

**RULES FOR
BAYOU CANE FIRE PROTECTION DISTRICT**

RULE I

MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, hereinafter referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Bayou Cane Central Station at 6166 West Main Street, Houma, LA 70360.
- SECTION 3: Notice of regular meetings shall be given by posting such notice 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 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. 42:5 or 5.1.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board

meetings. Special meetings may be held upon twenty- four hour notice, as provided by law.

SECTION 7: Two members of the board must be present to constitute a quorum of the board. Concurring votes of two members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except upon unanimous approval of the members present at the meeting, other matters may be considered.

RULE III

ORDER OF BUSINESS:

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

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

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

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

RULE IV

EXECUTIVE SESSIONS:

SECTION 1: The board, if required, will meet in executive

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

RULE V

APPLICATION FOR APPEALS AND HEARINGS:

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

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

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

RULE VI

PROCEDURE ON APPEALS: (Revised Statute 33:2561)

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.
- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof 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) when 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 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 \$1.00 per page will be required for any additional subpoena requested after the first four (4).
- SECTION 7: The written rules, regulations, and procedures of

the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

RULE VII

DISMISSAL OF APPEALS:

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

RULE VIII

TRANSCRIPTS OF HEARINGS:

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

RULE IX

OTHER HEARINGS:

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

RULE X

APPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the

civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

- SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.
- SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.
- SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.
- SECTION 5: When 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 lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

- SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, Fire Chief one copy, and fire station 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:

SECTION 1: Leaves of Absence

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

- B. Sick leave
 - 1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during any calendar year for any sickness or injury 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 forementioned 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. The Appointing Authority is encouraged to establish written policies necessary to

monitor sick leave and to prevent abuse of this benefit, which may include but not limited to the following: notification prior to duty when calling in sick, situations when doctor's excuses are required, and employee conduct while on sick leave.

3. 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.
4. No cash payment may be made for accumulated sick leave.

C. Annual Leave

1. Each full-time employee of the classified service after having served one year, shall be entitled to an annual vacation of eighteen (18) calendar days with full pay. This vacation period shall be increased one calendar day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) calendar days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.
2. "Vacation day" shall be defined as a calendar day from midnight to midnight, upon which personnel would normally be scheduled to work. Therefore, personnel whose work schedule covers parts of two (2) calendar days, will be charged two (2) days of annual leave to take off a full shift. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
3. No cash payment may be made in lieu of vacation until such time as the employee is separated from his/her employment.

4. 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.

D. 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.

E. Funeral Leave

1. An employee's immediate family shall be defined as: Employee's spouse, children step-children, parents, siblings, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents and grandchildren.
2. Funeral leave in the event of an immediate family member's passing will be authorized without loss of pay or leave time not to exceed two (2) calendar

days.

"Calendar day" shall be defined as a calendar day from midnight to midnight, upon which personnel would normally be scheduled to work. Therefore, personnel whose work schedule covers parts of two(2) calendar days, will be charged two (2) days of funeral leave to take off a full shift.

3. The Appointing Authority is encouraged to establish written policies necessary to monitor funeral leave and to prevent

abuse of this benefit, which may include notification prior to duty.

F. Civil Leave

Each employee of the classified service shall be granted leave of absence with pay when ordered to jury duty, subpoenaed, or otherwise required to appear before a court, public body, board, or commission. 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.

G. 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.

H. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any civil service examination to which he/she has been approved for admission by the Bayou Cane Fire Protection District Civil Service Board.

Provisional employees are granted leave of absence with pay to take a Municipal Fire and Police Civil Service examination for the class that they hold provisionally.

I. Voting Leave

An employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided that not more than two hours of leave shall be allowed to vote in the parish where he/she is employed

or vote in another parish. The District encourages all employees to vote.

J. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay, time, or annual leave 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 Air Force Reserve of the United States, the Naval Reserve Corps of the United States, the Marine Corps Reserve of the United States, the Citizens Military Training Corps, 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.

K. 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 J. Should the employee have used all leave to which he/she is entitled in Section J, he/she shall be granted military leave without pay until he/she returns to duty.

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

L. Personal Time Off

Each member of the classified service may apply to the Fire Chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. 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."

M. Special Leave - Seniority

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.

N. 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.

O. 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 be otherwise required under departmental policies and procedures. This period may not be extended beyond sixty (60) days except as may be provided under R.S. 33:2186. At the end of the sixty (60) day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first, administrative leave shall be terminated.

P. 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.