

**BATON ROUGE MUNICIPAL FIRE AND POLICE  
CIVIL SERVICE BOARD RULES**

**RULE I**

**MEETING OF THE BOARD**

SECTION 1: The board shall hold one regular monthly meeting. The board shall hold such special meetings as may be called by the chair or as provided in Revised Statute 33:2471, et seq.

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held in the Chambers of the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the East Baton Rouge Parish Governmental Building, 222 St. Louis Street, Baton Rouge, LA, 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.

Notice shall be mailed to the Chief of Police, Fire Chief, President of the Police Union, President of the Fire Union, and the Parish Attorney's Office. If notice is less than five days before the date fixed for the meeting, the Chief of Police, Fire Chief, President of the Police Union, President of the Fire Union, and the Parish Attorney's Office shall be notified by telephone of the date, time, and place of the meeting and furnished with the agenda via fax to the number provided by them to the Board.

SECTION 4: Special meetings of the board will be held only upon call of the chair, or in his absence the vice-chair, or as provided by Revised Statute 33:2471, et seq.

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, et seq.

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 unless the agenda is amended as provided by law.

**RULE III**

**ORDER OF BUSINESS**

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

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

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

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

**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 APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

SECTION 1: Any person authorized to appeal to the board under the provisions of civil service law may demand, in writing, a hearing and investigation by the board to determine the reasonableness of the action taken. The board encourages employees to submit such an appeal by giving a statement of the action complained against, the basis of the appeal, and the relief sought. All petitions for appeals and other hearings and investigations must be signed by the petitioner or applicant or his/her counsel, if any. All petitions must include the full name, preferred mailing address, phone number, and email address of the petitioner or appellant and of his/her counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: Written petitions for appeals to the board under the provisions of R.S. 33:2501 shall be made only by regular and permanent employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state.

Written petitions under the provisions of R.S. 33:2501 must be received by the board within fifteen (15) calendar days after the date the employee is notified of the discharge, corrective or disciplinary action. The fifteen (15) calendar day period shall begin the day after the employee is notified of the disciplinary action either verbally or in writing.

The board shall meet within thirty (30) calendar

days after receipt of the written petition for a hearing under the provisions of R.S. 33:2501. The board shall review the petition in order to determine if the request complies with the provisions of civil service law and to consider granting the appeal. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the hearing. Although not required by civil service law, the board shall also notify the employee's attorney, the appointing authority's attorney, and the fire or police chief.

SECTION 3: All other written petitions for hearings and investigations pursuant to civil service law not otherwise provided for under R.S. 33:2501 shall set forth the section of the civil service law under which the petition is brought. The board shall institute and conduct such hearings and investigations in accordance with civil service law and the Baton Rouge Municipal Fire and Police Civil Service Board Rules.

Written petitions showing just cause for hearings and investigations by the board as provided for in civil service law shall be granted at the first board meeting following receipt of the petition or at a special meeting as provided in Rule I, Section 4. Investigations conducted under the provisions of R.S. 33:2477 (4) and (5) shall be completed within sixty (60) calendar days of the board's receipt of the petition. Investigations into prohibited political activity pursuant to R.S. 33:2504(B) shall be completed by the board within thirty (30) days after receiving written charges for violations of R.S. 33:2504.

SECTION 4: The secretary of the board shall cause the date of filing of all hearings and investigations to be noted on each notice of the hearing and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

## **RULE VI**

### **PROCEDURES ON APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

SECTION 1: All hearings on appeals and investigations shall be open to the public except when the board goes into executive session as provided for in R.S. 42:16 and

R.S. 42:17. The board shall have complete charge of all hearings and investigations that come before the board, and may conduct them in any manner it deems advisable, without prejudice to any person or party thereto. The procedures followed shall be informal and not necessarily bound by the legalistic rules of evidence.

SECTION 2: In accordance with R.S. 33:2501.D, any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself/herself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any member of the board who is an immediate family member of the appealing employee shall recuse himself/herself from voting on any such decision. For purposes of this section, immediate family member shall mean any parent, child, sibling, or spouse.

If such recusal by a member of the board results in the inability of the board to reach a decision by the concurring votes of three members, the board shall be considered to have affirmed the action of the appointing authority.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by an attorney, the board shall be notified as soon as counsel is retained. Notification must provide the full name, preferred mailing address, phone number, and email address of the attorney. 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 4: Rulings on procedural matters shall normally be made by the board chairperson, and parties and attorneys appearing before the board shall not have the right to require a vote of the full board on particular procedural matters arising during the progress of a hearing. A vote of the full board shall be conducted on any matter at any time upon the motion of two members. In the event of a tie vote, the motion fails and the hearing shall proceed forthwith unless another motion is made.

SECTION 5: 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/she was not given a fair opportunity to prove his/her abilities in his/her position after the appointing authority has failed him/her in his/her working test period as provided for in R.S. 33:2495 and, (2) when the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 6: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

The party bearing the burden of proof shall be first to present evidence and testimony followed by the evidence and testimony of the other party.

SECTION 7: The board shall, on request of any party or on its own motion, place witnesses other than parties under the rule of sequestration and thus exclude them from the hearing room.

SECTION 8: Both parties shall be required to submit to the board and the other party, a list of prospective witnesses not less than fifteen (15) calendar days prior to the hearing date. The list shall include the name and address of each potential witness, and a general statement of the relevancy of the evidence to be adduced. Failure to provide the required information may result in that witness' testimony being refused by the board. If either party objects, the board shall not admit into evidence the testimony of any witness whose name does not appear on the witness list, unless the board finds good cause for the failure, or that there is no prejudice to the objecting party.

Testimony by such witnesses shall be for the board's determination of whether or not the appointing authority acted in good faith for cause. Requests for prospective witnesses on a witness list or subpoenas of witnesses in order to testify as to the character of either party shall not be approved. Excessive requests shall be restricted in number at the discretion of the board.

Any party desiring the issuance of a subpoena compelling the attendance of a witness or the

production of books or papers must apply for appropriate order, to the board, no less than fifteen (15) calendar days prior to the hearing date. 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, and the relevancy of the evidence to be adduced. 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 the relevancy of the evidence to be adduced.

A subpoena service fee shall be required for each subpoena requested after the first four (4) in order to cover all cost incurred per subpoena. Payment of any applicable service fees charged to the board for service by a local or parochial law enforcement agency of another jurisdiction shall be the responsibility of the party requesting the subpoena. Reasonable copy fees may also be assessed for the production of books or papers pursuant to such subpoenas. Payment shall be paid in the form of a money order or cashier's check payable to the City of Baton Rouge. Failure to pay the service fee prior to the hearing date shall result in that witness' testimony being refused by the board.

Section 9: All parties, or their attorneys, shall state their names and addresses for the record, and shall be permitted to give a brief preliminary statement.

Section 10: All persons who will offer testimony or make statements of fact during the hearing shall be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn shall be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

Section 11: An effort shall be made to complete the questioning of each witness by all parties before beginning the questioning of the next witness. However, the board's hearings may sometimes be expedited by a discussion type interrogation involving more than one witness at a time and this shall be permitted upon occasion within such limitations as the board may find necessary or desirable in a particular case.

- Section 12: Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.
- Section 13: Documentary evidence shall be filed with and marked for identification by the secretary of the board, or another person designated for the purpose by the board chairperson.
- Section 14: At the conclusion of the hearing or investigation and before any motions, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate.
- Section 15: In reviewing disciplinary action taken against an employee, the board shall determine if the disciplinary action was taken with good faith and just cause, and, if so, whether the punishment imposed is commensurate with the infraction. The board shall determine if the employee's conduct impaired the efficient operation of the department.

After the conclusion of the hearing or investigation, if the board finds that the action taken by the appointing authority was with good faith and just cause and the punishment imposed was commensurate with the infraction, the board shall affirm the action of the appointing authority.

If the board finds that the action taken by the appointing authority was with good faith and just cause but the punishment was not commensurate with the infraction, the board shall modify the action of the appointing authority to some other lesser punitive action that may be appropriate under the circumstances.

If the board finds that all of the disciplinary action taken was not with good faith and just cause, the board shall overturn the action of the appointing authority. The board shall order the immediate reinstatement of such individual in the office, place, position, or employment from which he/she was removed, suspended, demoted, or discharged. The reinstatement shall, if the board so provides, be retroactive and entitle him/her to his/her regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action.

If the board finds that the appointing authority violated any part of the Louisiana Fire Service Bill of Rights or the Rights of Law Enforcement Officer Under Investigation and the individual was not



afforded his/her due process in accordance with R.S. 33:2181.C or R.S. 40:2531.C the board shall declare the action to be an absolute nullity, and overturn the action taken by the appointing authority.

Section 16: In the case of a tie vote and no board member recused himself/herself under the provisions of R.S. 33:2501(D) and Section 2 of Rule VI, the board shall not have reached a decision. The board shall set a new date for the appeal hearing and rehear the case, allowing for any additional admissible evidence, and render a decision that would be appealable to the district court. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the new hearing. The board shall also notify the employee's attorney, the appointing authority's attorney, and the respective chief, but is not required by law.

Section 17: The decision of the board together with the board's written finding of fact, shall be certified in writing to the appointing authority for enforcement.

Section 18: Any employee and the appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of civil service law which is prejudicial to the employee or appointing authority. This appeal shall lie direct to the court of original and unlimited jurisdiction in civil suits of East Baton Rouge Parish. This appeal shall be taken by serving the board, within thirty (30) calendar days of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decisions, be filed with the designated court. The board shall, within ten (10) calendar days after the filing of the notice of appeal, make, certify and file the complete transcript, if available, with the designated court.

## **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. Such request shall state the reasons why the continuance is requested. 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 requests the continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2501, 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. If either the appointing authority or the appellant fails to appear at the place and time fixed for any hearing, the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance of 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.

Where a court reporter is furnished and the proceedings are 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. 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 recorded, a copy of the recording and shall be charged a reasonable fee for the copy requested in accordance with R.S. 44:32.C.

## **RULE IX**

### **ATTORNEY FEES**

Section 1: *When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501, and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed one thousand dollars in any one appeal.*

The employee may request such payment at the time he/she demands a hearing and investigation by the board to determine the reasonableness of the action taken.

## **RULE X**

### **APPLICATION FOR ADMISSION TO TESTS**

SECTION 1: Tests for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with R.S. 33:2492 of Civil Service Law. Tests for entrance upon competitive employment lists may be given as the needs of the service require as determined by the civil service board. Tests for entry upon promotional employment lists may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: Applications for admission to tests on board approved forms, shall be received only by those individuals designated by the board at any time before final date for receiving applications. Applications filed with persons other than those designated to receive them shall not be considered to have been filed with the board until submitted to

such designated persons. Individuals designated to receive applications shall forward such applications to the board secretary, which shall be kept as a permanent record of the board. The board shall reject all applications filed after the time fixed for closing date for receipt of applications as announced in the public notice of the tests. Approved applicants shall be notified at least five (5) calendar days in advance of the date fixed for the exam.

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 Revised Statute 33:2493 ~~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.

In the event that the board determines the need to waive the requirements for an examination, such waivers shall be incremental and extended to employees only as reasonably necessary to establish an eligibility list.

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: A classified employee who was unable to apply for and/or missed a promotional examination due to his/her placement on military leave with or without pay may apply for such examination upon his/her return. It is the employee's responsibility to contact the board in order to determine if he/she missed a promotional examination.

In order to be eligible for admission to a promotional examination, the employee must have been on military leave during the entire thirty (30) day posting period for the examination. The employee must have met all the qualification requirements for the examination as posted by the board and would have been approved for admission to the examination if he/she had not been on military leave. Or, if the employee had submitted an application and was approved to be admitted to the examination, he/she

must have been on military leave on the date of the examination.

If the employee did not have an opportunity to submit an application, the employee shall submit his/her application and all required attachments to the board within thirty (30) calendar days following his/her return to duty with his/her respective department. If the employee had submitted an application and was approved to be admitted to an examination and was on military leave on the date of the examination, the employee must submit a request to take the examination within thirty (30) calendar days following his/her return to duty with his/her respective department.

When the board receives an application for admission to an examination or a request to take an examination from an employee who was on military leave it shall review such at its next regular meeting. If the application or request is approved, the board shall contact the Office of State Examiner in order that the examination may be scheduled. Such examinations shall be administered by the Office of State Examiner at their Baton Rouge office. The board shall notify the employee at least five (5) calendar days in advance of the date fixed for the exam.

SECTION 6: When the results of any examination are furnished to the board by the Office of State Examiner for approval, the board shall consider such approval at its next regular meeting. However, the board chairman shall call a special meeting within fifteen (15) calendar days for consideration of approval of the results of any examination needed for a vacancy that has been filled by a provisional appointment. Employment lists shall become effective upon approval of and by a majority vote of the board. The board shall file a copy of the approved grades with the Office of State Examiner which shall include the signature of the chairperson and the date of the board's approval.

## **RULE XI**

### **DISTRIBUTION OF BOARD RULES**

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body, Police Chief, Fire Chief, Police Union, Fire Union, and shall be posted on the bulletin boards of all precincts, stations, headquarters and all other facilities of

the police and fire departments.

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:

- A. Leaves of absence, including but not limited to sick leave; funeral leave; jury duty; city, district court, or civil service board attendance; military leave with pay; military leave without pay; annual leave; and holidays; and will be governed by the provisions of Louisiana Law, as they may be amended from time to time, and the provisions of any collective bargaining agreement the City of Baton Rouge and the collective bargaining representatives of the employees of the Baton Rouge Police Department and the Baton Rouge Fire Department.

Members of the classified service who have been elected pursuant to Louisiana law to serve as members of the Board shall be allowed leaves of absence with pay to attend all duties they have by virtue of their election of the Board, including but not limited to attendance at Board regular and special meetings.

- B. Examination

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.

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

- C. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained 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.

**RULE XIII  
FAMILY/MEDICAL LEAVE POLICY**

**Section 1. FAMILY/MEDICAL LEAVE**

An eligible employee shall be entitled to a total of twelve (12) workweeks of leave during any calendar year for one or more of the following:

- A. because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- B. because of the placement of a son or daughter with the employee for adoption or foster care.
- C. in order to care for the employee's "immediate family" with a "serious health condition" or in order to care for the employee's "extended family" member of the employee if the employee is the party responsible for the day to day care.
- D. because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

For implementation purposes, all employees will receive a balance of twelve workweeks to be used prior to December 31, 1993, and each year a total of twelve workweeks will be provided to the employee commencing on January 1st of each year and terminating December 31st of each year.

**SECTION 2. SPECIAL PROVISIONS**

The entitlement to leave under Section 1 (A) and (B) above shall expire at the end of the twelve (12) month period beginning on the

date of such birth or placement. Leave under Section 1 © and (D) above may be taken intermittently or on a reduced leave schedule when medically necessary.

Family/medical leave shall be taken and/or exhausted in proportion to the eligible employee's "workweek" and in accordance with the table set forth in Attachment 1.

### **SECTION 3. USE OF PAID LEAVE**

- A. An eligible employee may apply for and exhaust all accrued vacation leave, sick leave, or compensatory leave prior to taking leave without pay under Section 1, Subsections (A), (B) and ©. If paid leave is to be used it must be requested on his or her Family/Medical Leave Request Form.
- B. Any vacation leave, sick leave in excess of a "workweek," or compensatory time exhausted in accordance with Section A above shall reduce the amount of family/medical leave available to an employee as well as the applicable leave balance.
- C. Leave requested under Section 1, Subsection (D) shall not be considered Family/Medical Leave unless all of the employees' paid leave available in accordance with departmental policies and state laws is exhausted. At such time, Family/Medical Leave without pay will be available to the employee in accordance with these rules.

### **SECTION 4. REQUEST FORM**

An eligible employee shall complete a FAMILY/MEDICAL LEAVE REQUEST FORM stating the reason for said request. If possible, the request form shall be completed thirty (30) days in advance for an eligible employee who is requesting leave under Section 1 (A) or (B) or under Section 1 © or (D) if the leave is based on planned medical treatment.

### **SECTION 5. CERTIFICATION AND RELEASE TO WORK**

- A. An eligible employee requesting or taking leave under Sections 1 © or (D) shall be required to provide a certification from the treating health care provider regarding the serious health condition, its duration, or the necessity for intermittent or reduced leave.
- B. Re-certification every thirty (30) days may also be required during the leave period. Additional recertification may be required for a shorter period of time with approval by the appointing authority.
- C. If the City has reason to doubt the validity of the certification provided by the treating health care provider, the City may require, at the City's expense, the opinion of a



second health care provider approved by the City and who is not employed on a regular basis by the City.

- D. In any case in which the second opinion differs from the initial opinion of the treating health care provider, the City may require, at the City's expense, the opinion of a third health care provider designed or approved jointly by the City and the eligible employee, which opinion shall be considered final and binding on all parties.
- E. A certification by a health care provider indicating that the employee is physically able to return to his or her duties may be required if the appointing authority deems necessary.

## **SECTION 6. HEALTH INSURANCE BENEFITS**

During family/medical leave the employer shall maintain coverage under its group health plan in the same manner as provided during employment for as long as the employee's contributions to the premium are received on a timely basis.

### **DEFINITIONS**

**"son" or "daughter"** shall mean a biological, adopted or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis.

**"spouse"** shall mean legal husband or wife under the laws of the State of Louisiana.

**"parent"** shall mean a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. The term does not include parents "in law."

**"in loco parentis"** shall mean a person who is responsible for day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**"immediate family"** shall mean an employee's son, daughter, spouse and parent (this includes a person standing in loco parentis as a parent, son or daughter).

**"extended family"** shall mean an employee's current mother-in-law or father-in-law, brother or sister, current brother-in-law or sister-in-law, grandmother, or grandfather, aunt or uncle.

**"serious health condition"** shall mean an illness, injury, impairment, or physical or mental condition that involves;

- a. any period of incapacity or treatment in connection with

or consequent to inpatient care in a hospital, hospice, or residential medical care facility;

- b. any period of incapacity requiring absence from work, school, or regular daily activities, of more than three calendar days, that also involved continuing treatment by or supervision of a health care provider; or
- c. continuing treatment by or under the supervision of a health care provider for a chronic or long-term condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

**"eligible employee"** shall mean an employee who has been employed for at least twelve (12) months and has at least one thousand, two hundred and fifty (1,250) hours of service with said employer during the previous twelve month period.

**"health care provider"** shall mean a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the State in which the doctor practices, or any other person determined by the Secretary to be capable of providing health care services.

**"workweek"** shall mean the normal average weekly scheduled hours of work.

**"certification"** shall mean the "Certification of Physician or Practitioner" provided by the U.S. Department of Labor or any similar certification deemed acceptable by the Administrator.

**SECTION 7.** Any leave granted pursuant to the provisions of this rule shall be deducted from the 52 weeks of sick leave provided to police officers and firefighters by Louisiana law.

**APPENDIX A**  
**POLICE DEPARTMENT**

YEARS OF SERVICE	ACCRUAL
1 - 3 years	8 HOURS
3 - 5 years	10 HOURS
5 - 10 years	12 HOURS
10 - 15 years	14 HOURS
15 +	16 HOURS - MAX

**APPENDIX B**

**FIRE DEPARTMENT**

A. Vacation allowances shall be earned under the following schedule.

<b>Years of Services</b>	<b>40 Hours/WK Employees 2080 HR/YR</b>	<b>42 Hours/WK Employees 2184 HR/YR</b>	<b>56 Hours/WK Employees 2912 HR/YR</b>
1-3	18 Days	18 Days	18 Days
3-5	18	18	18
5-10	18	19	20
10-14	21	22	26
14-15	22	22	26
15-17	24	25	34
17	25	25	34
18	26	26	34
19	27	27	34
20	28	28	34
21	29	29	34
22+	30	30	34

BR 01-15-51 05-26-94  
 Rev 08-15-51 03-16-95  
 01-24-56 05-18-95  
 06-05-56 05-21-98  
 08-09-57 11-19-98  
 02-24-60 07-15-99  
 11-20-62 08-17-00  
 06-09-65 09-21-00  
 05-01-79 10-15-15  
 10-21-93  
 12-16-93