable to the City of Baker.

A subpoena service fee shall be required for each subpoena requested that must be served outside the area covered by the Westwego Police Department in order to cover all cost incurred per subpoena. Any party may request an estimate of the subpoena fees from the civil service board prior to requesting the subpoena. The subpoena fee shall be submitted to the board at the time of the request for the subpoena. The fee shall be paid in the form of a cashier's check or money order payable to the City of Westwego. If the subpoena fee is not provided to the board, the board shall not consider the subpoena request.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Act 282 will be the basis of all hearings and appeals.

#### **RULE VII**

#### **DISMISSAL AND CONTINUATION OF APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS CONDUCTED BY THE BOARD**

SECTION 1: Requests to reschedule appeal hearings against disciplinary action and other hearings and investigations shall be made in writing and submitted to the board secretary. The secretary shall immediately report such requests to the board chairperson and place requests on the agenda for the next meeting. The board shall act on such requests as it determines to be for cause and in the public interest under the circumstances.

SECTION 2: If the appellant or his/her attorney request the

continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2561, the board may require a stipulation of the employee receiving no back pay after the original date set for the hearing.

SECTION 3: If the appellant fails to appear at the place and time fixed for any hearing, his/her appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance evidence as may be adduced at the hearing.

SECTION 4: If, at the appointed time for a hearing, the board does not have a quorum present, or finds other cause for not proceeding at that time, the hearing shall be rescheduled. If an appeal or other hearing is not completed at one meeting, the hearing shall be continued at another meeting. The board shall notify all pertinent parties of the rescheduled hearing date.

### **RULE VIII**

#### **TRANSCRIPTS OF HEARINGS**

SECTION 1: The board shall not be required to have the testimony of a hearing or investigation by the board taken and transcribed. If any party to the hearing desires a permanent transcript of any hearing, the party shall furnish a court reporter for said purpose at the party's own expense. The party furnishing a court reporter shall be responsible for payment to the court reporter. If a party defaults on payment, and that party is a classified employee, he/she shall be subject to disciplinary action.

Where a court reporter is furnished and the transcript is transcribed, 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. This shall be issued within thirty (30) days. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board shall issue a written finding of fact. Any party may

request a copy of the minutes of the hearing, and, if digitally recorded, a copy of the recording.

#### **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 Law in general.

#### **RULE X**

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

SECTION 1: Test for entry upon promotion 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: Competitive employment lists shall be maintained by the board for eighteen (18) months. Promotional employment lists shall be maintained by the board for forty-eight (48) months.

SECTION 4: Admission to tests shall be governed by provisions of Sect. 2553 of the Civil Service Act.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment list 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, governing body one copy, Police Chief and Fire Chief one copy, and police and fire bulletin boards one copy.

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 -- Police and Fire

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 employee of the classified fire and police service shall earn sick leave as follows:
  - a. Employees after completing ninety (90) days but having less than one year of

continuous employment may receive two (2) weeks pay for major illness. A major illness is defined as one requiring hospitalization. New employees must be in the employ of the city for ninety (90) days continuous employment in order to qualify for illness benefits, other than workmen compensation.

- b. Employees with more than one year of continuous employment may receive four (4) weeks pay (20 days) for a major illness per calendar year. A major illness is defined as one requiring hospitalization.
  - c. Employees shall receive five (5) minor illness sick days per calendar year. Available sick leave days for a minor illness in any calendar year shall be equal to accumulated sick leave in existence on December 31<sup>st</sup> of the prior year with a maximum of twenty (20) days, together with five (5) days of minor sick leave acquired in the current year. Unused minor illness sick days shall be payable upon termination.
- 2.
- a. Each employee of the fire and police classified service that sustains a job related injury or illness, and is receiving Worker's Compensation, shall be entitled to receive full pay in exchange for the Worker's Compensation benefit. The duration of this benefit will be equal to the amount of sick leave that was available to the employee at the time he became eligible for Worker's Compensation.
  - b. An employee of the fire and police classified service who sustains an injury or illness not brought as a result of the employees' own negligence or culpable indiscretion that causes the employee the inability to perform his duties may be granted sick leave in addition to his/her remaining annual accumulated sick leave, not to exceed fifty-two (52) weeks. If

the appointing authority denies an employee sick leave for injury or illness the employee may appeal the decision to the civil service board.

3. Sick leave may not be used for absences incurred because of attendance of 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.
4. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform the duties of the position as assigned by the appointing authority.

C. Funeral Leave

1. An employee's immediate family is defined to consist of the employee's parents, spouse, brother or sister, grandparents, children, grandchildren, mother-in-law, father-in-law, daughter-in-law, son-in-law.
2. Funeral leave in the event of the death of an employee's immediate family member shall be authorized without loss of pay or leave time not to exceed two (2) calendar days.
3. Funeral leave shall be authorized for the day before the funeral and the day of the funeral of the deceased family member.
4. Employees shall not be required to use their funeral leave on days that they are not scheduled to work.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any municipal fire and police civil service examination to which he/she has been approved for admission by the Westwego Municipal Fire and Police Civil Service

Board.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police service examination for the class that they hold provisionally.

E. Civil Leave

Each employee of the classified service shall be granted leave of absence with pay when ordered to jury duty. If an employee is subpoenaed as a witness in any court proceeding, civil service hearing, or in proceedings of other duly authorized public body, such classified employee shall be granted leave of absence with pay for any period of time his presence and availability is demanded. If an employee is subpoenaed for departmental business while on duty, employee will be allowed time away from his assigned duties in accordance with departmental policies. Civil leave of absence with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

F. Civil Service Board Attendance

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

An employee shall be authorized to take leave without loss of pay from the City of Westwego, time, annual leave, or efficiency rating on all days during which he/she is 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, the Coast Guard Reserve or the Civil

Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one calendar year, as provided by Louisiana Revised Statute 42:394.

H. Military Leave without Pay

Any member of the classified service who is called into 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/she shall be granted military leave without pay until he returns to duty.

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.

An employee serving in a provisional appointment who is not a regular and permanent employee shall not be granted military leave without pay. He/she shall be required to resign or be separated from the service.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and this leave is classified as "leave of absence without pay".

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay".

J. Annual Leave - Fire and Police

1. Each full time employee of the classified fire service shall be entitled to annual leave with full pay after having served one (1) year with the Westwego Fire Department in accordance with the following chart.

<b>FIRE DEPARTMENT EMPLOYEES</b>	
<b>YEARS OF SERVICE</b>	<b>HOURS OF LEAVE</b>
1 to 9 years	144 hours
10 years	152 hours
11 years	160 hours
12 years	168 hours
13 years	176 hours
14 years	184 hours
15 years	192 hours
16 years	200 hours
17 years	208 hours
18 years	216 hours
19 years	224 hours
20 years	232 hours
21 years and more	240 hours

2. Each full time employee of the classified police service shall be entitled to annual leave with full pay after having served one (1) year with the Westwego Police Department in accordance with the following chart.

(continued on the next page)

<b>POLICE DEPARTMENT EMPLOYEES</b>	
<b>YEARS OF SERVICE</b>	<b>HOURS OF</b>
1 to 9 years	120 hours
10 years	128 hours
11 years	136 hours
12 years	144 hours
13 years	152 hours
14 years	160 hours
15 years	168 hours
16 years	176 hours
17 years	184 hours
18 years	192 hours
19 years	200 hours
20 years	208 hours

3. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
4. The vacation privileges herein provided for shall not be forfeited by any member of the fire or police department for any cause.
5. 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.

K. Special Leave

Special leave of absence, with or without pay, may be granted by the appointing authority for a period not to exceed one (1) calendar year where such leave is determined to be in the departmental interest. Notification of the board shall not be required for special leave with pay for a period not to exceed

thirty (30) consecutive days. Where special leave of absence may be granted with or without pay for a period greater than thirty (30) consecutive days, the board shall be notified in writing of the complete reasons therefor at least thirty (30) days prior to the effective date of the leave of absence. In the event that special leave of absence without pay may be granted for more than thirty (30) consecutive days, the board shall determine whether departmental seniority is to be interrupted or continued.

Before beginning special leave, the employee shall be required to first exhaust all accumulated annual and compensatory leave. Such leave shall not be granted in lieu of military leave or other leave of absence, as otherwise provided in these rules. However, special leave of absence may be applied in emergency situations in which employees may be called to serve in a non-military capacity in relation to national defense and homeland security. Under no circumstances shall such special leave be granted for the purpose of engaging in other employment.

L. 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.

M. Family Medical Leave (Public Law 103-3)

1. Notwithstanding the provisions of Subsection 2.b. (Military FMLA Leave):
  - a. Eligibility for Family Medical Leave shall be extended to classified employees of the fire and police service who have worked a total of 12 months during which a total of 1,250 hours of work have been completed.
  - b. A classified employee who is a returning uniformed service member protected under the USERRA shall be eligible if, but for his or her military service, the employee would have worked a total of 12 months during which 1,250 hours of work would have been completed.
2. a. Regular FMLA Leave - Employees of the classified service shall be eligible for up to twelve (12) workweeks of unpaid leave due to:
  - i. birth and care of eligible employee's child;
  - ii. placement for adoption or foster care of a child with the employee;
  - iii. care of an immediate family member (spouse, child, parent) who has a serious health condition;
  - iv. care of the employee's own serious health condition;
  - v. because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is covered member on active duty or has been notified of an impending call or order to active duty, in support of contingency operation, or;
  - vi. other reasons provided in Public Law 103-3.

Not more than twelve (12) weeks of the combined total may be for applied to regular FMLA leave during the single twelve-month period.

- b. Military FMLA Leave - Employees of the classified service shall be eligible for up to twenty-six (26) workweeks of unpaid leave in order to care for a covered service member with a serious injury or illness, as provided in Public Law 103-3. Such service member shall be defined as:
- i. a member of the armed forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
  - ii. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the armed forces (including the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The combined total of military FMLA leave and regular FMLA leave shall not exceed twenty-six (26) weeks during a single twelve-month period.

3. Spouses employed by the same department shall be limited in the amount of FMLA leave to a combined total of twelve (12) weeks of regular FMLA leave or twenty-six (26) weeks of military FMLA for the following reasons:
- a. the birth and care of a newborn child
  - b. placement of a child for adoption or foster care
  - c. to care for a patient who has a serious

## health condition

4. Classified employees shall be required to first exhaust any or all compensatory time and any or all accumulated leave time before commencing FMLA leave.
5. FMLA leave, if granted, shall be served without credit for departmental seniority.

## N. Administrative Leave with pay

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 otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the civil service board, when circumstances warrant such extension. Administrative leave shall be terminated upon the employee being ordered to return to active duty or upon the appointing authority affecting disciplinary action, whichever occurs first.

## O. 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.

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