

**BAKER MUNICIPAL FIRE AND POLICE  
CIVIL SERVICE BOARD RULES**

**RULE I**

**MEETING OF THE BOARD**

SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year. The board shall post notice of such meetings at the beginning of each calendar year. The notice shall state the date, time, and place of each quarterly meeting. The board may reschedule these quarterly meetings and may change the location of the meeting as provided in Sections 2 and 3 of Rule I. The board may also hold special meetings as may be called by the chairperson or as provided by Section 4 of Rule I.

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at the Baker City Hall Council Chambers, located at 3325 Groom Road, Baker, Louisiana.

SECTION 3: Notice of regular meetings shall be given by posting such notice at the Baker City Hall Council Chambers, located at 3325 Groom Road, Baker, Louisiana or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting. Notification of board meetings shall also be posted on the board's website, if the board has a website.

Each item on the agenda shall be listed separately and with reasonable specificity. Also, in accordance with R.S. 42:19, the agenda shall not be revised less than twenty-four hours preceding a board meeting. Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14.

- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the Vice-chairperson, or as provided by 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 42:16 and 42:17.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special Meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

## **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 meeting was called, except upon unanimous approval of the members present at the meeting, other matters may be considered.

## **RULE III**

### **ORDER OF BUSINESS**

- SECTION 1: At regular and special meetings the order of business may be as follows:
1. Call to Order
  2. Roll call of members present
  3. Adoption of the agenda
  4. Reading and approval of the minutes of previous meetings
  5. Unfinished Business
  6. New Business
  7. Executive Sessions
  8. Announcements

## 9. Adjournment

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

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

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

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

SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Sect. 2561 of the 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 request for hearings shall set forth the section of the 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 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. 33:2495 and, (2) the employee alleges discrimination based on political or religious beliefs, sex, or race.

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

SECTION 5: The board shall, on request of any party or on its own motion, sequester witnesses and thus exclude them from the hearing room. The board may instruct witnesses to cease all discussions of the matter that is before the board.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least fifteen (15) calendar days before the date fixed for the hearing. The request for a subpoena of a witness shall contain the name of the witness, the street address at which the witness may be served, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena. The request for a subpoena for books or papers shall contain a description of the items to be produced in sufficient detail for identification, the name of the custodian of such records, the street address of the custodian, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena.

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

A subpoena service fee shall be required for each additional subpoena requested after the first four (4) in order to cover all cost incurred per subpoena. Any party may request an estimate of the subpoena fees from the civil service board prior to requesting the subpoena. The subpoena fee shall be submitted to the

board at the time of the request for the subpoena. The fee shall be paid in the form of a cashier's check or money order payable to the City of Baker. If the subpoena fee is not provided to the board, the board shall not consider the subpoena request.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all hearings and appeals.

SECTION 8: 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.

#### **RULE VII**

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

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

SECTION 2: If the appellant or his/her attorney request the continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2561, the board may require a stipulation of the employee receiving no back pay after the original date set for the hearing.

SECTION 3: If the appellant fails to appear at the place and time

fixed for any hearing, his/her appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance evidence as may be adduced at the hearing.

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

#### **RULE VIII**

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

SECTION 1: The board shall not be required to have the testimony of a hearing or investigation by the board taken and transcribed. If any party to the hearing desires a permanent transcript of any hearing, the party shall furnish a court reporter for said purpose at the party's own expense. The party furnishing a court reporter shall be responsible for payment to the court reporter.

Where a court reporter is furnished and the transcript is transcribed, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board shall issue a written finding of fact. Any party may request a copy of the minutes of the hearing, and, if digitally recorded, a copy of the recording.

**RULE IX****OTHER HEARINGS**

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

**RULE X****APPLICATION FOR ADMISSION TO TEST**

SECTION 1: Test for entry upon 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 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, 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 Law.

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 R.S. 33:2493 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: 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 the fire 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 the fire 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: One 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 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**

SECTION 1: Leaves of Absence--Police and Fire

A. Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay  
Absence without leave and pay (AWOL) occurs when

an employee does not receive permission to take time off and is in a non-approved and non-pay status. Any employee who is absent without leave and pay may be subject to disciplinary action, up to and including termination.

B. Sick leave

1. Each employee of the classified fire and police service shall be entitled to and given, with full pay, sick leave not less than fifty-two (52) weeks for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion. Any employee of the classified fire and police 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 aforementioned 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 of the basis for disciplinary action which could include termination.
3. Each department shall have a departmental sick leave policy which requires:
  - a. that each employee on sick leave is monitored by the department;
  - b. that each employee on sick leave must seek permission to engage in activities which are not associated with his sick leave;
  - c. that each employee who is absent will provide documentation to substantiate the leave at the Chief's direction; and
  - d. that all employees be treated equally and

that the policies be enforced fairly.

The policies shall be established by the Chief of each department. The Civil Service Board shall be provided a copy of the policy and kept informed of changes to said policy.

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 as assigned by the appointing authority or his designee.
5. No cash payment may be made for accumulated sick leave unless provided for by ordinance or resolution of the Baker City Council or by written agreement or contract signed by the appointing authority.

C. Funeral Leave

1. An employee's immediate family shall be defined as: Employee's parents, spouse, child or spouse's child. Funeral leave in the event of a death of an immediate family member shall be authorized without loss of pay or leave time not to exceed three (3) calendar days. The three days will consist of seventy-two hours encompassing the funeral.
2. An employee's immediate relatives shall be defined as: Employee's brother, sister, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, niece, nephew, grandparent, grandchild, and step-parent (if currently married to or is the widow or widower of the employee's parent). Funeral leave in the event of a death of an immediate relative shall be authorized without loss of pay or leave. If the immediate relative's funeral service is in East Baton Rouge Parish or an adjoining parish, one (1) day of funeral leave shall be granted. If the funeral service is within the state of Louisiana but outside of East Baton Rouge Parish or an adjoining parish, two (2) day of funeral leave shall be granted.

3. An employee's other relatives shall be defined as: Employee's spouse's aunt, uncle, grandparent, niece, and nephew. Funeral leave in the event of a death of other relatives shall be authorized without loss of pay or leave time not to exceed one (1) calendar day. Funeral leave is authorized for the specific purpose of attending the funeral.
4. In cases of extenuating circumstances in the death of an employee's immediate relatives or other relatives as defined in numbers 2 and 3, the Appointing Authority may grant funeral leave not to exceed three (3) calendar days.
5. Employees shall not be required to use their funeral leave on days that they are not scheduled to work.

D. Examinations

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

E. Civil Leave

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

duties in accordance with departmental policies. Civil leave of absence with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

F. Civil Service Board Attendance

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay, time, annual leave, or efficiency rating on all days during which he/she is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, the Coast Guard Reserve, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one calendar year, as provided by Louisiana Revised Statute 42:394.

H. Military Leave without Pay

1. Any member of the classified service, except as provided in number 3, who leaves employment in order to perform voluntary or involuntary service in the uniformed services of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, reserve military personnel, members of the National Disaster Medical System as specified in federal law, and other category of persons designated by the President in time of war or national emergency, shall be given any leave due the employee in Sub-section G. Should

the employee have used all leave to which he/she is entitled (in Sub-section G), he/she shall be granted military leave without pay until he/she returns to duty.

2. Any such employee may request and shall be granted any unused annual leave or compensatory leave. An employee cannot be required to use such leaves of absence.
3. An employee serving in a provisional appointment who is not a regular and permanent employee shall not be granted military leave without pay. He/she shall be required to resign or be separated from the service.
4. A recruit serving in formal training who has been placed on military leave without pay for thirty (30) days or more shall have his/her formal training interrupted for the duration of the military leave. The employee shall resume his/her formal training the day he/she reports to active duty with his/her respective department. The time the employee served in his/her formal training prior to the interruption and the time the employee serves in the formal training after it is resumed will be used in calculating the total time served in his/her formal training. The employee must meet the requirements of R.S. 33:2495.1 prior to beginning his/her working test.
5. A probational employee serving in a working test who has been placed on military leave without pay for thirty (30) days or more shall have his/her working test interrupted for the duration of the military leave. The employee shall resume his/her working test the day he/she reports to active duty with his/her respective department. The time the employee served in his/her working test prior to the interruption and the time the employee serves in the working test after it is resumed will be used in calculating the total time served in his/her working test. The employee must meet the requirements of R.S. 33:2495 prior to

confirmation as a permanent employee in his/her respective class.

6. An employee who has his/her formal training or working test interrupted due to military leave shall be made whole at the completion of such periods. The employee's records shall reflect the date he/she would have completed his/her formal training or working test had he/she not been on military leave. The employee's seniority date, if required, shall be adjusted to reflect the date he/she would have begun accruing seniority had he/she not been on military leave.
7. The appointing authority shall report military leaves of absence without pay, interruption of formal training and working test, and resuming the formal training and working test to the board within fifteen (15) days of the effective date of action.

#### 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 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

#### J. Annual Leave

1. Each member of the classified fire service shall receive annual leave in accordance with R.S. 33:1996 and the departmental policies. However, departmental policies shall provide not less than required by law. Leave of absence policies shall not be applied indiscriminately, but shall be administered in an equitable manner.
2. Police service annual leave shall be earned by



regular employees based on continuous service as indicated in the following schedule;

- (a) Employees after having served (1) one year service, shall receive an annual vacation of eighty (80) working hours with full pay. (one-half ( ) of annual vacation may be taken after the first six (6) months of employment.)
  - (b) Employees after having served five (5) years' service, shall receive an annual vacation of one hundred twenty (120) working hours with full pay.
  - 8 Employees after having served ten (10) years' service, shall receive an annual vacation of one hundred sixty (160) working hours with full pay.
  - (d) Employees after having served twenty (20) years' service shall receive an annual vacation of two hundred (200) working hours with full pay.
- 3. Vacation privileges provided shall not be forfeited for any cause, nor shall any vacation privileges be earned while an employee is on leave of absence without pay during suspension.
  - 4. Vacation leave may be divided into separate periods, not to exceed total accrued vacation leave time.
  - 5. Employees with the greatest departmental seniority will have priority on scheduling vacation.

K. 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.

L. Leave for Specialized Disaster Service Volunteer

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

employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

M. Administrative Leave with pay

1. For Fire Department only: The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the civil service board, when circumstances warrant such extension. Administrative leave shall be terminated upon the employee being ordered to return to active duty or upon the appointing authority affecting disciplinary action, whichever occurs first.

2. For Police Department only: The appointing authority may grant administrative leave with pay for periods not to exceed seventy-five (75) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the civil service board, when circumstances warrant such extension. Administrative leave shall be terminated upon the employee being ordered to return to active duty or upon the appointing authority affecting disciplinary action, whichever occurs first.

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

1. Notwithstanding the provisions of Subsection

## 2.b. (Military FMLA Leave):

- a. Eligibility for Family Medical Leave shall be extended to classified employees of the fire and police service who have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.
- b. A classified employee who is a returning uniformed service member protected under the USERRA shall be eligible if, but for his or her military service, the employee would have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.

2. Regular FMLA Leave - Employees of the classified service shall be eligible for up to twelve (12) workweeks of unpaid leave due to:
  - i. birth and care of eligible employee's child;
  - ii. placement for adoption or foster care of a child with the employee;
  - iii. care of an immediate family member (spouse, child, parent) who has a serious health condition;
  - iv. care of the employee's own serious health condition;
  - v. because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered member on active duty or has been notified of an impending call or order to active duty, in support of contingency operation, or;
  - vi. other reasons provided in Public Law 103-3.

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

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

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

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

4. At the discretion of the appointing authority, FMLA leave may run concurrently with paid leave, as follows:
  - a. Paid sick leave, only when such leave is necessary for the care of the employee's own serious health condition.
  - b. Compensatory and/or paid annual leave, when such leave is necessary for all other FMLA reasons. Compensatory leave shall be exhausted prior to using annual leave.
5. When paid leave is exhausted, an employee shall be entitled to the remaining unpaid FMLA leave, if any, to which he/she is entitled.
6. Accrual of departmental seniority while on FMLA leave shall continue only when FMLA leave is run concurrently with paid leave. Unpaid FMLA leave shall be served without credit for departmental seniority.

O. Expiration of Leave

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

**Baker Civil Service Board Rules:**

**Original Adoption:**06-24-72

**Revised:**10-07-75, 05-17-78, 09-25-78, 08-20-81,04-13-94,  
06-06-94, 03-10-97, 03-05-98, 06-03-99, 09-30-99, 10-21-99,  
01-03-02,11-18-10, 08-17-11, 09-09-14, 04-30-15, 01-17-24