

**CITY OF DENHAM SPRINGS**  
**MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD**  
**RULES AND REGULATIONS**

**RULE I**

**DEFINITIONS**

The following words and phrases, when used in this set of rules, shall have the following meaning unless otherwise specified in the rule:

1. "Board" means Denham Springs Municipal Fire and Police Civil Service Board.
2. "Civil service law" means Louisiana Revised Statutes 33:2531, et.seq. (Amendments)
3. "Regular and permanent employee" means any employee who has been appointed to a position in the classified service in accordance with civil service law after completing his/her working test period.
4. "Member" or "Members" mean persons appointed to the Denham Springs Municipal Fire and Police Civil Service Board.
5. "R.S." means Revised Statute of the State of Louisiana.

**RULE II**

**MEETINGS OF THE BOARD**

SECTION 1: The board shall hold at least 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 provided in Sections 3 and 4 of rule II. The board shall hold special meetings as may be called by the chairperson or as provided in Sections 3 and 4 of Rule II. The board may also hold special meetings as may be called by the chairperson or as provided in Section 2 of Rule II.

SECTION 2: The board shall meet at any time upon the call of the chairperson as provided by Section 4 of Rule II, who shall give all members at least a five (5) -calendar day notice, exclusive of Saturdays, Sundays, and legal holidays, if it is a regular meeting and at least twenty-four (24) hour notice, exclusive of Saturdays, Sundays, and legal holidays, if it is a special meeting. If the chairperson fails or refuses to call a quarterly meeting of the board, the members shall meet upon the written call of any two members mailed or e-mailed ten calendar days, exclusive of Saturdays, Sundays, and legal holidays, in advance of the date of the meeting.

SECTION 3: Unless otherwise provided in the notice for such meetings, all meetings shall be held at the Denham Springs Municipal Building.

SECTION 4: Notice of regular meetings shall be given by posting such notice at fire and police departments and at the Denham Springs Municipal Building or at the building in which the meeting is to be held. Notification of board meetings shall also be posted on the board's website, if the board has a website, in accordance with this section.

Notice of regular meetings shall be posted not less than five (5) calendar days, exclusive of Saturdays, Sundays, and legal holidays, before the date fixed for such meeting.

Notice of special meetings shall be posted not less than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before the time fixed for such meeting.

Notice of regular and special meetings shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting.

In accordance with R.S. 42:19, each item on the agenda shall be listed separately and with reasonable specificity. The agenda shall not be revised less than twenty-four (24) hours, exclusive

of Saturdays, Sundays, and legal holidays, preceding the scheduled time of the meeting. Before the board may take any action on an agenda item at a meeting, the chairperson or his/her designee shall read aloud the description of the item.

SECTION 5: At a regular or special meeting, in accordance with R.S. 42:19, the board may take up a matter not on the agenda upon unanimous approval of the members present at the meeting. In order to add an item to the agenda, a motion must first be made to take up the matter and the motion must include, with reasonable specificity, the purpose for the addition to the agenda, and it must be entered into the minutes of the meeting. After the motion is seconded and 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 6: a. All board meetings shall be open to the public, except when the board meets in executive session as provided by R.S. 42:16 and R.S. 42:17.

b. Sonic or video recording and broadcasting of public meetings shall be permitted. Any person wishing to record the board's proceedings by video or audio equipment, or to broadcast the proceedings, shall register with the board secretary not less than fifteen (15) minutes in advance of the commencement of the meeting and provide his/her identity and media affiliation, if any. Persons recording or broadcasting the meeting with equipment which must be supported by a tripod or other stand, shall position themselves in the back of the meeting room, and shall not interfere with the entrance or egress of others. Persons using hand-held recording devices may be seated in the audience; however, they shall not interfere with the orderly conduct of the board's proceedings, nor cause unreasonable interference with the audience's view of or participation in the proceedings.

c. Recording equipment must be assembled and in working order prior to the commencement of the board's proceedings. No one shall be permitted to set up or

disassemble equipment while the board is conducting its meeting. No strobes, flash lighting, or other bright lights that may impair the conduct of the meeting shall be used, except by approval of the board chairman given at least twenty- four (24) hours advance of the meeting.

- d. There shall be no interviews conducted in the meeting room while the board is conducting its meeting.
- e. Compliance with the provisions of this Section shall be strictly enforced. Persons in violation of the provisions of this Section shall receive one warning. Continued non-compliance removal of the shall be grounds for immediate violator and his/her equipment.

SECTION 7: Four (4) members of the board must be present to constitute a quorum of the board. Concurring votes of three (3) members are necessary for decisions of all matters before the board except as follows. In the event that a quorum is not present at the time scheduled for a meeting, the meeting shall be cancelled thirty (30) minutes after the scheduled time for the meeting to allow time to obtain a quorum. If a member leaves a meeting which results in the loss of a quorum, the meeting shall immediately recess until a quorum is again obtained. In the event that a quorum cannot be obtained within thirty (30) minutes after the meeting has been called back to order, a motion shall be made to adjourn. Written minutes of such meetings shall be kept as provided in Rule II, Section 9.

SECTION 8: The chairperson shall vote on all matters before the board except in situations when he/she is required to recuse himself/herself as provided in R.S. 33:2561(D) and in accordance with the Louisiana Code of Ethics. The vice-chairperson shall act in the absence of the chairperson and shall be authorized to sign all board documents, as necessary.

SECTION 9: The board secretary or another person designated for the purpose by the board chairperson, shall keep written minutes of all open meetings. The minutes

shall include-but shall not be limited to-the date, time, and place of the meeting; the members recorded as either present or absent; a record of officials, attorneys, and others present; the substance of all matters decided by the board; a record of all motions and votes; and any other information that any member, the Office of State Examiner, and others request to be discussed at the meeting and included in the minutes.

In accordance with R.S. 42:20(B), a copy of written minutes of all board meetings shall be posted on the board's website, for at least three (3) months, if the board has a website.

### **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 to determine quorum
3. Approval of the minutes of previous meetings
4. Unfinished Business
5. New business
6. Executive Sessions
7. Announcements
8. Adjournment

SECTION 2: In accordance with R.S. 42:14, a public comment period shall be provided for at any point in the board meeting prior to action on an agenda item upon which a vote is to be taken. Public comment on proposed rules of the board shall be provided for within the context of the public hearing. Any person wishing to make comment shall raise his/her hand until recognized by the chairman. Each person recognized to speak shall state his/her full name and home address for the record; however, members of the classified fire and police civil service wishing to make comment shall not be required to reveal their home address, but shall give the address of their employing agency. No person shall

be given more than five (5) minutes within which to comment; however, the speaker may, before their time expires, request additional time, which shall be approved at the chairman's discretion. Upon expiration of allotted time, the speaker shall immediately cease making comment.

A public comment period shall not be provided during appeal hearings. Hearings and investigations conducted by the board following classified employees' appeals against corrective or disciplinary actions are quasi-judicial. Decisions of the board shall be limited to the evidence adduced, and shall not be prejudiced by public comment.

#### **RULE IV**

##### **EXECUTIVE SESSIONS**

In accordance with R.R. 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 that 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, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time contained in the notice of the meeting at which the executive session is to take place and that such employee may request that the discussion be held in an open meeting.

**RULE V****APPLICATION FOR APPEAL AND OTHER HEARINGS AND INVESTIGATIONS**

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

SECTION 2: Written petitions for appeals to the board under the provisions of R.S. 33:2561 shall be made only by regular and permanent employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action, and the application shall so state.

Written petitions under the provisions of R.S. 33:2561 must be received by the board within fifteen (15) calendar days after the employee is notified of the discharge, corrective or disciplinary action. The fifteen (15) day calendar period shall begin the day after the employee is notified of the disciplinary action either verbally or in writing.

The board shall meet within thirty (30) calendar days after receipt of the written petition for a hearing under the provisions of R.S. 33:2561. The board shall review the petition in order to determine if the request complies with the provisions of civil service law and to consider granting the appeal. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the hearing. Although not required by civil service

law, the board shall also notify the employee' s attorney, the appointing authority's attorney, and the chief of the respective department.

SECTION 3: All other written petitions for hearings and investigations pursuant to civil service law and not otherwise provided for under R.E. 33:2561 shall set forth the section of the civil service law under which the petition is brought. The board shall institute and conduct such hearings and investigations in accordance with civil service law and the Denham Springs Municipal Fire and Police Civil Service Board Rules.

Written petitions showing just cause for hearings and investigations by the board as provided for in civil service law shall be granted at the first board meeting following receipt of the petition or at a special meeting as provided in Rule III, Section 2. Investigations conducted under the provisions of R.S. 33:2537 (4) and (5) shall be completed within sixty (60) calendar days of the board's receipt of the petition. Investigations into prohibited political activity pursuant to R.S. 33: 2564 (B) shall be completed by the board within thirty (30) days after receiving written cause for violations of R.S. 33:2564.

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

#### **RULE VI**

#### **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 requests continuance of an appeal hearing for disciplinary action under the provision 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. If either the appointing authority or the appellant fails to appear at the place and time fixed for any hearing, the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance of evidence as may be presented 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 the time, the hearing shall be rescheduled. If an appeal or other hearing shall not be completed at one meeting, the hearing shall be continued to another meeting. The board shall notify all pertinent parties of the rescheduled hearing date.

#### **RULE VII**

#### **PROCEDURE ON APPEALS, HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

SECTION 1: All hearings on appeals and investigations shall be open to the public except when the board goes into executive session as provided for in R.S.42:16 and R.S.42:17. The board shall have complete charge of all hearings and investigations that come before the board. The procedures followed shall be informal and not necessarily bound by the legalistic rules of evidence.

SECTION 2: In accordance with R.S. 33:2561.D, any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself/herself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any member of the board who is an immediately family member (parent, child, sibling, or spouse) shall recuse himself/herself from voting in any such decision.

If such recusal by a board member results in the inability of the board to reach a decision by concurring votes of three (3) members, the board shall consider to have affirmed the action of the appointing authority.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by an attorney, the board shall be notified as soon as counsel is retained. Notification must provide the full name, preferred mailing address, phone number, and email address of the attorney. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 4: The rules of evidence as applied to civil trials before the courts of this state shall 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 provided in (1) R.S. 33:2555 and, (2) when an employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 5: 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 actions, the appointing authority shall be the first to present evidence and testimony followed by evidence

and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 6: 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 7: Each board member shall have the power to subpoena witnesses and compel the production of books and papers without compensation. The board may serve such subpoenas in any way it deems appropriate. Any party desiring the issuance of a subpoena for the attendance of a witness or the production of any books or papers must apply for the appropriate order to the board, in writing, at least fifteen (15) calendar days, inclusive of Saturdays, Sundays, and legal holidays, prior to the date set 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, and the relevancy of the evidence to be sought. The request for the subpoena for books or papers shall contain a description of items to be produced in sufficient detail for identification, the name of the custodian of records the street address of the custodian, the purpose of the subpoena, and the relevancy of the evidence to be sought.

A subpoena service fee shall be required for each subpoena requested after the first four in order to cover all costs incurred per subpoena. Excessive requests shall be restricted in number at the discretion of the board.

SECTION 8: All persons who will offer testimony or make statements of fact will be sworn. Every statement of fact made at any time during the hearing by any person after being sworn shall be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of general discussion.

Documentary evidence shall be filed with and marked for identification by the secretary of the board, or another person designated for the purpose by the

board chairman.

SECTION 9: At the conclusion of the hearing or investigation, if the board finds the action taken by the appointing authority was in good faith and just cause and the punishment imposed was commensurate with the infraction, the board shall affirm the action of the appointing authority.

If the board finds that the action taken by the appointing authority was with good faith and just cause but the punishment was not commensurate with the infraction, the board shall modify the action of the appointing authority. The board shall modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing thereof, or such other lesser punitive action that may be appropriate under the circumstances.

If the board finds the disciplinary action taken by the appointing authority was not in good faith and made with just cause, the board shall overturn the action of the appointing authority and the board shall immediately reinstate or reemploy such individual in the office, place, position from which he/she was removed, suspended, demoted, discharged.

SECTION 10: In the case of a tie vote and no board member recused himself/herself under the provisions of R.S. 33:2561 (D) and Section 2 of Rule VII, the board shall not have reached a decision. The board shall set a new date for the appeal hearing and rehear the case, allowing for any additional admissible evidence, and render a decision that would be appealable to the district court. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the new hearing. The board shall notify the employee's attorney, the appointing authority's attorney, and the respective

chief, but is not required by law.

SECTION 11: The decision of the board together with the board's written finding of fact, shall be certified in writing within forty-five (45) days to the appointing authority for enforcement.

SECTION 12: Any employee and the appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of civil service law that which is prejudicial to the employee or appointing authority. This appeal shall lie direct to the court of original and unlimited jurisdiction in civil suits of Livingston Parish. This appeal shall be taken by the serving board, within thirty (30) calendar days of the decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decisions, be filed with the designated court. The board shall within ten (10) calendar days after the filing of the notice of appeal, make, certify, and file the complete transcript, if available with the designated court.

### **RULE VIII**

#### **TRANSCRIPTS OF HEARINGS**

If any party to the hearing desires a permanent transcript of any hearing, the party shall furnish a court reporter for the said purpose at the party's own expense. The party furnishing a court reporter shall be responsible for the 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. The board secretary shall not be required to produce a transcript of any hearing. Any party may request a copy of the minutes of the hearing, and, if digitally recorded, a copy of the recording.

## **RULE IX**

### **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. 33:2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require, as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen (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 Act.
- SECTION 3: Promotional and 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 Section 2553 of the Civil Service Act, and the qualifications requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive the special requirements or qualifications for admission to tests such as age, education, and physical

requirements in order to establish a qualified pool of applicants for testing; provided such requirements are waived in increments. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairman shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the board with the State Examiner. Employment lists shall become effective upon approval and by 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 board chairman and the date of the board's approval.

#### **RULE X**

##### **DISTRIBUTION OF BOARD RULES**

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one (1) copy, police and fire chief one (1) copy, police and fire bulletin boards one (1) copy, and State Examiner one (1) copy.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

#### **RULE XI**

##### **LEAVES OF ABSENCE AND BOARD RULES**

SECTION 1: Leaves of Absence - Police and Fire

A. Leaves of absence are classified as follows:

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

B. Sick leave:

SECTION 1: Each full-time employee of the classified service shall accrue sick leave at the following rate:

Three (3) hours per payroll period.

- a. Fire department employees covered by the Fair Labor Standards Act 7K Plan (27 day pay period) shall earn sick leave at the rate of 4.5 hours per payroll period to compensate for increased work hours.
- b. Police department employees covered by the Fair Labor Standards Act 7K Plan (14 day pay period) shall earn sick leave at the rate of 3.15 hours per payroll period to compensate for increased work hours.

SECTION 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 basis for disciplinary action.

SECTION 3: 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 assigned by the appointing authority.

SECTION 4: No cash payment may be made for accumulated sick leave, other than an employee who retires in accordance with the corresponding retirement system of the fire or police service.



SECTION 5: Should any absence due to illness or injury of an employee be questioned, the employee maybe required by the appointing authority to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness when required by the appointing authority will result in the employee being classified as "absent without leave and pay. Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any other time, he/she may be required to submit a doctor's certificate should the absence be for only one (1) calendar day.

C. Funeral Leave

SECTION 1: An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparents, children, and step-children, mother-in-law, father-in-law, grandchildren.

SECTION 2: Funeral leave in the event of an immediate family members' death maybe authorized by the appointing authority without loss of pay or leave time not to exceed (3) days, except in extenuating circumstances endorsed by the employee's chief.

SECTION 3: If an employee of the classified service has a death in his immediate family and cannot report for duty, it is his responsibility to notify his supervisor or the person designated by the chief of the department.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take 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, subpoenaed, or otherwise required to appear before a court, public body, board or commission. Civil Leave of Absence with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

F. Attendance Mandated by Subpoenas

Attendance before any public body, board, court, commission or counsel on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance before any court, board, public body, or commission on his off time, such time shall be compensated at his/her normal rate of pay, or by the rate and means set forth in (RS:13:3662 and RS: 15:255) as related to Witness fees to off-duty law enforcement officers and fire service personnel.

Each civil service board representative of the fire and police department shall be granted leave of absence with pay for the duration of any civil service board meeting, hearing, or to assist with civil service examinations, which the member is required to attend, or other official business of the board.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay, time, or annual leave on all days during which they are ordered to duty with troops or at field exercises, or for instruction required by membership of the Officer 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, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of (15)calendar days in any one Calendar year, as provided by Louisiana Revised Statute(42:394). Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

H. Military Leave without Pay

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, will be carried on military leave without pay until he/she returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.

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

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in (Section G.) Should the employee have used all leave to which he is entitled (in Section G), he shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

J. Annual Leave - Fire and Police

SECTION 1: Each full-time employee of the classified service shall accrue vacation leave at the following rate:

> 6 months < 3 years	\	3.7 hours per payroll period
> 3 years < 5 years	\	4.6 hours per payroll period
<10 years	\	5.5 hours per payroll period
<15 years	\	6.5 hours per payroll period
>15 years	\	7.4 hours per payroll period

- a. Police department employees that are covered by the Fair Labor Standards Act 7K Plan (14 day pay period) shall be increased by 1.05 times to compensate for increased work hours.
- b. Fire department employees covered by the Fair Labor Standards Act 7K Plan (27 day pay period) shall be increased by 1.8 times to compensate for increased work hours.

SECTION 2: No cash payment may be made in lieu of a vacation, until such time as the employee is separated from his/her employment.

SECTION 3: The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause. Employees shall not be required to use their annual vacation time on days that they are not scheduled to work.

SECTION 4: The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in (R.S. 33:2557.)

K. Enforcement of Rules

Any employee violating any of the rules included in the section shall be subject to discipline and/or dismissal procedures.

L. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993) and (La:RS:23:341-342).

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

M. Holiday Pay

Each member of the classified service whose work assignment is such that the employee is required to work on any of the following legal holidays, the employee will be paid (2)two hours of compensation for each hour he/she actually works on the holiday.

The governing authority, at its option, may grant employees time off from work for which such additional compensation would be due and payable.

Employees who take off on legal holidays, to which they would receive holiday pay, shall not be docked accumulated annual leave or compensatory time. i.e., An employee who takes off a 12-hour shift on a holiday, to which he/she would have received 12 hours of regular pay and 12 hours of holiday pay, may only be docked 12 hours of holiday pay.

New Year's Day, Martin Luther King Jr. Day, Mardi Gras, Good Friday, Independence Day, Memorial Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day and any other day determined by the governing authority.

N. Specialized Disaster Service Volunteer

Any employee who is trained as a disaster first responder or volunteer of the American Red Cross, or other disaster team pursuant to an operations plan of the Governor's Office of Homeland Security and Emergency Preparedness may be granted by the appointing authority 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 disaster designated at (Level III or above) in the American Red Cross Regulations and Procedures. (RS:23:1017.2-3)

O. Special Leave

If an employee has exhausted all annual leave, he/she may apply and be granted by the appointing authority special leave without pay up to (30) days by the appointing authority when such leave would be in the departmental interest. Any Special leave, with or without pay, exceeding (30) days must be first Approved by the civil service board, and if approval

is granted, the board will at the time determine if departmental seniority is to be interrupted or continued.

P. Administrative Leave

1. Fire Administrative Leave: The appointing authority may grant administrative leave for fire personnel 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 to the employee in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may be otherwise required under department policies and procedures. This period may not be extended beyond sixty(60) days except as may be provided under R.S. 33:2186, and 40:2531.1.b(7). At the end of the sixty(60)day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first, administrative leave shall be terminated.

2. Police Administrative Leave: The appointing authority may grant administrative leave for police personnel 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 to the employee in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may be otherwise required under department policies and procedures. This period may not be extended beyond seventy-five(75) days except as may be provided under R.S. 33:2186, and 40:2531.1.b(7). At the end of the seventy-five(75)day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first, administrative leave shall be terminated.

Q. Absent Without Leave (AWOL)

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

R. Light Duty

Any permanent employee who is unable to perform the duties of

his/her classification within the classified service due to a warranted illness or medical disability, may be placed on light duty by the appointing authority for a period not to exceed (6) months

The appointing authority shall have discretion, to the placement and duties assigned to employees granted light duty, as to how the employee can best serve in his/her department's interest.

Nothing herein shall prohibit the appointing authority from denying light duty to an employee who fails to show a warranted need. A light duty position is unavailable at the time of the request, or it is an injury or illness to which the employee will be unable to return to full duty status.

#### **RULE XII**

##### A. Rights and Privileges

All employees of the Classified Service shall serve and execute his/her office in accordance with the Municipal Fire and Police Civil Service Law, Classification plan, and departmental policies. Employees shall exercise all duties, rights and privileges thereof without burden of reprisal, favoritism, or discrimination.

##### B. Prohibition against quotas

No employee of the Classified Service shall be burdened, pressured with or influenced by number requirements (quotas) of enforcement actions in relation to arrest, summons(s), or tickets of traffic violations. All enforcement actions will be accomplished in a firm, fair, impartial, manner without favoritism or discrimination. (Louisiana Revised Statute 40:2401.1)

DS Board Rules

Original Adoption: 05-02-79

Revision Dates: 11-05-86, 03-23-94, 12-29-06, 11-25-08, 03-03-09, 06-09-09, 03-29-12, 01-23-17, 09-15-20, 09-29-20, 06-27-23, 01-30-24