

**ALEXANDRIA 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, in the months of January, April, July, and October, on the second Wednesday of the month. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at 5:00 P.M. in Community Room at the Public Safety Facility located at 1000 Bolton Avenue or such other place as determined by the Board.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall, all fire and police office bulletin boards 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 chairman, or in his absence the vice-chairman, or as provided by Revised Statute 33:2471, and those that follow.

SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in 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: 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.

**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 shall 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 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 R.S. 33:2501 of Civil Service Law 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 Civil Service Law 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 33:2501)

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 of \$15.00 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 Revised Statute 33:2471 and those that follow 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 Law 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 R.S. 33:2492 of Civil Service Law. 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 after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: All applications (and attachments) to be filed with the Alexandria Municipal Fire and Police Civil Service Board, for consideration of admission to a competitive or promotional examination, shall be filed with the Secretary of the Alexandria Municipal Fire and Police Civil Service Board on or before the posted application deadline for the examination.

The filing referenced herein above can be perfected by personal delivery to the Secretary of the Alexandria Municipal Fire and Police Civil Service Board (applicant will be given a receipt), via U.S. Mail, or by facsimile transmission. If the filing is made by U.S. Mail, the application shall be deemed to have been timely filed if it is postmarked on or before midnight of the deadline for filing the application. An application perfected by facsimile transmission shall be deemed to have been timely filed if the time of faxing can be verified by electronic means. The original of any application which has been timely faxed filed with the board shall be delivered to the Secretary to the Board within five (5) calendar days, inclusive of legal holidays and weekends, from the time of the fax filing. Failure to deliver the original within the time allowed in this provision shall nullify timely filing of the facsimile transmission. All applications not received in accordance with these provisions shall be rejected by the board. Approved applicants will be notified at least five (5) calendar days in advance of the date fixed for the exam.

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 2493 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.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the employment and promotional list shall become effective upon signature of the chairperson and filing of same with the State Examiner.

### **RULE XI**

#### DISTRIBUTION OF BOARD RULES:

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.

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

B. Sick leave:

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not more than fifty - two (52) weeks for any sickness or incapacity not brought about by the employee's own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay

decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the before mentioned will be "Leave of Absence With Pay".

2. 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.
3. When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department not later than thirty (30) minutes prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay" and may result in disciplinary action.
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.
5. No cash payment may be made for accumulated sick leave except upon termination or retirement. Should any illness last longer than two (2) working shifts, the employee is required to submit a doctor's certificate indicating the illness or condition which justified the absence, as well as the probable duration of the illness. For failure to produce a doctor's certification for any illness over two (2) working shifts, the employee will be classified as "absent without leave and pay."



6. For the purpose of these rules, those employees of the classified service that have poor attendance records are defined as those that have called in sick, in excess of six (6) separate occasions since January 1st of each year. Employees of the classified service on sick leave for which a doctor's certificate has been submitted or due to injuries or illnesses related to their job shall not be construed nor counted in determining whether the employee has a poor attendance record.
7. Those employees of the classified service with poor attendance records will be required to obtain a doctor's certificate for each occurrence of absence for illness or injury until January 1st of each year at which time the employee of the classified service will be removed from the poor attendance status record.
8. On or before the third (3) working shift of a sick leave absence still in progress, an employee of the classified service shall submit a doctor's certificate to the Assistant Chief explaining the absence and the probable duration and time of return of work. The Assistant Chief will then notify the employee's commanding officer of the probable duration of the employee's absence.
9. No payment will be made for sick leave absences from which an employee of the classified services vacates or resigns his position unless a doctor's certificate is submitted for each day absent, prior to the separation.
10. An employee of the classified service on sick leave is required to notify his commander of his location of convalescence in order that the commander or other supervisor may call or visit the employee. Any employee of the classified service

shall remain at the reported location of convalescence during their tour of duty unless travel is required because of the injury or illness; i.e. doctor's appointment, filling prescription, filing of doctor's certificate. If the employee of the classified service is certified by a doctor as being unable to perform their duties of their classified position for a period exceeding three (3) working shifts or longer, this section shall not apply.

11. Any employee of the classified service that is absent for a period of at least thirty (30) consecutive calendar days must submit a doctor's certificate stating that they are unable to perform the duties of their classified position, the diagnosis, the prognosis, and the anticipated term of recovery. This doctor's certificate will be submitted each thirty (30) day period, commencing with the first day the employee of the classified service is out on sick leave.
12. In order to protect the privacy of the employee of the classified service with regards to medical information, the doctor's certificates and reports required may be delivered directly to the Assistant Chief and need not go through an immediate supervisor.
13. Sick leave abuse and/or falsification of records shall result in disciplinary action, up to and including termination of employment.

C. Funeral Leave

1. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed seventy-two (72) consecutive hours, except in extenuating circumstances endorsed by the employee's chief. Funeral leave is authorized for

the purpose of attending the funeral of the deceased family member.

2. An employee's immediate family is defined to consist of (step) mother, (step) father, grandparents, sister, brother, spouse, (step) child, grandchildren, mother-in-law, father-in-law, sister-in-law and brother-in-law.
3. If an employee of the classified service has a death in their immediate family and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department not later than thirty (30) minutes before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take Alexandria Municipal Fire and Police Civil Service Examination.

Provisional employees are granted "leave of absence with pay" to take an Alexandria Municipal Fire and Police Civil Service Examination for the class which they hold provisionally.

E. Civil Leave

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 authorized to take leave time 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. City, District Court or Civil Service Board Attendance

Attendance in city or district court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay. 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.

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 or as soon as practical under the circumstances.

Each departmental member of the civil service board shall be granted leaves of absence with pay for the duration of any civil service board meeting which the employee representative attends, which duration shall include reasonable time to travel to said meeting, or for any time required to conduct business specifically related to his or her position and duties as a member of the civil service board, including, but not limited to all time required to assist with civil service process.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days, as provided by 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 and this board, 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

Any regular and permanent member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee 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.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

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 individual have used all leave to which the employee is entitled (in Section G), then the employee shall be granted military leave without pay.

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" and the employee shall lose seniority for such days off.

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. The minimum annual leave for full-time classified Fire Department employees shall be in accordance with R.S. 33:1996.

A. The minimum vacation for Fire Department line personnel shall be nine (9) twenty-four (24) hour working shifts. A day shall be added for each year over ten (10) years of service. In the even number years of service, an employee will be granted an extra twenty-four (24) hour working shift off. In the odd number years of service, the Appointing Authority will determine which day of a working shift the employee shall be given. This practice shall continue until the employee reaches the maximum vacation of fifteen (15) twenty-four (24) hour working shifts off. An employee's scheduled days off are not to be counted as vacation days.

B. The minimum vacation for Fire Department personnel working other than twenty-four (24) hour shifts shall be eighteen (18) working days. A day shall be added for every year over ten (10) years of continuous, uninterrupted service until the maximum of thirty (30) working days off. An employee's scheduled days off are not to be counted as vacation days.

2. The annual leave for full-time classified Police Department employees shall be as follows:

A. All classified employees shall

complete one (1) year of service before annual leave will be granted.

- B. During each anniversary year following the first (1) through the ninth (9) anniversary of the employee's employment date, the employee shall be entitled to annual leave of one hundred eighty (180) working hours of annual leave.
- C. On the employee's tenth (10) anniversary date through the fourteenth (14) anniversary date the employee shall be entitled to two hundred sixteen (216) working hours of annual leave.
- D. On the employee's fifteenth (15) anniversary date through the nineteenth (19) anniversary date the employee shall be entitled to two hundred forty (240) working hours of annual leave.
- E. On the employee's twentieth (20) anniversary date and for each subsequent anniversary date the employee shall be entitled to two hundred sixty-four (264) working hours of annual leave.
- F. Each employee shall be allowed to accumulate up to five hundred twenty-eight (528) working hours of annual leave.
- G. Except as provided by state and federal law, any current classified employee, who has accumulated in excess of 528 working hours of annual leave, shall have until April 30, 2013, to use or lose forever the annual leave hours in excess of 528 hours. This subsection shall automatically expire, sunset, and terminate on May 1, 2013.

3. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2497.
4. No cash payments may be made in lieu of an annual leave except for reasons of retirement or termination of employment.
5. Annual leave privileges herein provided for shall not be forfeited by any classified employee for any cause, nor may any cash payment be made in lieu of annual leave, except as provided in Number 4.

K. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on not less than ten (10) holidays per year to be designated by the Appointing Authority in accordance with law.

Should a member of the classified service work assignment be such that the employee is scheduled to work on a holiday designated in accordance with this rule, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, the Appointing Authority, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

L. Special Leave - Seniority

Special leave without pay up to thirty (30) days may be granted 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.



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 from the departmental service on the calendar day following leave expiration and be subject to disciplinary action.

N. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

O. 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.

P. Leave without pay for Professional Improvement

Each employee of the classified service may be granted a "leave of absence without pay" in order to pursue a program of professional study and improvement with the goal of improvement of professional capability designed directly to improve the employee's skills and knowledge commensurate with the position they hold in the classified service.

Every person granted leave without pay for the purpose of professional improvement shall submit a written plan to the Board prior to the granting of leave outlining the program to be undertaken. No leave without pay for professional improvement should be granted by the Board until the proposed professional improvement plan is approved by the Board.

Each person granted leave without pay for professional improvement shall be prohibited from any form of employment or self-employment during the duration of the leave.

The Board hereby reserved the right to make a formal inquiry at any time during the leave, and request a written status report for the employee regarding any matter pertaining to the leave granted.

The application for leave without pay to pursue a course of professional improvement shall contain a statement, over the signature of the applicant, that

he agrees to comply with all of the provisions of this rule.

Any person who fails to comply with the provisions of this rule may have his leave terminated by the Board at any time, except where non-compliance is due to conditions which would have constituted sufficient grounds for failing to perform his duty had he been in the active service.

Q. Administrative Leave With Pay

1. The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days (for Fire Department employees) 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 not be extended beyond sixty (60) days except 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.
  
2. The appointing authority may grant administrative leave with pay for periods not to exceed seventy-five (75) days, inclusive of Saturdays, Sundays and legal holidays (for Police Department employees) 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 not be extended beyond seventy-five (75) days, inclusive of Saturdays, Sundays and legal holidays, except 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.

### **RULE XIII**

#### **PROCEDURE FOR CONDUCTING INVESTIGATION PURSUANT TO REQUEST FILED IN ACCORDANCE WITH LA. R.S. 33:2537, OR R.S. 33:2477**

##### **SECTION 1: PURPOSE/DEFINITION:**

###### **1.1 Purpose:**

This rule is adopted and promulgated in order to establish rules governing the conduct of investigations made pursuant to the request of any qualified elector of the state for the purpose of investigation of the conduct and performance of an employee in the classified service.

###### **1.2 Definition of Investigation:**

For purposes of this section, investigation shall be defined as a reasonable inquiry by the Board into any complaint made by a qualified individual in accordance with La. R.S. 33:2537, or R.S. 33:2477.

##### **SECTION II: INVESTIGATION PROCEDURES:**

- 2.1 It shall be the policy of this Civil Service Board to investigate allegations and complaints made in accordance with applicable statutory provisions through lawful investigatory techniques. The Board

shall be responsible for conducting the investigation in a lawful manner.

- 2.2 The Board shall be responsible for questioning the complainant, the employee made subject of the complaint, witnesses and whomever else the Board feels may have information which will be helpful to the investigation. The Board shall be responsible for collecting and preserving evidence. Members of the Board shall not intentionally take any actions which may jeopardize any further investigation of the matter.
- 2.3 Whenever a complaint is made in accordance with Louisiana law, the subjects(s) of the complaint shall be notified by certified letter or by letter hand delivered to the subject(s) from an authorized agent of the Board as soon as practical, but no later than twenty-four (24) hours prior to the calling of any meeting for purpose of instituting the requested investigation.
- 2.4 The questioning of witnesses shall be conducted by the Board or by any person appointed by the Board, including the Board's legal representative.
- 2.5 The questioning of any witness, complainant, or classified employee shall be recorded in full. The employee who is made the subject of the complaint shall not be prohibited from obtaining a copy of the recording and/or transcript of the recording of his own statement upon his written request to the Board. The employee making such request will be responsible for all cost incurred. However, should the investigation be held in executive session in accordance with Louisiana law and for purposes authorized by existing law regarding exceptions to the open meetings law then, and only in that event, the recording authorized herein above shall be prohibited.
- 2.6 Any classified employee made the subject of an investigation by institution of a complaint made in accordance with La. R.S. 33:2537, or R.S. 33:2477 shall be entitled to the presence of his counsel, representative, or both, at his questioning in connection with the investigation. The counsel or

representative is present in an advisory capacity and may not participate in the questioning process unless the Board deems such participation acceptable.

**SECTION III: SUBPOENA POWER OF THE BOARD:**

- 3.1 Each member of the Board shall have the same subpoena power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation as is processed by the district courts of the state of Louisiana in accordance with La. R.S. 33:2562 or La. R.S. 33:2502.
- 3.2 The Board shall take whatever lawful steps necessary to compel the production of books, papers, and other documents which it believes necessary to conduct an investigation into the allegations of the complaint.

**SECTION IV: CLASSIFICATION OF THE COMPLAINT UPON COMPLETION OF INVESTIGATION:**

- 4.1 Following the completion of a complaint investigation, the Board shall classify the case as one (1) of the following:
- a) Sustained - The allegation is supported by sufficient proof.
  - b) Not Sustained - The evidence is not sufficient to prove or disprove the allegations.
  - c) Unfounded - The allegation is false or otherwise not based upon valid facts.
  - d) Exonerated - The incident that occurred or complained of was lawful and proper.
  - e) Misconduct - Not based on the original complaint - The evidence supports action for infractions discovered during the investigation of the complaint that may be sustained.
- 4.2 The result of the investigation, as set forth herein above, shall be forwarded to the Mayor of the City of Alexandria and the Chief of Police or the Fire

Department to the complainant and to the employee who has been the subject of the investigation.

- 4.3 If the Board so chooses by majority vote, the Board may order action to be taken by the appointing authority as a result of the findings made by the Board pursuant to the investigation.

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