

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

RULE I

MEETINGS OF THE BOARD

SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, herein after referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at 7:30 p.m. at the City Hall, 6437 Jefferson Highway, Harahan, Louisiana.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall and at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:5 or 5.1.

SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.

SECTION 5: Open Meetings - All board meetings shall be open to the public, except when the board meets in executive session as otherwise provided by law.

In compliance with the open meetings laws in order to maintain the decorum of the meetings, Sonic and/or video recording and broadcasting of public meetings shall only be permitted, with the prior consent of the board.

If prior approval is obtained, any equipment used for recording or broadcasting the meeting which must be supported by a tripod or other stand shall be positioned in the back of the meeting room, and shall not interfere with the ingress or egress of others. If prior approval is

obtained, 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.

If prior approval is obtained, persons recording or broadcasting shall be solely responsible for supplying all necessary equipment and meeting all technical requirements of their equipment without the support of the board.

There shall be no interviews conducted in the meeting room while the board is conducting its meeting.

SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty- four-hour notice, as provided by law.

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

RULE II

SUBJECT MATTER OF MEETINGS

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

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

RULE III

ORDER OF BUSINESS

SECTION 1: Subject to the discretion of the board, at regular meetings the order of business shall be as follows:

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

- and meetings.
- 4. New business.

SECTION 2: Subject to the discretion of the board, at special meetings the order of business shall be as follows:

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

SECTION 3: Public Comments: 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 Chairperson. Each person recognized to speak shall state his/her full name and home address for the record; however, members of the classified 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 Chairperson's discretion. Upon expiration of allotted time, the speaker shall immediately cease making comment.

A public comment period shall not be provided on recommendations of the Office of State Examiner, unless those recommendations become an agenda item upon which a vote is to be taken.

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 not be limited to the evidence adduced, and shall not be prejudiced by public comment.

RULE IV

EXECUTIVE SESSIONS

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute

42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions will be conducted **only** upon return to public meeting.

RULE V

APPLICATION FOR APPEALS AND HEARINGS

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

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

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

RULE VI

PROCEDURE ON APPEALS: (Revised Statute 33:2561)

SECTION 1: All hearings on appeals shall be open to the public.

- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.
- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The board may limit repetitive, irrelevant or inflammatory testimony. The burden of proof shall be on the appointing authority except in those cases where, (1) an employee is alleging that he was not given a fair opportunity to prove his abilities in his position after the appointing authority has failed him in his working test period as provided for in R.S. 33:2495 and, (2) when the employee alleges discrimination based on political or religious beliefs, sex, or race.
- SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. In appeal hearings against disciplinary action, the appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses. The board shall allow the appointing authority to present rebuttal evidence once. The board shall set the amount of time allowed for the presentation of rebuttal evidence. The board may allow other additional evidence if the board deems it appropriate to receive such evidence to ensure an impartial, just decision.
- SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board, place them under sequestration, and thus exclude them from the hearing room.
- SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order to the board in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$50.00 will be required for any additional subpoena requested after the first four (4).
- SECTION 7: The written rules, regulations and procedures of the civil service board and Civil Service Act will be the basis of all hearings and appeals.
- SECTION 8: Everyone appearing before the board is required to conduct themselves with civility, showing the proper respect for the meetings, the board and all in

attendance. Lawyers are expected to conduct themselves as they would in court. The board may remove anyone from a meeting, for disruptive or discourteous behavior upon unanimous vote of the board. If the person removed from the meeting is a civil service employee, that person may be subject to all penalties provided in the Louisiana Civil Service laws in Revised Statutes Title 33 after investigation by the board.

RULE VII

DISMISSAL OF APPEALS:

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

RULE VIII

TRANSCRIPTS OF HEARINGS:

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

RULE IX

OTHER HEARINGS:

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

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

- SECTION 1: Tests - Tests for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with R.S. 33:2552. Except for entrance level firefighter and entrance level police officer, tests for entrance upon competitive employment lists may be given as the needs of the service require as determined by the board. Tests for entrance firefighter and entrance police officer shall be given by the Office of State Examiner. 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 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, except for entrance level firefighter and entrance level police officer, shall be maintained by the board for forty-eight (48) months and eighteen (18) months, respectively.
- SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, except for entrance level firefighter and entrance level police officer, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.
- SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI**DISTRIBUTION OF BOARD RULES:**

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body two (2) copies, city chief of police one (1) copy, city fire chief, police, and fire bulletin boards one (1) copy, and State Examiner one (1) copy, and each member of the classified service 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 XII**LEAVES OF ABSENCE****SECTION 1: LEAVES OF ABSENCE - FIRE AND POLICE**

A. Leaves of absence are classified as follows:

1. Leave of absence with pay.
2. Leave of absence without pay.
3. Absence without leave and pay.

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

B. Sick Leave

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during any calendar year for any sickness or injury or incapacity not brought about by his own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workmen's compensation benefits actually received by such employee. Classification of leave of absence for the aforementioned will be "Leave of Absence with Pay."

2. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination. The Appointing Authority is encouraged to establish written policies necessary to monitor sick leave and to prevent abuse of this benefit, which may include but not limited to the following: notification prior to duty when calling in sick, situations when doctor's excuses are required, and employee conduct while on sick leave.
3. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform the duties of the position as assigned by the appointing authority.
4. No cash payment may be made for accumulated sick leave.

C. Leave for Immediate Family Illness

Each employee of the classified service shall have "Leave of Absence with Pay" up to four (4) days per year for serious illness in the immediate family. "Immediate Family" means father, mother, spouse, and children.

Additional leave may be granted and charged against annual leave.

D. Funeral Leave

1. Each employee of the classified service shall be granted "Leave of Absence with Pay" up to four (4) days because of death in the immediate family.
2. An employee's immediate family is defined to consist of father, mother, spouse, children and step-children, sister, brother, grandchild, grandparent and in-law.
3. In the case of death of an aunt, uncle, nephew, niece or cousin one (1) day "Leave of Absence with Pay" shall be granted.
4. Funeral leave is authorized for the specific purpose of attending the funeral of the deceased family member.
5. The Appointing Authority is encouraged to establish written policies necessary to monitor funeral leave and to prevent abuse

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

E. Examinations

Each employee of the classified service will be granted "Leave of Absence with Pay" to take any Municipal Fire and Police Civil Service examination.

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.

F. Civil Leave

Each employee of the classified service shall be granted leave of absence with pay when ordered to jury duty, subpoenaed, or otherwise required to appear before a court, public body, board, or commission. Civil Leave of Absence with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

G. Civil Service Board Attendance

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

H. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay, time, or annual leave on all days during which he/she is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the 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 fifteen (15) calendar days in any one calendar year, as provided by Louisiana Revised Statute 42:394.

I. Military Leave without Pay

Any member of the classified service who is called into the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section H. Should the employee have used all leave entitled

to in Section H, he shall be granted military leave without pay until he returns to duty.

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

J. 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".

K. Annual Leave - Fire and Police

1.A. Each employee of the Fire classified service after having served one (1) year, shall be entitled to an annual vacation of eighteen (18) calendar days, based on their average hours worked per calendar day (216 hours) with full pay. This vacation period shall be increased one (1) day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days, all of which shall be with full pay.

1.B. Each employee of the Police classified service after having served one (1) year, shall be entitled to an annual vacation of fifteen (15) calendar days based on their average hours worked per calendar day, with full pay. This vacation period shall be increased one (1) day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days, all of which shall be with full pay.

2. Each employee of the classified service who separates from the service prior to serving one (1) year with the department shall be entitled to and given with full pay one and one-quarter (1 1/4) days for each thirty (30) days worked.

3.A. AVacation day@ shall be defined as a calendar day from midnight to midnight, upon which personnel would normally be scheduled to work. Therefore, personnel whose work schedule covers parts of two (2) calendar days, will be charged two (2) calendar days of

annual leave to take off a full shift and the entire calendar days associated with their shift. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.

- 3.B. "Vacation day" may be used in increments of hours, at the discretion of the Appointing Authority, based on the average hours worked in a calendar day. The average hours worked per calendar day, per week are 12 hours, for both Fire and Police, (except the average hours worked for an 8 hour a day employee or a 10 hour a day employee shall be based on their regular daily hours and a vacation day for such employees shall be based on their regular daily hours.)
4. No cash payment may be made in lieu of vacation until such time as the employee is separated from his/her employment.
5. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2557.

L. Special Leave - Seniority

Special leave of absence, with or without pay, may be granted by the appointing authority for a period not to exceed one (1) calendar year where such leave is determined to be in the departmental interest. Notification of the board shall not be required for special leave with pay for a period not to exceed thirty (30) consecutive days. Where special leave of absence may be granted with or without pay for a period greater than thirty (30) consecutive days, the board shall be notified in writing of the complete reasons therefor at least thirty (30) days prior to the effective date of the leave of absence. In the event that special leave of absence without pay may be granted for more than thirty (30) consecutive days, the board shall determine whether departmental seniority is to be interrupted or continued.

Before beginning special leave, the employee shall be required to first exhaust all accumulated annual and compensatory leave. Such leave shall not be granted in lieu of military leave or other leave of absence, as otherwise provided in these rules. However, special leave of absence may be applied in emergency situations in which employees may be called to serve in a non-military capacity in relation to national defense and homeland security. Under no circumstances shall such special leave be granted for the purpose of engaging in other employment.

M. Leave for Specialized Disaster Service Volunteer

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

N. Family Medical Leave

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

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

O. Administrative leave with pay

1. The appointing authority may grant administrative leave with pay to a Harahan Police Officer for periods not to exceed seventy-five (75) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may otherwise be required under department policies and procedures. This period may not be extended beyond seventy-five (75) days except as may be provided under R.S. 40:2531 B.(7). If additional time is granted for the investigation by the Civil Service

Board, the appointing authority may grant additional administrative leave with pay not to exceed sixty (60) days. 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.

2. The appointing authority may grant administrative leave with pay to a Harahan Fire Department employee 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 as may be provided under R.S. 33:2186. If additional time is granted for the investigation by the Governing Authority the appointing authority may grant additional administrative leave with pay not to exceed sixty (60) days. At the end of the sixty (60) day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first, administrative leave shall be terminated.

P. Expiration of Leave

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

Q. Holidays

Classified employees shall be entitled to not less than ten holidays per year. (Police holidays must include Christmas, New Year's Day, July 4th and Labor Day, and any other legal holiday mandated by state law.) Except as provided herein such holidays shall be named by the governing authority of the municipality pursuant to their established holiday policy.

All holidays extended to employees of the City of Harahan shall also be granted to each member of the classified service.

Should a member of the classified service work assignment be such that he actually works on a legal holiday (including days non-essential personnel are given off due to an emergency,) he will be paid an additional compensation of one and one-half (1 ½ times) his usual pay rate.

When a holiday occurs on an employee's rest day, at the discretion of the Appointing Authority, in the week in which a holiday occurs the employee's work week may be reduced by their usual shift hours. The employee will be paid in such weeks for a full week without deduction for the holiday hours, or if they work the entire week they may be paid one additional day at the regular rate for the holiday. However, governing authorities may grant compensatory time off in lieu of additional compensation which shall be compensated at an additional compensation rate of at least one times his/her pay rate.

An employee shall be given a choice of taking his birthday off with pay or substitute another day within the calendar year.

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