

**SPECIAL LEAVES**

SECTION 25: (Leaves of Absence) as provided in Act 102 of 1944, as amended by Act 197 of 1948 Louisiana Legislature.

SUBJECT: Special Leaves.

The appointing authority may, with the approval of the Civil Service Board, grant a Special Leave with or without pay; and, may provide for special extended leave with or without pay to any regular employee covered by Act 102 of 1944, as amended by Act 197 of 1948, covering the Fire & Police Departments of the City of Bogalusa, Bogalusa, Louisiana.

The following provisions shall govern all such requests:

- A. The employee shall make a written request to the appointing authority who shall approve or disapprove such request, and this action shall then be forwarded to the Civil Service Board which shall include the letter of request for such leave and the letter stating the action of the appointing authority.
- B. The employee shall state: 1) the purpose of such leave; 2) time off desired (as per the rules).
- C. Special leaves granted shall be in the periods of three months each, and may be extended by the appointing authority in such like periods, not to exceed twelve months for any one special leave.
- D. The employee granted a special leave cannot return to his position until the expiration time of leave.
- E. The employee shall notify the appointing authority fifteen (15) days before the end of such leave of his intention of returning to his position with the department. Copy of such notice is to be given the Civil Service Board for its files.
- F. If an employee fails to return to his position at the expiration of any such special leave, said employee shall forfeit his rights and position in the department and said forfeit shall terminate his service with the department.
- G. Time lost during special leave shall be deducted from the total seniority in the department, and that of the position held by the employee.
- H. Promotional eligibility of an employee granted a special leave shall be non-operative during such leave, and shall become operative for the unused period, on the return of the employee to his position.
- I. A substitute appointment may be made to any position in the Classified Service from

which the regular and permanent employee thereof is away on an authorized leave of absence, or to a position from which the regular employee thereof is substituting for some other regular employee who is authorized to be away from his respective position. Any person employed on a substitute employment basis shall, for the duration of such temporary employment, enjoy the class title and be entitled and receive the rate of pay for the class and position in which he is so employed.

- J. No leaves shall be granted to or used by any employee in the Classified Service for the purpose of such employee engaging himself in other employment during his regularly assigned working hours. Any change of hours made for the purpose of evading this provision shall be considered a violation thereof.

#### SICK LEAVE

SECTION 25: (Leave of Absence) as provided in Act 102 of 1944, as amended by Act 197 of 1948 of the Louisiana Legislature.

SUBJECT: Sick Leave (Sickness and Injury)

The appointing authority shall, with the approval of the Civil Service Board, grant sick leave for sickness or injury, with pay or with reduced pay, to all regular employees covered by Act 102 of 1944 as amended by Act 197 of 1948, covering the Fire & Police Departments of the City of Bogalusa, Bogalusa, Louisiana.

The following provisions shall govern all such leaves:

- A. Full salary shall be paid for the first twelve (12) months of said sick leave, as provided under Act 59 of 1942 as amended by Act 196 of 1948 covering the employees of the Fire Department and Act 101 of 1948 covering the employees of the Police Department.
- B. When sick leave or disability extends beyond a twelve-month period, this employee shall be granted further leave at reduced pay for years of service in the Department. Time granted shall be authorized by the Civil Service Board after written request is received from the employee with a medical certificate of disability. The Board reserves the right to have said employee examined by a physician of its choice before leave is granted or during such leave. Any employee not returning to his position if directed by the Board, shall be considered as resigning his position with the Department.

Rate of pay to be granted under Section B of this rule:

1. Rate of pay to be granted under Section B of this rule is controlled by Police Pension Act 290 of 1914 as Amended by Act 343 of 1940 & all amendments thereto.

2. Rate of pay to be granted under Section B of this rule is controlled by Firemen's Pension Act 193 of 1944 & all amendments there to.

A substitute appointment may be made to any position in the classified service from which the regular and permanent employee thereof is away on an authorized sick leave, to a position from which the regular employee thereof is substituting for some other employee who is authorized can be only made for the time or period of sick leave authorized by the Board. When an employee is given permanent sick leave, replacement shall be made from the Employment or the Promotional List as required by Act 102 of 1944, as amended by Act 197 of 1948.

ANNUAL LEAVE

SECTION 25 (Leave of Absence), as provided in Act 102 of 1944, as amended by Act 197 of 1948, of the Louisiana Legislature.

SECTION: Annual Vacation.

The appointing authority shall, with the approval of the Civil Service Board, grant time off for annual vacations, with pay, to all regular employees covered by Act 102 of 1944 as amended by Act 197 of 1948, covering the Fire and Police Departments of the City of Bogalusa, Louisiana.

The following provisions shall govern all such grants:

Service in department	Time to be granted.
1 day to 6 months inclusive.....	None.
6 months and 1 day to 1 year inclusive .....	Six days.
1 year and 1 day to 10 years inclusive.....	Fifteen days.
10 years and 1 day to 20 years inclusive....	Twenty-One days.
20 years or over.....	Thirty days.

The provisions and requirements set forth in Act 59 of 1942 as amended by Act 196 of 1948, covering the employees of the Police Department, supersede the effectiveness of this rule, and this rule can only be in operation by resolution to this effect by the Civil Service Board.

VACATION SCHEDULE FOR BOGALUSA POLICE DEPARTMENT

LENGTH OF SERVICE	VACATION TIME DUE
6 months	7 working days
1 year	15 working days
8 years	21 working days
15 years	28 working days
20 years	35 working days

Employee shall have completed a minimum of one (1) year of service with the Bogalusa Fire Department.

A permanent status classified employee who meets the eligibility requirements and who worked as a permanent employee as a firefighter with any other fire department(s) in the State of Louisiana may receive prior service credit towards vacation accrual.

After inception of this rule, the initial prior service granted to employees presently employed by the Bogalusa Fire Department will go into effect for employees who have been employed for a minimum of one (1) year.

The prior service credit shall not be retroactive for accrual vacation.

#### ADMINISTRATIVE LEAVE WITH PAY

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

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

#### CHAPTER 1

#### DEFINITIONS

The words and phrases defined below shall have the meanings assigned herein in these rules and in all personnel policies, procedures and transactions.

- 1.1 "Amendment" means the Municipal Fire and Police Civil Service Constitutional Amendment to Section 15:1 of Article XIV of the Constitution of Louisiana proposed by Act 302 of 1952 and ratified by the electorate of Louisiana.
- 1.2 "Allocation" means the official determination by the board of the class to which a position in the classified service belongs.
- 1.3 "Appointing authority" means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police service.
- 1.4 "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.
- 1.5 "Board" means the municipal fire and police civil service board.
- 1.6 "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.
- 1.7 "Classification plan" means all the classes of positions established for the classified service.
- 1.8 "Classified position" means any position in the service that is subject to the Civil Service requirements as contained in the amendment and rules, and applies to every position in the service that is not expressly unclassified by the amendment.
- 1.9 "Classified service" means every appointive office and position of trust or employment in the municipal government which has as its primary duty, one of the functions specifically set forth to be included in the classified service by the provisions of the amendment; and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of the amendment.
- 1.10 "Competitive class" means those positions allocated to a class that has been identified by the amendment as open for appointment to all qualified citizens.
- 1.11 "Demotion" means a change of an employee in the classified service from a position of one class to a position of another class for which a lower minimum rate of pay is prescribed.
- 1.12 "Department service" means employment in the public service offered and performed separately by the fire and by the police departments of the municipality.

- 1.13 "Eligible" means a person whose name is on a list.
- 1.14 "Employee" means a person legally occupying a position.
- 1.15 "Employment list" or "lists" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a re-employment list.
- 1.16 "Emergency appointment" means assigning a person to a position because of an emergency of a temporary and special nature.
- 1.17 "Lay off" means the removal of an employee, in accordance with the provisions of the amendment, because of lack of work, failure of financial appropriation or other causes which do not reflect on an employee.
- 1.18 "List" means the official register of names of persons eligible for appointment to the various classes of positions in the classified service.
- 1.19 "Pay" means salary, wage, fees, allowances, and all other forms of valuable consideration, or the amount of any one or more of them, earned by or paid to any employee, by reason of service rendered in any position, but does not include any allowance for expense authorized and incurred as incidence of employment.
- 1.20 "Pay Plan" means all the rates of compensation prescribed by the board.
- 1.21 "Position" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.
- 1.22 "Probationary appointment" means the appointment of an employee, following the certification of his name from a list, to begin or to continue his working test.
- 1.23 "Promotion" means a change of an employee in the classified service from a position of one class to a position of another class for which a higher minimum rate of pay is prescribed.
- 1.24 "Promotional employment list" or "promotion list" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required to be established from the results of a competitive test.
- 1.25 "Promotional class" means those positions that are allocated to a class identified by the amendment as open to appointment only to members of the department on a seniority basis.
- 1.26 "Promotional test" means a test for positions in a particular class which is not specifically required to be filled by competitive tests, admission to which is limited to

- regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.
- 1.27 "Provisional appointment" means the temporary appointment of a person to a position in the absence of an eligible list.
- 1.28 "Reallocation" means a change of a position from one class to another class to correct an error in the previous allocation.
- 1.29 "Reassignment" means the change within the same department of an employee from a position in one class to another position in a different class, both classes of which have the same minimum rate of pay.
- 1.30 "Re-employment list" means an employment list for the entrance or lowest ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the "lay off" provisions.
- 1.31 "Regular appointment" or "permanent appointment" means the confirmation of appointment of an employee who has been appointed from a list and has successfully completed his working test period.
- 1.32 "Regular employee" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with the provisions of the amendment after completing his working test period.
- 1.33 "Regulation" means a definition, policy, or mode of procedure formally prescribed by the board to govern the manner of giving effect to a part of the amendment and the rules.
- 1.34 "Reinstatement employment list" or "reinstatement list" means an employment list containing names of persons eligible for reinstatement in positions of a class form which they have been demoted for reasons other than disciplinary action.
- 1.35 "Removal or dismissal" means the termination of employment for cause.
- 1.36 "Resignation" means the voluntary termination of employment of an employee.
- 1.37 "Seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation.
- 1.38 "State Examiner" means the State Examiner of municipal fire and police civil service.
- 1.39 "Suspension" means the enforced leave of absence without pay of an employee for

disciplinary purposes, or during an investigation of alleged misconduct by the employee.

- 1.40 "Transfer" means the change of an employee from any position in the classified service to any other position of the same class, at the pleasure of the appointing authority.
- 1.41 "Temporary appointment" means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.
- 1.42 "Working test" means continuous and uninterrupted performance of the duties and carrying out the responsibilities of a position as an employee, in that position after certification from a list.

## CHAPTER II

### ORGANIZATION, RULES, PROCEDURES, AND DUTIES

#### OF THE CIVIL SERVICE BOARD

- 2.1 The members of the board shall meet and organize by electing one of its members chairman. In case of a vacancy in the office of chairman, the board shall elect a new chairman.
- 2.2 The members of the board shall meet and organize by electing one of its members vice-chairman. The vice-chairman will assume the duties of the chairman in his absence. In case of a vacancy in the office of vice- chairman, the board shall elect a new vice-chairman.
- 2.3 The board shall meet for the transaction of any civil service business at such place and time as may be specified by resolution of the board and at such other place and time as may be fixed by the chairman who, when he calls a meeting, shall have timely notices of such meeting conveyed to the other members of the board.
- 2.4 The board shall not be bound by rules of order, evidence, or procedure in its meetings, hearings or investigations except such as it may itself establish.
- 2.5 All meetings and hearings shall be open to the public except executive sessions.
- 2.6 The board shall hold executive sessions whenever specified by resolution, motion or called by the chairman. Executive sessions are to be attended only by board members, the secretary, the state examiner, and others invited at the pleasure of the board.
- 2.7 When a rule is to be adopted, revised or abolished, then due notice shall be given for the public hearing. All other meetings and executive sessions shall require due notice as



required by the amendment and specified by these rules.

- 2.8 Four members shall constitute a quorum.
- 2.9 Each board member shall vote on each question and the concurring vote of any three members shall be sufficient for the decision of all matters to be decided or transacted. Absentee votes are not permissible.
- 2.10 The secretary of the board shall keep adequate records and minutes of its business and official actions.
- 2.11 It shall be the duty of the Board:
- (a) To represent the public interest in matters of personnel administration in the fire and police services.
  - (b) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments, with reference to the establishment, maintenance, and improvement of personnel standards and administration in the fire and police services, and the classified system.
  - (c) To conduct investigations on its own motion, or the application of any interested party, hold public hearings whenever there is reason to believe the amendment or rules are being violated or have been violated by any person or department, and to issue appropriate orders in such cases.
  - (d) Advise and assist employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.
  - (e) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments, and the state examiner of municipal fire and police civil service bring before it.
  - (f) Make, alter, amend, and promulgate rules and otherwise provide for the establishment, maintenance, and improvement of a civil service system in the departments of municipal government which, by terms of the amendment, are under the jurisdiction of the board.
  - (g) To hear appeals from employees and others who claim their rights under these rules and the amendment.
  - (h) Adopt and maintain a classification plan; allocate new positions and reallocate all positions when warranted by a change in duties or a change in the classification plan.

- (l) Make reports to the governing body, either upon its own motion or upon official request, regarding general or special matters of personnel administration in and for the local fire and police services, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.
- 2.12 Amendments to the rules shall be approved by the board, only after giving due notice and after holding a public hearing. Such amendments shall become effective upon adoption by the board unless otherwise specifically provided.

### CHAPTER III

#### DUTIES OF THE CHAIRMAN

- 3.1 The chairman is empowered to act between meetings of the board on routine matters and any such action of the chairman shall be reported to the board at its next regular meeting and unless approved by the board at such meeting shall terminate.
- 3.2 The chairman shall call a regular meeting at least once within each quarterly period of each calendar year.
- 3.3 The chairman shall call additional meetings, and executive sessions after due notice, upon the request of any two board members or upon his own initiative.
- 3.4 The chairman shall sign and cause all due notice to be given as required by the amendment and these rules.
- 3.5 The chairman, subject to subsequent approval of the board, shall allocate each position in the classified service to its appropriate class and reallocate each position to correct an error in its previous allocation or because of a change in duties and responsibilities.

### CHAPTER IV

#### POSITIONS IN THE CLASSIFIED AND UNCLASSIFIED SERVICE

- 4.1 The Classified Service shall comprise every position, except those included in the Unclassified Service, to which the right of employee selection, appointment, supervision, and discharge is vested in the Municipal government or with an officer or employee thereof, and which has its primary duty and responsibility one of the following:

## (FIRE)

- (1) The Chief and Assistant Chiefs; the intra-departmental division, bureau, squad, platoon and company officers of the Fire Department.
- (2) Fire fighting.
- (3) Fire prevention; inspection.
- (4) Driving, tillering, and operation of fire apparatus.
- (5) Operations and maintenance of radio, fire alarm, or signal system.
- (6) Fire department instructors in employee training.
- (7) Fire salvage and overhauling services; and first aid.
- (8) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.
- (9) Secretary to the Chief; Departmental Records Clerk.

## (POLICE)

- (1) The Chief and Assistant Chiefs; the intra departmental division, bureau, squad, platoon and company officers of the Police Department.
- (2) Law enforcement.
- (3) Crime prevention; identification; inspection; and investigation.
- (4) Police headquarters desk service; jailer, and police matron.
- (5) Operations and maintenance of radio, police alarm or signal system.
- (6) Police department instructors in employee training.
- (7) Police control of traffic (vehicular and pedestrian.)
- (8) Automotive or police apparatus repairs, if such service is operated exclusively by and for either or both the police or fire department.
- (9) Secretary to the Chief; Department Records Clerk.

## 4.2 The Unclassified Service shall comprise the following:

- (1) All officers, employees, and positions of employment in the Municipal government, not having as a principal duty, one of the duties herein above provided in the Classified Service.
- (2) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.
- (3) Secretaries, stenographers, and all clerical positions not specifically included in the Classified Service.
- (4) Pound keepers; dog catchers; janitors; porters; elevator operators; chefs, kitchen helpers and workers; mechanic's helper and car washers, unskilled labor; special guards at schools; or any part-time, or temporary employee.

- (5) Any position of employment, the duties of which are included in the Classified Service, to which the right of employee selection, appointment, supervision, and discharge therein is vested in and with those other than the Municipal government or an officer or employee thereof.
- (6) Any position of employment, the duties of which are included in the Classified Service, to which the right of employee selection, appointment, supervision, and discharge therein is vested in and with those other than the Municipal government or an officer or employee thereof.

## CHAPTER V

### APPOINTMENT AND DUTIES OF THE SECRETARY

- 5.1 At the discretion of the board, the office of secretary shall be filled:
  1. by electing one of its members thereto;
  2. by appointing the city clerk of secretary-treasurer of the municipality to fill such office ex-officio;
  3. by employing any other person;
  4. by requiring the state examiner to act in such capacity.
- 5.2 The board may terminate the term of office of any person serving as its secretary at any time.
- 5.3 The secretary shall attend the meetings of the board, unless directed otherwise, and shall keep an accurate record of its proceedings.
- 5.4 The secretary shall promptly attend to all correspondence directed to him and other correspondence ordered by the chairman of the board.
- 5.5 The secretary shall maintain an individual file for each present employee and all past employees. This file shall contain the application and its supporting data, official personnel card, personnel action forms, loyalty oaths, letters of commendation and reprimand, and any other material prescribed by the board.
- 5.6 The secretary shall maintain a current register of eligibles composed of re-employment, reinstatement, promotional, and competitive lists for the various classes of the class plan and he shall certify, in writing, using the prescribed form, to the appointing authority upon his request, the appropriate employment list as provided by the amendment and these rules.

- 5.7 The secretary shall notify the board whenever an eligible list is not available and request the state examiner to prepare an examination for that class.
- 5.8 At the first board meeting held in the third quarter, the secretary shall render an annual report to the board concerning personnel activities and records. A copy of the report shall be sent to the mayor, the governing body, appointing authority, the chief of each department, and to the state examiner, the local press, and all other interested parties.
- 5.9 The secretary may, with prior approval of the board, employ on a part time basis, any person to aid him in the duties imposed upon him by these rules and the amendment.

## CHAPTER VI

### CLASSIFICATION PLAN

- 6.1 The Board, after consultation with the appointing authority, and the State Examiner, shall cause to be prepared a classification plan which shall consist of class specifications, designated by standard titles, designed to provide for all positions in the Civil Service System. The board shall authorize the State Examiner from time to time and at least once each year to review the duties and responsibilities of the positions in the service and consider his recommendations for allocation. The board, after due notice, may add, combine, revise, divide, or abolish classes, or revise the titles of existing classes or establish new classes. An original classification plan or amendments thereto shall become effective only after approval by the Board following due notice and a public hearing.
- 6.2 The Chairman, as soon as practical after adoption of a classification plan hereunder, subject to subsequent approval of the board, after consultation with the appointing authority and the State Examiner, shall allocate each position in the classified service to its appropriate class, and thereafter shall allocate each new position to its appropriate class, and shall re-allocate positions from class to class to correct errors. No person shall be appointed to any position until it has been deemed properly classified. An employee affected by the allocation or re- allocation of the position occupied by him shall, upon his request, be given a reasonable opportunity to be heard thereon.
- 6.3 Employees affected by the allocation or re-allocation of a position to a class, or by any change in the classification plan, shall be offered a reasonable opportunity to be heard thereon, first by the Chairman, second by the State Examiner, and later by appeal to the Board after filing with the Chairman a written request for a hearing.
- 6.4 The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all others on all payrolls, budget estimates, and official records, and reports pertaining

to the budget estimates, official records and reports pertaining to the position, except that any abbreviation or code symbol approved by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by the Amendment or these Rules. No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

- 6.5 The specifications of the classes of positions in the classification plan, and their various parts, shall have the following force and effect;
- (a) The definitions are descriptive and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various classes as determined by their duties and responsibilities. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of similar kind or quality.
  - (b) In determining the class to which any position should be allocated, the definition of each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relations to other classes, as together afford a true picture of the kind of employment that the class is intended to embrace.
  - (c) The statement of necessary special qualifications in the specification for any class shall constitute one of the bases for acceptance or rejection of applications for examinations for the class.

## CHAPTER VIII

### TESTS

- 8.1 The board shall provide through the State Examiner for tests to determine the eligibility of applicants for entry into the classified service and for promotions of classified employees.
- 8.2 Promotional tests for the various classes in the classified service, except those classes in which positions shall be filled only from competitive lists may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.
- 8.3 Competitive tests shall be held only as the needs of the service require.
- 8.4 Official notice of examination shall be posted on the bulletin board of each station of the respective department. The notice shall state (1) class of positions for which tests

will be given, (2) whether the tests will be given on a promotional or competitive basis, and (3) the final date on which applications for admission to tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date of administering the tests. In addition to the posted notice, public notice for all competitive tests shall be published at least four times during the thirty-day period in the official journal of the municipality.

- 8.41 Immediately upon posting notice of a competitive examination, a copy shall be sent to the local employment office operated by the State and said office shall be requested to aid in recruiting qualified applicants.
- 8.5 Admission to a promotional test shall be limited to regular employees of a class at the same level and the class next lower from that for which they are to be examined. Whenever such employees shall fail or refuse to take the examination, fail to attain a passing score, refuse regular appointment after having their names certified, or if there be no such regular employees, then admission to the next examination shall include regular employees in the class next lower for which they are to be examined and shall also be extended to include regular employees in the next lower class. Each examination shall be open to regular employees as provided above until the lowest or entrance level class has been admitted. If a list has not been established, then the board shall extend admission on a competitive basis to all those the board deems qualified unless competitive qualification requirements are outlined in the class specification. (12/5/56)
- 8.6 Admission to competitive tests shall be open to all persons, who, in the opinion of the Board, meet the qualification requirements. (12/5/56)
- 8.61 Whenever an age change places a provisional employee above the maximum age of his class, the board shall admit him only to the next test and shall waive the age requirements in the event of a probational appointment.
- 8.7 Any applicant admitted to a test shall be a United States citizen and if of legal age, shall be a qualified elector of the State of Louisiana.
- 8.8 A person whose employment is prohibited by any law or rule shall not be admitted to any examination, except that where the board finds that there exists reason to believe that the prohibition will cease to exist within a reasonable time, an applicant may be admitted, but his name shall not be certified for a position as long as his employment is prohibited.
- 8.9 The board may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who
- (1) If found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he

- has applied;
- (2) Is physically unfit to perform effectively the duties of a position of the class;
  - (3) Is addicted to the habitual use of drugs or intoxicating liquors to excess;
  - (4) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;
  - (5) Has been dismissed from the respective service for delinquency or misconduct;
  - (6) Has made a false statement of any material fact; or
  - (7) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.
- 8.10 The board shall reject any application filed after the time fixed for closing receipt of applications as announced.
- 8.11 In the event that a sufficient number of qualified applicants have not made application for a test, or whenever any other reason exists the board, by its own motion, may extend the last filing date and postpone the date of the test, or cancel the administering of the test and shall in each case give suitable notice thereof.
- 8.12 Any person either male or female whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces during times of war, or who served in peacetime campaigns or expeditions for which campaign badges have been authorized, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon a list. The wife, or the unremarried widow, or the unremarried widowed mother, as the case may be, of a veteran as defined above who died or suffered total and permanent disability while in service or who is now deceased shall have added to her final test score a total of five points at the time of placing her name on a list. The wife, or the unremarried widow, or the unremarried widowed mother, as the case unremarried widow, or the unremarried widowed mother, as the case may be, of a former classified employee who, as a direct result of injuries received while in the line of duty, died or suffered total and permanent disability shall have added to her final test score a total of five points at the time of placing her name on a list.
- 8.13 Proof of eligibility of military preference shall be furnished the board by the person claiming the preference.
- 8.14 Whenever an applicant requests admission to more than one test, the board shall review his qualifications for each class requested and if acceptable, admit him to the examinations as posted.



- 8.15 The secretary, by mail, shall advise each applicant of his final grade except that persons receiving a failing score shall be advised only as to their unsatisfactory grade and informed of admittance procedure to the next test. (12/5/56)

## CHAPTER IX

### APPEALS AND HEARINGS

#### 9.1 Appeals to the Board

An appeal may be made to this Board by:

- (a) Any person in the classified service who alleges that he has been discriminated against or subjected to any disciplinary action for political or religious reasons or because of his political or religious opinions or affiliations.
- (b) Any person in the classified service who, having acquired permanent civil service status, alleges that he has been demoted, dismissed, discriminated against, or subjected to any corrective or disciplinary action contrary to any provision of the Amendment or of the Rules of this Board.
- (c) Any person in the classified service who alleges that he has been deprived of any right, discriminated against, or adversely affected by the violation of any provision of the Amendment or any Rule of this Board.
- (d) Any person who alleges that he has been discriminated against by the allocation or reallocation of a position to a class, or by the Classification Plan or any change thereof.
- (e) Any person who shall have applied for or been examined for the classified service, without having acquired permanent status therein, and who alleges discrimination in the review of his application, admission to an examination, scoring of examinations, the establishment of an eligible list, or certification therefrom.
- (f) Any person expressly granted the right to appeal to this Board by the Amendment or by any Rule of the Board.

#### 9.2 Request for Appeal.

An appeal shall be applied for by a written notice giving a clear and concise statement of the action complained against, with the date it occurred or that appellant learned

thereof, the basis of the appeal, and the relief sought. It must be signed by the appellant or his counsel and must give the full name and post office address of the appellant and of his counsel, if any.

### 9.3 Delay for Making Appeal.

No appeal shall be effective unless notice thereof is filed with the Board or its secretary within fifteen (15) days following the action complained against, or within fifteen (15) days following appellant's knowledge thereof, or when written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such notice is given.

9.4 The Chairman shall cause the date of filing to be noted on each notice of appeal. An appeals docket shall be maintained upon which each appeal shall be docketed in the order filed, be numbered consecutively, and be given an appropriate title. The board shall grant the employee a hearing and investigation within thirty (30) days after receipt of the written request. Promptly after docketing the authority or person against whose action the appeal is directed shall be notified of the appeal.

### 9.5 Summary Dismissal of Appeal.

Within ten (10) days after the docketing of an appeal a written request for its summary dismissal may be filed by the authority or person against whose action the appeal has been taken, on any of the following grounds, provided no controverted fact is involved in the question:

- (a) That the Board lacks jurisdiction of the subject matter.
- (b) That the appellant has no legal right to an appeal.
- (c) That the appeal has not been made in the manner prescribed, or within the time fixed, by these Rules.
- (d) That a decision on the merits would be ineffectual.

All such requests may be supported by written argument or brief. Before filing such request or brief, the Chairman shall require satisfactory proof of service of a copy thereof on appellant or counsel, together with the date of such service.

If the Board denies the request or refers it to the merits, it may reconsider the same at any time until final disposition of the appeal.

When the Board dismisses an appeal summarily, whether on request or otherwise, the secretary shall notify the parties giving the findings of the Board.

An appellant may withdraw or abandon his appeal at any time by filing written notice that such is his desire. The docketing of such notice shall constitute summary and final disposition of such appeal without the requirement of any action by the Board. The secretary shall promptly notify all adverse parties of such dismissal.

9.6 Assigning Cases for Hearing.

The Board shall fix the time and place for the hearing of appeals and, as far as practicable, shall fix them in the order in which docketed, provided that, for good cause shown, the Board, or its Chairman, or any member of the Board if the Chairman be absent or unavailable, may upset any fixing and may either relegate the case for re-fixing to the foot of the docket or give it a special assignment both as to the time and place.

9.7 Place of Hearing.

All appeals before the Board shall be heard in a convenient place, accessible to the public, in the City of Bogalusa, unless the interest of the Municipality or of any department thereof, or the location of parties and witnesses, or the ends of justice, would appear to require that the hearing be held in any other convenient place in the State, accessible to the public.

9.8 Notice of Hearing.

The secretary shall give the appellant and the appointing authority or person against whose action the appeal has been taken a notice of the time and place fixed for the hearing or the taking of testimony at least ten (10) calendar days prior to the date fixed; provided, that by consent of all parties and the Board, said notice and delay may be waived and the appeal may be heard or the testimony taken at any time agreeable to the parties.

9.9 Continuances.

- (a) Appeals fixed for hearing and not reached shall be re-fixed by preference over any appeal subsequently docketed.
- (b) Appeals fixed for hearing may be continued by consent of all parties, but shall be relegated to the foot of the docket for re-fixing. The Board shall exercise its discretion in determining whether the appellant shall be compensated for lost time, if his appeal be finally sustained, for that portion of the time lost by reason of the continuance.
- (c) Continuance for cause deemed sufficient by the Board may be granted or

ordered by the Board, without prejudice to appellant. Any cause for cause shall be specially assigned for hearing at the earliest convenient date.

9.10 Procedure at Hearing.

- (a) All hearings shall be open to the public.
- (b) Parties shall have the right, but shall not be required, to be represented by counsel. Any such counsel may be duly licensed to practice law or may be any person inside or outside of the classified service.
- (c) The burden of proof as to the facts shall be on the appellant in every appeal, and he shall be required to open the case.
- (d) Each person shall take the following oath prior to testifying, "I\_\_\_\_\_, do solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help me God."
- (e) Affidavits and ex-parte statements shall not be received except by consent of all parties, unless introduced to refresh memory or discredit a witness.
- (f) All persons presenting testimony shall be subject to cross- examination.
- (g) The Board may require that the parties stipulate all undisputed facts.
- (h) The Board may limit corroborative testimonial proof.
- (i) In all matters not provided for in these Rules, hearings and taking of testimony shall be conducted in any manner acceptable to the board.

9.11 Subpoena of Witnesses; Production of Documents.

- (a) The Board, and each of its members, shall have power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.
- (b) Any party desiring the issuance of a subpoena for any witness at any hearing must apply for it in writing at least five days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed.
- (c) If lieu of the issuance and service of formal subpoenas to classified employees any member of the Board may request any appointing authority to order any designated employee under his supervision to attend any hearing. If the

appointing authority honors the request any classified employee who refuses or fails to obey the order of his appointing authority to appear at the hearing shall be subject to the provisions of Paragraph 32 of the Amendment.

- (d) Any party desiring the production of books or papers at any hearing must apply for an appropriate order in writing at least five days before that fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production.
- (e) Authentic copies of books, records, papers or other documents in the custody of any department, board, or agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if original records are subpoenaed, they must be produced and made available for inspection even though authentic copies may be subsequently introduced.
- (f) The abuse of the privilege to require the attendance of witnesses or the production of books and papers shall be deemed a violation of these rules and the persons responsible for the abuse may or may not be disciplined at the discretion of the board.

#### 9.12 Dismissal for Nonappearance.

- (a) 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.
- (b) If the authority or person against whose action the appeal has been taken fails to appear at the place and time fixed for any hearing, the Board may proceed with the hearing, and the appeal shall be decided upon such evidence as may be adduced at the hearing.
- (c) Nothing herein shall be construed to prevent the Board from upsetting any fixing upon timely application and for good cause.

#### 9.13 Consolidation.

When two or more appeals involve common questions of law or fact, the Board may order a joint hearing of any or all the matters in issue in the appeals, or may order that all such appeals be consolidated.

9.14 Refusal to Appear; Refusal to Testify; False Testimony.

- (a) Any officer or employee in the classified service, who willfully refuses or fails to appear before the Board or having appeared refuses to testify or answer any question pertinent to the matters under consideration, shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the classified service for a period of six (6) years.
- (b) Any officer or employee required to testify as herein authorized shall not be subjected to any disciplinary action by his appointing authority because of his giving such testimony.
- (c) Any person who willfully fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any hearing before the Board or a referee, or who knowingly gives false testimony therein shall be subject to the penalties provided in Article XIV, Section 15.1, of the Constitution of this State.

9.15 Cost of Appeals.

The Board may, in its discretion, order the costs of any hearing or appeal, or any portion of such costs, including the cost of recording and transcribing testimony, to be paid by or charged to the Department against whose action the appeal is taken or hearing granted.

9.16 Board Action on Appeal.

If the Board, after any hearing, orders a dismissed or suspended employee reinstated, it may reinstate such employee under conditions as it deems proper and subject to Rule 9.9 may order full pay for lost time.

## CHAPTER X

### WORKING TESTS

- 10.1 Every person, appointed to a position following certification of his name from a promotional or competitive list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in that class.
- 10.2 The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year.
- 10.3 The working test shall be a continuous and uninterrupted period of performance in the

class to which he is appointed except that an employee may occupy a position of a higher class whenever required by the needs of the service and such time shall apply to his working test period in the lower class.

- 10.4 Deleted October 30, 1972
- 10.5 Whenever a regular employee fails to complete his working test or voluntarily requests termination of his working test, he shall be restored to his former position and the rules of demotion shall apply with respect to pay.
- 10.6 The appointing authority may authorize standards of performance to aid in training and confirming probational employees.
- 10.7 A former employee of the department who resigns and who is re- employed during the four-year period, as outlined in Paragraph 20 d of the Amendment, shall serve a working test.
- 10.8 Whenever a regular employee is demoted to a position of a lower class in which he has gained status, a working test shall not be required.
- 10.9 Whenever an employee is transferred, his status in that class shall not be changed.

## CHAPTER XI

### ESTABLISHMENT AND MAINTENANCE OF LISTS, CERTIFICATION AND APPOINTMENT

- 11.1 The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:
  - a. Names of persons who are demoted or reassigned from any class for a reason other than disciplinary action, shall be placed upon the reinstatement list for the class from which they were demoted or reassigned in the order in which the demotions or re-assignments were made, except as provided by Rule 11.19.
  - b. Names of regular employees who have been laid off, shall be placed on the re-employment list for the class from which they were laid off in the order in which the lay-offs were made.
  - c. A name placed upon either the reinstatement or the re- employment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification

from either list.

- d. Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested from highest to lowest, according to their total seniority in the departmental service.
  - e. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores. A person eligible for military or department preference shall have five points added to his score at the time of placing his name on the list.
  - f. Names of persons qualifying under Rule 8.61, shall be placed on the appropriate list.
  - g. New names placed on a list shall be integrated with the names already on the list according to seniority or score, whichever is applicable.
- 11.2 The following persons shall not be employed in any member by the department to wit: those who have been convicted of any crime which may be punishable by imprisonment in the penitentiary, and not afterward pardoned with expressed restoration of franchise; those who are inmates of any charitable institution, except the soldiers' home; those actually confined in a public prison; all interdicted persons, and all persons notoriously insane or idiotic, whether interdicted or not. The mere conviction of a crime which is punishable by imprisonment is sufficient to make an applicant or present employee ineligible for employment: whether or not he was actually imprisoned is immaterial.
- 11.3 The secretary of the Board, by use of the adopted form, shall certify the names of persons eligible from the appropriate employment list as provided below:
- 1. The secretary shall first certify the names of persons appearing on the reinstatement list in the class of the vacant position in the reverse order from which the names were placed upon the list.
  - 2. Whenever no names appear on the reinstatement list in the class of the vacant position or whenever the persons on the reinstatement list refuse appointment, the secretary shall certify to the appointing authority the names appearing on the re-employment list in the reverse order from which their names were placed upon the list.
  - 3. Whenever the position cannot be filled as provided above, the secretary shall certify to the appointing authority names of persons appearing on the competitive list according to their rank on the list whenever the position is to be



filled is allocated to a competitive class, or the secretary shall certify to the appointing authority the names of persons appearing on the promotional list according to their rank on the list whenever the position to be filled is allocated to a promotional class.

- 11.4 Vacancies in positions in the classified service shall be filled by one of the following methods:
- a. Demotion.
  - b. Transfer.
  - c. Reinstatement.
  - d. Promotional appointment.
  - e. Competitive appointment.
  - f. Re-employment.
  - g. Temporary appointment.
  - h. Re-assignment.

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof. Demotions in the classified service and promotions in the classified service shall be competitive or by promotional examination, whichever is applicable.

- 11.5 Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute appointment, not to exceed thirty days, he shall, by using the required form, request the board to certify names of persons eligible for appointment to the vacant position.
- 11.6 Each vacancy shall be anticipated sufficiently in advance to permit the board to determine who may be available for appointment and, if necessary, to establish a list of eligibles.
- 11.7 Upon the creation of a position which has as its primary duty or responsibility as contained in Chapter 4 of these rules, the appointing authority shall request the board to allocate the position and to certify a list of eligibles. No person shall be appointed to any position until it has been deemed properly classified.
- 11.8 A list certified to the Appointing Authority shall be valid for not more than thirty days and the list shall be returned to the secretary with all supporting data upon appointment or at the expiration of the time limit, whichever occurs first.
- 11.9 The Appointing Authority shall appoint to the vacant position the first person whose name appears on the reinstatement list who is willing to accept the position. Whenever the first person refuses the offer, the position shall be offered the next person on the list and continue in the same manner until the position is filled or the list is exhausted.

- 11.10 Persons whose names are certified on a re-employment list shall be offered the position according to their rank on the list. Whenever the first person refuses the offer, the position shall be offered the next person on the list and continue in the same manner until the position is filled or the list is exhausted.
- 11.11 Persons whose names are certified on a promotional list shall be offered the vacant position according to their rank on the certified list.
- 11.12 Persons whose names are certified on a competitive list shall be offered the vacant position whenever they are selected by the Appointing Authority.
- 11.13 The board shall notify the state examiner and request an examination for a class whenever an eligible list is not available for certification to the appointing authority.
- 11.14 A name placed on either the reinstatement or re-employment list shall remain thereon for a period of four years except as provided by Rule 11.16.
- 11.15 A name placed on a promotional list or competitive list shall remain thereon for a minimum of twelve months and a name shall remain on a promotional list or competitive list a maximum of eighteen months except as provided by Rule 11.16.
- 11.16 The board may remove the name of any person from any eligible list, who
1. Is found to lack any of the qualifications prescribed, or which may be legally prescribed;
  2. Is physically unfit to perform effectively, the duties of a position of the class;
  3. Is addicted to the habitual use of drugs or intoxicating liquors to excess;
  4. Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;
  5. Has been dismissed from the respective service for delinquency or misconduct;
  6. Has made a false statement of any material fact;
  7. Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so;
  8. Has been suspended for an aggregate period of sixteen days in any period of twelve consecutive months;
  9. Has been demoted for disciplinary reasons, or
  10. Is unavailable for appointment to the class for which the list was established.
- 11.17 A probational employee, without regular status, who is separated voluntarily

without delinquency or misconduct may, with the approval of the Board, have his name restored to the list of eligibles from which he was appointed provided he applies within the 18 months period after his name was placed upon the list and he meets the present appointment qualifications. A name so placed on a list shall remain thereon in the same manner as if the person had never been employed.

- 11.18 The board may restore the name of a person to an eligible list from which he was removed upon receipt of application for restoration and a showing that the causes for removal from the eligible list no longer exist or that an error was made in making the removal from the list.
- 11.19 Each permanent employee who, during or at the expiration of his working test period of probation following his promotion, voluntarily returns to his former position or is rejected and refused permanent status in the position and class to which he was promoted or reassigned, shall be automatically restored to the position from which he was promoted or reassigned without his name being placed on any list.
- 11.20 Whenever an eligible is given a probational appointment in a beginning class, the effective time of employment shall be clearly indicated. No two persons shall be employed and begin work at the same effective time.
- 11.21 Whenever a probational employee is confirmed in any position after successfully completing more than six months but less than one year of the working test period, the appointing authority shall clearly indicate the effective time of confirmation. No two employees shall have the same effective time of confirmation as a regular and permanent employee in any class.

#### RESOLUTION

Authorizing and directing the State Examiner to give examinations for promotions to all men serving in the Armed Forces of the United States in a manner as defined by this resolution at such times that said employee would become eligible for said promotion if he were not in service.

WHEREAS: There exists a national emergency; and

WHEREAS: A number of the members of both the Police and Fire Departments have been called into service and a larger number will be called from time to time, and

WHEREAS: These men stand in danger of losing their seniority rights, or not being able to determine just where their standing on the lists should be, and

WHEREAS: We feel that the city and general public owes a debt of gratitude to these men in the Armed Forces who are offering their all for our freedom; now, therefore, be it,

RESOLVED: By the Municipal Fire and Police Civil Service Board of the City of Bogalusa, Louisiana, that:

Section I. For the duration of our present National Emergency, any member of the Fire and Police Department who now comes under the provisions of this Act (Act 102 of 1944) and is classified as a regular employee; or, who may at a later date come under the provisions of this Act and is classified as a regular employee may upon application to the Secretary of the Civil Service Board or the elected representative of the Departments in which he is classified in, be furnished an application blank for the next regular scheduled examinations.

Section II. The applicant shall furnish the name and address of his Commanding or Executive Officer along with his application.

Section III. After application is received and approved by the Civil Service Board in the same manner that all applications are certified to the Secretary shall then place the name of the applicant upon the list of persons eligible to take the next examination and include a copy of the above information to the State Examiner of Municipal Fire and Police Civil Service.

Section IV. The State Examiner of Municipal Fire and Police Civil Service shall then forward a copy of said examination by registered air-mail to the Officer and at such address as included with the application with instructions as to the proper method to give the examination and method of returning the examination.

Section V. The rules and procedure of the examinations and grading shall be set by the State Examiner in the same manner as for all other examinations.

### RESOLUTION

A RESOLUTION requiring applicant or applicants for any position or positions in the classified service of the Bogalusa Fire and Police Departments to submit his fingerprints to the Bogalusa Police Department for the purpose of filing same prior to the acceptance of his application for entrance examination and authorizing and requiring said Bogalusa Police Department to make and file the fingerprints of any such applicant or applicants.

BE IT RESOLVED by the Bogalusa Fire and Police Civil Service Board, in regular session convened, that any applicant or applicants for any position or positions in the classified service of the Bogalusa Fire and Police Departments shall hereafter first submit his fingerprints to the Bogalusa Police Department for filing prior to the acceptance of his application for entrance

examination to any position or positions in the classified service of said Bogalusa Fire and Police Departments.

BE IT FURTHER RESOLVED, etc., that the Bogalusa Police Department is and shall hereafter be authorized, instructed, and directed to take or make and keep on file, the fingerprints of any applicant or applicants for any position or positions in the classified service of the Bogalusa Fire and Police Departments prior to acceptance of application for entrance examination.

**Original Adoption:** 09-08-50

**Revised:** 04-03-53, 05-25-53, 08-16-54, 05-21-56, 12-05-56,  
3-08-57, 10-30-70, 04-16-77, 01-10-23, 03-26-24