EAST BATON ROUGE FIRE PROTECTION DISTRICT NO. 3
CIVIL SERVICE BOARD RULES

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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 the East Baton Rouge Fire Protection District No. 3 Civil Service Board.

2. "Civil service law" means Louisiana Revised Statutes 33:2531, et. seq. (Act 282 of 1964).

3. "Employee" or "employees" means an employee of the classified police and fire service.

4. "Legal Holidays" is defined in Louisiana Revised Statute 1:55 to include Saturdays, Sundays, all major holidays observed by the state, additional days depending on the event or locale,

and days of declared emergencies.

5. "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction or advisory power.

6. "Member" or "members" means persons appointed to the East Baton Rouge Fire Protection District No. 3 Civil Service Board.

7. "R.S." means Revised Statute of the State of Louisiana.

8. "Regular and permanent employee" means an employee who has been appointed to a position in the classified service in accordance with civil service law after completing his working test period.

RULE II

GENERAL BUSINESS: 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 all regular meetings at the beginning of each calendar year and it shall state the dates, times, and places of such meetings. The board may also hold special meetings as may be called by the chairperson. Notice of any other regular, special, or rescheduled meeting of the board shall be posted in the same manner no later than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the scheduled meeting.

SECTION 2: "The board shall meet at any time upon the call of the chairperson, who shall give all members due notice of at least twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, for all regular and special meetings. 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 (2) of the three (3) members mailed at least ten (10) calendar days, in advance of the date of the meeting.

SECTION 3: Notice of all meetings shall be given by posting such notice at The Brownsfield Fire Department, Station 71 in the main building located at 11420 Plank Road, Baton Rouge, Louisiana, 70811 (the principal office of the public body holding the meeting) or if no such office exists, at the building in which the meeting is to be held. If the board has a website, notification of such meetings shall also be posted on the website.

Meeting notices shall be posted no later than twenty-four (24) hours, (exclusive of Saturdays, Sundays, and legal holidays) before the scheduled time of the meeting and shall include the date, time, place, and agenda of the meeting.

The board shall also submit a notice of each meeting to the commissioner of administration in the manner required by R.S. 49:1303 and 1305.1.

If requested, the board shall provide the news media with a copy of the notice of all meetings in the same manner as the public body is notified.

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, before the scheduled time of the meeting. Before the board may take any action on an agenda item at a meeting, the chairperson or his designee shall read aloud the description of the item.

SECTION 4: The board may take up a matter not on the agenda upon unanimous approval of the members present. In order to add an item to the agenda, a motion must first be made to take up the matter. 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. The public shall be given an opportunity to comment before an item is added to the agenda.

SECTION 5: a. All meetings shall be open to the public, except when the board meets in executive session.

b. All proceedings in the public board meetings

may be video or tape recorded, filmed, or broadcast live. Any person wishing to record or broadcast a meeting shall register with the board secretary not less than fifteen (15) minutes in advance of the scheduled meeting time. Persons recording or broadcasting the meeting may be asked to position themselves in the back of the meeting room. Persons shall not interfere with the ingress or egress of others, shall not interfere with the orderly conduct of the meeting, nor cause unreasonable interference with the audience's view of or participation in the meeting.

c. No one shall be permitted to set up or disassemble equipment while the board is conducting its meeting. No bright lights that may impair the meeting shall be used, except by approval of the chairperson given at least twenty-four (24) hours in 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 these provisions may be removed without a warning.

SECTION 6: a. Two (2) members of the board must be present to constitute a quorum of the board.

b. Concurring votes of two (2) members are necessary for a decision of all matters before the board except as provided in Rule II, Section 4.

c. In the event a quorum is not present at the time scheduled for a meeting, the meeting may be immediately cancelled, or time may be allowed to obtain a quorum. If a member leaves a meeting which results in the loss of a quorum, the meeting may recess, or a motion may be made to adjourn. If the meeting is recessed and a quorum cannot be obtained after it is called back to order, a motion shall be made to adjourn.

SECTION 7:

a. The chairperson may vote on all matters before the board except in situations when he is required to recuse himself 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.

b. The board shall have complete charge of all meetings and shall conduct them in accordance with Rule III, Sections 2 and 3 and as they deem advisable. The board may order the removal of any person who willfully disrupts a meeting to the extent that the orderly conduct of the meeting is seriously compromised.

NOTES REGARDING RULE #2, Section 8

Section 8 - recommends rules to comply with R.S. 42:20, civil service law, and other language needed in order to provide the board with procedures for recording and preparing the minutes of the meetings.

If the board has a website, R.S. 42:20(B)(2) requires the board post a copy of the written minutes of all board meetings as provided in the proposed rule. However, the inability of the public to access the website due to any type of technological failure shall not be a violation of the Open Meetings Laws. Although not required by law, it is good practice to include the board's meeting notices, agendas, and minutes on the governing body's website, if it has one and is agreeable to include such.

A sample set of minutes may be found on OSE's website under "Resources." Scroll down to "Board Meeting Forms – Sample Board Minutes."

SECTION 8: The board secretary or another person designated 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.

If the board has a website, a copy of the written minutes of all meetings shall be posted on its website within a reasonable time after the meeting, for at least three (3) months.

RULE III

ORDER OF BUSINESS AT MEETINGS OF THE BOARD

SECTION 1: At all meetings, the order of business may be as follows:

1. Call to Order
2. Roll call of members present
3. Adoption of the agenda
4. Reading and approval of the minutes of previous meetings
5. Unfinished Business
6. New Business
7. Executive Sessions
8. Announcements
9. Adjournment

SECTION 2: The board shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. Before opening the floor for public comment, the board may set a uniform time limit for each public commentator to speak. Any person wishing to comment shall raise his hand until recognized by the chairperson. Each person recognized to speak shall state his full name. Upon expiration of an allotted time to speak, the person shall immediately cease making comment.

SECTION 3: Business at meetings may be conducted in the following manner:

a. Introduction of Business - business shall be introduced according to the posted agenda or by a motion passed to rearrange the items on the agenda. Business may also be introduced by the proper addition of an item to the agenda.

b. Discussion of Business – the chairperson shall

open a discussion on an agenda item.

c. Motions and Voting - to propose a decision or action, a main motion must be made. A second motion must then be made in order to place the business before the board for discussion and/or a vote. The members may then vote on the matter with or without discussion.

d. Seconding Motions – the chairperson may repeat a main motion before calling for a second. If a motion is not seconded, the chairperson may ask if the motion is seconded. If there is no second, the chairperson shall declare the motion dead due to the lack of a second. Once the motion is dead, a member may make another main motion on the matter.

e. Tabling a Matter - the board may consider a motion to table an agenda item until a later meeting.

f. Adjourning a meeting - a member must make a motion to adjourn the meeting followed by a seconded motion and voting.

RULE IV

EXECUTIVE SESSIONS

The board may meet in executive session during any meeting, by two-thirds (2/3) vote of those present in order to discuss those matters which are exceptions to open meetings as provided in R.S. 42:17. Any voting on matters discussed in executive sessions shall be conducted only upon return to the public meeting.

The board may go into executive session to discuss an employee's character, professional competence, or physical or mental health only if such employee was notified in writing of the executive session discussion at least twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time contained in the notice of the meeting at which such executive session is to take place and that such employee may require that the discussion be held in an open meeting.

RULE V

APPLICATION FOR APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS

SECTION 1: Any person authorized to appeal to the board under the provisions of R.S. 33:2561 may demand, in writing, a hearing and investigation by the board to determine the reasonableness of the action taken. The board encourages employees to submit such an appeal by giving a statement of the action complained against, the basis of the appeal, and the relief sought.

Any person who wishes to request the board conduct other hearings and investigations pursuant to civil service law not otherwise provided for under R.S. 33:2561, shall do so by providing the board with a written request.

All requests for appeals and other hearings and investigations must be signed by the petitioner or applicant or his counsel, if any. All requests must include the full name, preferred mailing address, phone number, and email address (if applicable) of the petitioner or appellant and of his counsel. All such requests shall be filed with the chairperson of the board or the board official so designated to receive such requests. If the required information is not included on the appeal document, the applicant shall be given an opportunity to amend. Failure to include the requested information in the writing demanding the appeal shall not be grounds for rejecting same.

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

Written requests under the provisions of R.S. 33:2561 must be received by the board within fifteen (15) calendar days after the date the employee is notified of the discharge, corrective or disciplinary action. The fifteen (15) calendar day period shall begin the first 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 request for a hearing under the provisions of R.S. 33:2561. At that meeting, the board shall determine whether the employee is entitled to appeal the employment action. If so, the board shall grant the employee a hearing and/or investigation. 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.

SECTION 3: All other written requests for hearings and investigations pursuant to civil service law not otherwise provided for under R.S. 33:2561 shall set forth the section of the civil service law under which the request is brought.

Written requests showing just cause for hearings and investigations shall be granted at the first board meeting following receipt of the request or at a special meeting. 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 request. 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 charges for violations of R.S. 33:2564.

RULE VI

SUBPOENAS AND LISTS OF WITNESSES AND EXHIBITS

SECTION 1: Subpoenas

a. Each member shall have the power to subpoena witnesses and compel the production of books and papers. The board may serve such subpoenas in any manner it deems appropriate or it may hire an outside entity to serve subpoenas. No person shall interfere with service of a subpoena or refuse to accept same.

b. Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for

appropriate order, to the board, in writing, no less than eight (8) calendar days, inclusive of weekends and legal holidays, prior to the date set for the hearing. Such application shall state the purpose of the subpoena, what items the witness is directed to produce (if any), and what evidence or testimony is sought by the issuance of the subpoena.

c. If the board hires an outside entity to serve a subpoena, a subpoena service fee shall be charged in order to cover all cost incurred per subpoena. Excessive requests may be restricted in number at the discretion of the board. Any party may request an estimate of the subpoena fees from the board prior to requesting the subpoena.

d. All subpoena fees shall be paid in the form of a money order or cashier's check, payable to the East Baton Rouge F.P.D. No. 3 Fire Board of Commissioners. If the subpoena fee is not provided to the board, the board shall reject the subpoena request.

e. Reasonable copy fees may be assessed against the requester by the custodian of records for the production of books or papers pursuant to such subpoenas.

SECTION 2: Lists of Witnesses and Exhibits

a. Both parties shall have the right to call witnesses and to produce exhibits. A list of prospective witnesses and exhibits shall be submitted to the board and to the opposing party no less than eight (8) calendar days, inclusive of weekends and legal holidays, prior to the date set for the hearing. Each list shall include a general statement of the relevancy of the evidence to be adduced. The board and the opposing party shall be provided a copy of each exhibit appearing upon the list of exhibits. The witness lists shall include the name and residential address of each potential witness; however, if a witness is an employee of the classified service, the employee's business address shall be provided.

b. Failure to comply with the provisions of this section, without good and sufficient cause, may cause the witness or exhibit to be excluded from the hearing. The board may reject any witness whose name does not appear on the witness list and/or any exhibit not upon the exhibit list.

c. Evidence must be relevant to whether the appointing authority acted in good faith for cause. No evidence shall be allowed concerning the character of the parties.

RULE VII

PROCEDURES ON APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS

SECTION 1: All hearings on appeals and investigations shall be open to the public except when the board goes into executive session as provided for in Louisiana Open Meetings Law. The board shall have complete charge of all hearings and investigations that come before the board and shall conduct them in accordance with civil service law, the board's rules, and in any manner they deem advisable, without prejudice to any person or party thereto. The procedures followed shall be informal and not necessarily bound by the rules of evidence.

SECTION 2: 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 from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any member of the board who is an immediate family member of the appealing employee shall recuse himself from voting on any such decision. For purposes of this section, immediate family member shall mean any parent, child, sibling, or spouse.

If such recusal by a member of the board results in the inability of the board to make a finding of fact or reach a decision by the concurring votes of two (2) members, the board shall be considered to have affirmed the action of the appointing authority.

Any other grounds for recusation of a board member shall be the same as the grounds for the recusation of judges of the courts of the State of Louisiana.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by an attorney. The board shall be notified of the full name, preferred mailing address, phone number, and email address of all attorneys retained by any party. Each witness shall be examined by only one attorney per party.

SECTION 4: Rulings on procedural matters shall normally be made by the board chairperson, and parties and attorneys appearing before the board shall not have the right to require a vote of the full board on particular procedural matters arising during the progress of a hearing. A vote of the full board shall be conducted on any matter at any time upon the motion and second of a member. In the event of a tie vote, the motion fails, and the hearing shall proceed unless another motion is made.

SECTION 5: The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board.

The burden of proof shall be on the appointing authority except in those cases where, (1) an employee is alleging that he was not given a fair opportunity to prove his abilities in his position after the appointing authority has failed him in his working test as provided for in R.S. 33:2555 or, (2) when an employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 6: Parties and witnesses shall be subject to cross-examination. The party bearing the burden of proof shall be first to present evidence and

testimony followed by the evidence and testimony of the other party. Board members may ask questions of witnesses.

SECTION 7: The board may, on request of any party or on its own motion, sequester witnesses and thus exclude them from the hearing room. While sequestered, no person shall discuss or exchange with any other person any information regarding the matter before the board except to speak with an attorney of record.

SECTION 8: All parties, or their attorneys, shall state their names and addresses for the record, and shall be permitted to give a brief preliminary statement.

SECTION 9: All persons who will offer testimony or make statements of fact during the hearing shall be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn shall be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

SECTION 10: An effort shall be made to complete the questioning of each witness by all parties before beginning the questioning of the next witness.

SECTION 11: Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.

SECTION 12: Documentary evidence shall be filed with and marked for identification by the secretary of the board, or another person designated by the chairperson.

SECTION 13: At the conclusion of the hearing or investigation and before any motions to confirm, modify, or reverse, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate.

SECTION 14: A public comment period shall not be provided during appeal hearings.

SECTION 15: In reviewing disciplinary action taken against an employee, the board shall determine if the disciplinary action was taken in good faith and for cause, and, if so, whether the punishment imposed is commensurate with the infraction. The board shall determine if the employee's conduct impaired the efficient operation of the fire department.

After the conclusion of the hearing or investigation, if the board finds that the action taken by the appointing authority was in good faith and for 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 in good faith and for cause, but the punishment was not commensurate with the infraction, the board shall modify the action of the appointing authority to a lesser punitive action that may be appropriate under the circumstances.

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

If the board finds that the appointing authority violated any part of the Louisiana Fire Service Bill of Rights and the individual was not afforded his due process in accordance with R.S. 33:2181(C), the board shall declare the action to be an absolute nullity, and overturn the action taken by the appointing authority.

SECTION 16: In the case of a tie vote and no board member recused himself under the provisions of R.S. 33:2561(D) or 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.

SECTION 17: The decision of the board together with the board's written finding of fact, shall be certified in writing to the appointing authority and shall be enforced forthwith by the appointing authority.

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

RULE VIII

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

SECTION 1: Requests to reschedule appeal hearings regarding disciplinary action, 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 attorney requests the continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2561, the board may require a stipulation that the employee will not receive back pay after the original date set for the hearing. The board shall approve the stipulation at the time it grants the continuance.

SECTION 3: If either the appointing authority or the appellant fails to appear at the place and time fixed for any hearing, the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance of evidence, as may be adduced at the hearing.

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

RULE IX

TRANSCRIPTS OF APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS

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

SECTION 2: Where a court reporter is furnished, and the proceedings are transcribed, a certified copy of the original 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 make a written finding of fact. Any

party may request a copy of the minutes of the hearing, and, if recorded, a copy of the recording.

RULE X

APPLICATION FOR ADMISSION TO TESTS

SECTION 1: Tests for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with R.S. 33:2552. Tests for entrance upon competitive employment lists may be given as the needs of the service require as determined by the board. Tests for entry upon promotional employment lists may be given as the needs of the service require as determined by the board and shall be given at least one time during each successive period of eighteen (18) months.

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

The board shall reject all applications filed after the time fixed for closing date for receipt of applications as announced in the public notice of the tests. Approved applicants shall be notified of the date, place, and time at least five (5) calendar days in advance of the date fixed for the exam.

SECTION 3: The board shall establish and maintain all employment lists not delegated to the State Examiner pursuant to La. R.S. 33:2551. The board shall maintain competitive employment lists for eighteen (18) months and promotional employment lists for forty-eight (48) months.

SECTION 4: Admission to tests shall be governed by provisions of R.S. 33:2553 and the qualification requirements

of the classification plan of the board. In the event of a demonstrated need for an eligibility list, the board may waive any requirement, except those required by civil service law, in the classification plan deemed necessary in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: A classified employee who was unable to apply for and/or missed a promotional examination due to his placement on military leave with or without pay may apply for such examination upon his return. It is the employee's responsibility to contact the board in order to determine if he missed a promotional examination.

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

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

When the board receives an application for admission to an examination or a request to take an examination from an employee who was on military

leave it shall review such at its next regular meeting. If the application or request is approved, the board shall contact the Office of State Examiner to schedule the examination. Such examinations shall be administered by the Office of State Examiner at its Baton Rouge office. The board shall notify the employee at least five (5) calendar days in advance of the date fixed for the exam.

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

RULE XI

RULES OF THE BOARD - ADOPTION AND AMENDMENT OF THE CLASSIFICATION PLAN AND BOARD RULES

SECTION 1: The board shall adopt, amend, and maintain a classification plan that shall consist of classes designated by class titles for all positions in the classified service and a set of board rules necessary to carry out effectively the provisions of civil service law and to provide for leaves of absence for the classified fire employees. The classification plan and the board rules shall be maintained as rules of the board and shall have the force and effect of law.

SECTION 2: The board shall approve proposed revisions to its classification plan or board rules at a public hearing. The board shall hold a public hearing to

consider amending the rules of the board. The board shall provide notification of the hearing, including a copy of the current classification plan or board rule(s) and the proposed classification plan or board rule(s) for a period of not less than thirty (30) calendar days prior to the date set for the public hearing. Such notice shall be posted at the place of the hearing and shall be provided to the fire chief, the state examiner, and any other party whom the rule may in any way effect. Such notice shall also be posted for the same period at each fire station and building occupied by employees of the classified service.

SECTION 3: The board shall hold a public hearing at which time anyone in person or via written correspondence may offer comment as to why such rule or any part thereof should not be adopted.

SECTION 4: Within thirty (30) calendar days after adoption of amendments to the rules of the board, the board shall provide one copy of such to the governing authority, the fire chief, the state examiner, each board member, and to the fire department for duplication and distribution to each station and building occupied by the employees of the classified service.

SECTION 5: A copy of the classification plan and/or board rules shall be given to any person requesting such.

RULE XII

LEAVES OF ABSENCE

A. Leaves of absence are classified as follows:
   1. Leave of absence with pay
   2. Leave of absence without pay
   3. Absence without leave and pay

   Absence without leave and pay (AWOL) occurs when an employee does not report to work on his assigned work shift, did not receive permission to take time off, and is in a non-approved and non-pay status. Any employee who is absent without leave and pay may be subject to disciplinary action, up to and including termination.

B. Annual Vacation Leave

1. Each employee of the fire department shall be entitled to annual leave with pay in accordance with Table 1 below. Employment shall be continuous with the East Baton Rouge F.P.D. No. 3 Fire Department.

2. Employees shall not be required to use their annual leave on days that they are not scheduled to work.

3. The annual leave privileges herein provided for shall not be forfeited by any employee for any cause.

4. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority.

5. Calendar day shall be defined as a continuous 24-hour period of time from midnight to midnight upon which a work shift may fall.

   Work shift shall be defined as a continuous period of duty which may cover parts of two (2) calendar days.

(continued on next page)

TABLE 1 - ANNUAL LEAVE - FIRE DEPARTMENT		
Years of Continuous Service Completed	**8-hour Shift Employees Days Accrued per Year**	**24-hour Shift Employees Days Accrued per Year**
0-1	18	18
2	18	18
3	18	18
4	18	18
5	18	20
6	18	20
7	18	20
8	18	20
9	18	20
10	21	26
11	21	26
12	21	26
13	21	26
14	22	26
15	24	34
16	24	34
17	25	34
18	26	34
19	27	34
20	28	34
21	29	34
22 or more	30	34

C. Sick leave

1. Each employee shall be entitled to and given, with full pay, sick leave not less than fifty-two (52) weeks for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion.

2. When an employee suffers a job-related injury or illness which entitles him to compensation under the State of Louisiana Worker's Compensation laws, he shall be granted sick leave with pay not to exceed the amount necessary to receive his full salary for sick leave and workers' compensation payments.

3. When an employee receives workers' compensation benefits, such employee's pay shall be decreased by the amount of workers' compensation payments received by such employee unless the governing authority receives such payments.

4. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination. The appointing authority shall establish and enforce departmental policies concerning the use of sick leave and behavior while on sick leave to prevent abuse of this benefit.

D. Bereavement Leave

1. An employee's immediate family member is the employee's spouse, parent, brother, sister, child, step-parent, step-child, step-sister, step-brother, mother-in-law, father-in-law, sibling-in-law, grandparent, grandparent-in-law, great-grandparent, grandchild, step-grandchild, and any other person residing in the employee's household at the time of their death.

2. Bereavement leave may be adjacent to an employee's normal day(s) off.

3. Bereavement leave shall not be granted solely for

the purpose of attending a funeral service. It may be granted for the following reasons: 1) for the employee to make final arrangements; 2) for the employee to attend the funeral service or ceremony; 3) for a mourning period immediately before or after the funeral service or ceremony; 4) for a mourning period if no funeral service or ceremony is held.

4. 8 and 24-hour shift employees: In the event of the death of a member of an employee's immediate family the employee shall be entitled to bereavement leave, with pay, which shall not exceed a total of forty-eight (48) hours (two 24-hour shifts) for 24-hour shift employees -or- sixteen (16) hours (two 8-hour shifts) for 8-hour shift employees.

   In extenuating circumstances, at the discretion of the appointing authority, an employee may be entitled to bereavement leave, with pay, which shall not exceed a total of ninety-six (96) hours (four 24-hour shifts) for 24-hour employees or thirty-two (32) hours (four 8-hour shifts) for 8-hour shift employees.

E. Examination Leave

1. Each permanent employee shall be granted examination leave with pay to take any municipal fire civil service examination to which he has been approved for admission by the East Baton Rouge Fire Protection District #3 Fire Civil Service Board.

2. Each provisional/probational employee who has not obtained permanent status with the fire department shall only be granted examination leave with pay to take a fire civil service examination for the class that he holds provisionally.

F. Civil Leave

1. Each employee shall be granted civil leave with pay for the following:

   a. when ordered to jury duty.

   b. when subpoenaed as a witness, for departmental business, in any court proceeding, civil service hearing, or in proceedings of other

duly authorized public body.

2. Each employee may be granted civil leave with pay in order to participate in emergency or civilian duty in connection with national defense or homeland security.

3. Civil leave shall not be granted for absences incurred because of court attendance relating to personal affairs.

G. Civil Service Board Attendance Leave

The fire department member of the board shall be granted civil service board attendance leave with pay for the following reasons.

1. For the duration of any board meeting he attends.

2. Any time he is required to assist with civil service examinations.

3. To attend training related to his duties and responsibilities as the fire department board member.

4. To attend to other official business of the board.

H. Military Leave with Pay

Each employee shall be authorized to take military leave with pay without loss of pay, time, annual leave, or efficiency rating on all days during which he is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, the Coast Guard Reserve, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one (1) calendar year, as provided by R.S. 42:394.

I. Military Leave without Pay

1. Each employee, except as provided in number 3 of this section, who leaves employment in order to perform voluntary or involuntary service in the

uniformed services of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, reserve military personnel, members of the National Disaster Medical System as specified in federal law, and other category of persons designated by the President in time of war or national emergency, shall be given any leave due the employee in Section H. Should the employee have used all leave to which he is entitled (in Section H), he shall be granted military leave without pay.

2. Any such employee may request and shall be granted any unused annual leave or compensatory leave. An employee cannot be required to use such leaves of absence.

3. An employee serving in a provisional appointment who is not a regular and permanent employee shall not be granted military leave without pay. He shall be required to resign or be separated from the service.

4. A recruit serving in formal training who has been placed on military leave without pay for thirty (30) or more continuous calendar days shall have his formal training interrupted for the duration of the military leave. The employee shall resume his formal training the day he reports to active duty with the fire department. The time the employee served in his formal training prior to the interruption and the time the employee serves in the formal training after it is resumed will be used in calculating the total time served in his formal training. The employee must meet the requirements of R.S. 33:2555.1 prior to beginning his working test.

5. A probational employee serving in a working test who has been placed on military leave without pay for thirty (30) or more continuous calendar days shall have his working test interrupted for the duration of the military leave. The employee shall resume his working test the day he reports to active duty with the fire department. The time the employee served in his working test prior to the interruption and the time the employee serves in the working test after it is resumed will be used in calculating the total time served in his working test. The employee must meet the requirements of

R.S. 33:2555 prior to confirmation as a permanent employee in his respective class.

6. An employee who has his formal training or working test interrupted due to military leave shall be made whole at the completion of such periods. The employee's records shall reflect the date he would have completed his formal training or working test had he not been on military leave. The employee's seniority date, if required, shall be adjusted to reflect the date he would have begun accruing seniority had he not been on military leave.

7. The appointing authority shall report military leave without pay, interruption of formal training and working test, and resuming the formal training and working test to the board within fifteen (15) calendar days of the effective date of action.

J. Personal Leave Without Pay

1. Each employee may be granted personal leave without pay of up to 120 hours for 24-hour employees –or- up to 40 hours for 8-hour shift employees in any calendar year. Such leave may be granted by the appointing authority when the employee has no compensatory time or accumulated annual leave.

K. Leave for Specialized Disaster Service Volunteer

Each employee who is a disaster service volunteer may be granted leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for the American Red Cross.

L. Administrative Leave with Pay

The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may 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.

M. Expiration of Leave

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