

RULES FOR KENNER

MUNICIPAL FIRE & POLICE CIVIL SERVICE

- 1.0 PURPOSE:** The purpose of this procedure is to establish rules for organization of the KENNER CIVIL SERVICE BOARD.
- 2.0 GENERAL RULES:**
- 2.1 The members of the Board shall meet and organize by electing one of its members chairman. In case of a vacancy in the office of chairman, the Board shall elect a new chairman.
 - 2.2 The members of the Board shall meet and organize by electing one of its members vice-chairman. The vice-chairman will assume the duties of the chairman in his absence. In case of a vacancy in the office of vice-chairman, the Board shall elect a new vice-chairman.
 - 2.3 The Board shall meet for the transaction of any civil service business at such place and time as may be specified by resolution of the Board and at such other place and time as may be fixed by the chairman who, when he calls a meeting, shall have timely notices of such meeting conveyed to the other members of the Board.
 - 2.4 The Board shall not be bound by rules or order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish.
 - 2.5 All meetings and hearings shall be open to the public except executive sessions.
 - 2.6 The Board shall hold executive sessions upon a 2/3 vote by Board members. Executive sessions are to be attended only by Board members, the secretary, the state examiner, and other invited at the pleasure of the Board.
 - 2.7 When a rule is to be adopted, revised and/or abolished then due notice shall be given for a public hearing. All other meetings and executive sessions shall require due notice as required by the amendment and specified by these rules.
 - 2.8 Four members shall constitute a quorum.
 - 2.9 Each Board member shall vote on each question and the concurring vote of any three members shall be sufficient for the decision of all matters to be decided or transacted. Absence votes are not

permissible.

- 2.10 The secretary of the board shall keep adequate records and minutes of its business and official actions.
- 2.11 It shall be the duty of the Board:
- (a) To represent the public interest in matters of personnel administration in the fire and police services.
 - (b) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments, with reference to the establishment, maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.
 - (c) To conduct investigations on its own motion, or the application of any interested party, hold public hearings whenever there is reason to believe the amendment or rules are being violated or has been violated by any person or department and to issue appropriate orders in such cases.
 - (d) Advise and assist employees in the classified services with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
 - (e) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments and the state examiner or municipal fire and police civil service bring before it.
 - (f) Make, alter, amend and promulgate rules and otherwise provide for the establishment, maintenance, and improvement of a civil service system in the departments of municipal government which by terms of the amendment are under the jurisdiction of the board.
 - (g) To hear appeals from employees and others who claim their rights under these rules and amendments.
 - (h) Adopt and maintain a classification plan. And allocate new positions and reallocate all positions when warranted by a change in duties

or a change in classification plan.

- (i) Make reports to the governing body, either upon its own motion or upon official request, regarding general or special matters of personnel administration in and for the local fire and police services, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

- 2.12 Amendments to the rules shall be approved by the board only after giving due notice and after holding a public hearing. Such amendments shall become effective upon adoption by the board unless otherwise specifically provided.

DUTIES OF THE CHAIRMAN:

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

CONDUCT OF HEARINGS:

- 1.0 **PURPOSE:** The purpose of this Civil Service Procedure is to establish guidelines for the conduct of Public Hearings.

- 2.0 **GENERAL GUIDELINES:**

- 2.1 Time and place of all hearing shall be established by the Chairman of the Board. Members and affected parties shall be notified by the Secretary (written or verbal)
- 2.2 A quorum is required at all hearings. A quorum constitutes four members. All motions, in order to pass, must have three favorable votes (other-wise, the motion fails)
- 2.3 All hearings shall have an informal format with all members taking an active part in the information gathering activities
- 2.4 All members shall remain open and unbiased in order that a full extent of the Louisiana Civil Service Law is upheld
- 2.5 The Board shall subpoena all witnesses requested by the Appointing Authority and/or the members of the classified service
- 2.6 The Board is responsible to determine whether or not any personnel action was done with just cause and with good faith
- 2.7 Appeals to the Board: An appeal may be made to the Board by:
 - (a) Any person in the classified service who alleges that he or she has been discriminated against or subjected to any discriminatory action for political or religious reasons or because of this political or religious opinion or affiliations.
 - (b) Any person in the classified service who, having acquired permanent civil service status, alleges that he has been demoted, dismissed, discriminated against, or subjected to any corrective or disciplinary action contrary to any provision of the Amendment or of the Rules of this Board.
 - (c) Any person in the classified service who alleges that he has been deprived of any right, discriminated against or adversely affected by the violation of any provision of the Amendment of any Rule of this Board
 - (d) Any person who alleges that he has been discriminated against by the allocation or reallocation of a position to a class, or by the Classification Plan or any change thereof.

- (e) Any person who shall have applied for or been examined for the classified service, without having acquired permanent status therein, and who alleges discrimination in the review of his application, admission to an examination, scoring of an examination, the establishment of an eligibility list, or certification therefrom.
- (f) Any person expressly granted the right to appeal to this Board by Amendment or by any Rule of the Board.

2.8 Request for Appeal:

An appeal shall be applied for by written notice giving a clear and concise statement of the action complained against, with the date it occurred or that appellant learned thereof, the basis of the appeal, and the relief sought. It must be signed by the appellant or his counsel and must give the full name and post office address of the appellant and of his counsel, if any.

2.9 Delay for Making Appeal:

2.9.1 No appeal shall be effective unless notice there of is filed with the Board or its secretary within fifteen (15) days following the action complained against, or within fifteen (15) days following appellant's knowledge thereof, or 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.

2.9.2 The Chairman shall cause the date of filing to be noted on each notice of appeal. An appeal shall be docketed in the order filed.

2.10 Summary Dismissal of Appeal:

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

- (a) That the Board lacks jurisdiction of the subject matter.

- (b) That the appellant has no legal right to an appeal.
- (c) That the appeal has not been made in the manner prescribe or within the time fixed by these rules.
- (d) That a decision on the merits would be ineffectual.

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

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

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

An appellant may withdraw or abandon his appeal at any time by filing written notice such as his desire. The docketing of such notice shall constitute summary and final disposition of such appeal. The secretary shall promptly notify all adverse parties of such dismissal.

2.11 Assigning Cases for Hearing:

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

2.12 Place of Hearing:

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

2.13 Notice of Hearing:

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

2.14 Continuances:

- (a) Appeals fixed for hearing and not reached shall be refixed by preference over any appeal subsequently docketed.
- (b) Appeals fixed for hearing may be continued by consent of all parties, but shall be relegated to the foot of the docket for refixing. The Board shall exercise its discretion in determining whether the appellant shall be compensated for lost time, if his appeal be finally sustained, for that portion of the time lost by reason of the continuance.
- (c) Continuance for cause deemed sufficient by the Board may be granted or ordered by the Board, without prejudice to appellant. Any case for cause shall be specially assigned for hearing at the earliest convenient date.

2.15 Procedure at Hearing:

- 2.15.1 All hearings shall be open to the public.
- 2.15.2 Parties shall have the right, but shall not be required to be represented by counsel. Any such counsel may be duly licensed to practice law or may be any person inside or outside of the classified service.
- 2.15.3 The burden of proof as to the facts shall be on the plaintiff in every appeal, and he shall be required to open the case.
- 2.15.4 Each person shall take the following oath prior to testifying, "I _____, do solemnly swear and affirm to tell the truth, the whole truth, and nothing but the truth so help me God."

- 2.15.5 Affidavits or ex-parte statements shall not be received except by consent of all parties, unless introduced to refresh memory or discredit a witness.
 - 2.15.6 All person presenting testimony shall be subject to cross-examination.
 - 2.15.7 The Board may require that the parties stipulate all undisputed facts.
 - 2.15.8 The Board may limit corroborative testimonial proof.
 - 2.15.9 In all matters not provided for in these Rules, hearings and the taking of testimony shall be conducted in any manner acceptable to the Board.
- 2.16 Subpoena of Witnesses, Production of Documents.
- 2.16.1 The Board, and each of its members, shall have power to order the appearance of witnesses and compel the production of books, papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.
 - 2.16.2 Any party desiring the issuance of a subpoena for any witness at any hearing must apply for it in writing at least five (5) days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed. Should a party request more than five (5) subpoenas to be issued, that party, either the appellant or the appointing authority, needs to provide a written reason why more than five (5) subpoenas need to be issued and a written detailed statement as to what each witness is expected to testify to before the board will issue any subpoenas.
 - 2.16.3 In lieu of the issuance and service of formal subpoena to classified employees any member of the Board may direct any Appointing Authority to order any designated employee under his supervision to attend any hearing.
 - 2.16.4 Any party desiring the production of books or papers at any hearing must apply for an

appropriate order in writing at least five days before that fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give full name and address of the person required to make such production.

2.16.5 (a) The appointing authority and/or appellant shall notify the civil service board of all personnel by name in the classified service who are involved in personnel action within five (5) days after the request for a hearing has been granted by the civil service board.

(b) If both parties are represented by counsel, all parties shall confer prior to the hearing to identify those witnesses, by name, that shall be subpoenaed and to review any documents that will be sought for introduction at the hearing.

Parties shall mark all documents for identification, state whether any of the parties have any objections to its admission and the grounds of said objections, and to arrive at any stipulation that would expedite the hearing. This meeting is not necessary if appellant is representing himself.

(c) Authentic copies of books, records, and papers or other documents in the custody of any department, board or agency of the State or any agency of the State or any subdivision of thereof which evidence with the same effect as the originals, but if original records are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.

2.16.6 The abuse of the privilege to require the attendance of witnesses or the production of books and papers shall be deemed a violation of these rules and the person responsible for the abuse may or may not be disciplined at the discretion of the Board.

2.17 Dismissal for Non-Appearance.

2.17.1 If the appellant fails to appear at the

place and time fixed for any hearing, his appeal may be dismissed or the Board may in its discretion continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

2.17.2 If the authority or person against whose action the appeal has been taken fails to appear at the place and time fixed for any hearing, the Board may proceed with the hearing and the appeal shall be decided upon such evidence as may be adduced at the hearing.

2.17.3 Nothing herein shall be construed to prevent the Board from upsetting any fixing upon timely application and for good cause.

2.18 Consolidation:

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

2.19 Refusal to Appear, Refusal to Testify; False Testimony:

2.19.1 Any officer or employee in the classified service who wilfully refuses or fails to appear to testify or answer any question pertinent to the matters under consideration shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the classified service for a period of six (6) years.

2.19.2 Any officer or employee required to testify as herein authorized shall not be subjected to any disciplinary action by his appointing authority because of his giving such testimony.

2.19.3 Any person who wilfully fails to appear in response to a subpoena or to answer any questions or produce any books or papers pertinent to any hearing before the Board or a referee, or who knowingly gives false testimony therein shall be subject to the penalties provided in the Articles XIV, Section 15.1 of the Constitution of the

State.

2.20 Cost of Appeals:

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

2.21 Board Action on Appeal:

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

3.0 Hearing - Personnel Action

3.1 The Board shall call a hearing whenever a regular and permanent employee request a hearing resulting from a violation of the Rules and Regulations of the Applicable Department or R.S. 33:2500. The meeting shall be scheduled within thirty (30) days of written notice of appeals allowing a minimum of ten (10) days notice for employee preparation. The Board shall verify that all appeals are timely filed.

3.2 The Hearing shall be isolated to specific incident as stated in the Personnel Action. (Time, Place and Personnel.)

3.3 All witnesses who have been subpoenaed shall be verified by a roll call and shall be sequestered during the hearing. Exception shall be allowed for the Chief of the Department and the principal investigator of each Department.

3.4 The Appointing Authority shall have the burden of proof to show that the employee violated the Department's rules and regulations, or revised Statue 33:2500.

3.5 Each witness shall be duly sworn by the person selected by the Board.

3.6 The conduct of hearing shall be Direct and Cross examination of each witness. The Chairman of the Board shall be responsible for the conduct of hearing and determination as the applicable and acceptability of evidence to be presented.

4.0 Hearing - Discrimination

- 4.1 The Civil Service Board shall call a hearing whenever a regular and permanent employee states to the Board in writing that discrimination has been committed by the Appointing Authority. The employee is responsible for stating time and dates when the discrimination occurred. (Statue 33:2489, 33:2471)
- 4.2 Hearing for discrimination shall be informal and shall introduce all evidence required to insure that the employee's City, State and Federal rights have not been violated.

*In order to run an orderly civil service board meeting, the board will not tolerate any type of disorderly conduct such as speaking out from the audience, being loud, boisterous, any type of interruption from the audience during a hearing or any type of action that may seem unruly. This action will be decided by the board.

*Any civil service employees that conduct themselves in a disorderly fashion will be called up by name by the chairman or any other member in charge of the hearing, and he will be asked to conduct himself in an orderly manner. If he should continue to disrupt the meeting, he will then be asked to leave the premises and to return at a later date for the board to investigate the possibility of disciplinary action to be taken by the board. This investigation will be held within ten (10) days, at which time the board will decide what course of action will be taken.

GOVERNING PERSONNEL ACTION DIRECTED BY THE APPOINTING AUTHORITY:

1.0 PURPOSE: This procedure governs the action to be taken by the Kenner Civil Service Board regarding the administration of Personnel Actions directed by the Appointing Authority.

2.0 Procedure:

- 2.1 All Personnel Action shall be signed by the Chairman of the Board with a majority consent of the members.
- 2.2 Personnel Action forms shall be prepared individually for each person and each incident. Multiple violation of Appointing Authority rules and regulation, Civil Service Laws, City, State, or Federal Laws that occur during an incident, may be cited collectively or separately.
- 2.3 Disciplinary Actions: Disciplinary actions are

demotion, suspension, and dismissal:

2.3.1 Personnel Action form shall state the:

- (a) Person Involved
- (b) Date and time of alleged violation
- (c) The violation
- (d) Date the action was taken

2.3.2 The Civil Service Board shall notify the person involved upon signing the personnel action forms of his or her rights.

2.3.3 The Civil Service Board shall conduct a hearing regarding the Personnel Action either by a majority vote of the Board or by request for by the affected individual.

The Board recognizes the following milestones that must be followed by the Appointing Authority prior to submitting a Disciplinary Action type Personnel Action Form:

ON THE JOB OCCURRENCES:

- (a) The Appointing Authority shall notify the employee that a personnel action is being taken. Notify the employee of time and place that the violation if the occurrence was knowingly done to the Appointing Authority.
- (b) The Appointing Authority shall take action promptly after the investigation of the incident is complete. After the investigation is complete the Appointing Authority shall submit a Personnel Action during Fifteen (15) days.

PUBLIC COMPLAINTS:

- (c) The Appointing Authority may investigate all public complaints against a member of the Classified Service without notification. The Board does not recognize a time limit on such investigation.
- (d) If possible the Appointing Authority shall obtain a written statement from the employee concerning the violation.
- (e) Establish a manual consisting of Rules and Regulations of the Department (Fire or Police). These rules and regulations shall be general in nature and cover the complete operation and conduct

necessary for a functional department. Appointing Authority will make the manual available to each classified employee and all updates shall be distributed to each classified employee in a timely manner.

- (f) Specific order required within the Department shall be controlled by the Fire and Police Department. The Board recognizes the practice that: In order to perform the job properly each individual must obtain the "word" describing the job function.

2.4 Resignation:

2.4.1 Personnel Action forms concerning resignation shall contain:

- (a) A written notification of Resignation. (Personnel who terminates employment in the classified service without written notice of resignation shall be considered as dismissed and the personnel action shall be modified to so state.)

2.4.1 The Board shall maintain a copy of personnel action, written resignation notice and jacket on file for a minimum of six (6) years. (R.S. 44:36)

2.5 Provisional and substitute Appointments:

2.5.1 All Personnel Action form for either a Provisional or substitute appointment shall be approved by a majority vote of the Board.

2.5.1. It shall be the duty of the Board to verify that the Provisional or Substitute Appointment is proper.

2.6 Probational Appointment:

2.6.1 The Board shall verify that Probational Appointments are proper and that eligible persons are appointed to the classified service.

2.6.2 The Board shall verify that Probational employees are made permanent employees after the working test period.

2.7 Leave of Absences:

2.7.1 All personnel action forms for leave of

absence shall be approved by a majority vote of the Board.

- 2.7.2 All request for Leave of Absence shall meet the requirements of Civil Service Law.

POLITICAL INVOLVEMENT

1.0 DEFINITION:

- 1.1 Political Activities is defined as any assistance given to a Political Official either in office or prior to or during Political Campaign.
- 1.2 Political Official is any person proposing to actively engaged in a campaign or holding an elected office in the City of Kenner, Jefferson Parish, State of Louisiana and the United States Government.

2.0 ACTIVITIES:

- 2.1 Active Member: No member of the Civil Service Board shall engage in the following Political Activities:
- 2.1.1 Provided personal or financial support to a political candidate or an elected official.
- 2.1.2 Provide space within any properties for display of any political advertisement.*
- 2.1.3 Attendance of Political Campaign gatherings unless previously approved by the Board. Attendance of said Campaign gathering will be for the sole purpose to obtain personal information on the issues of particular political individual.
- 2.2 Proposed Members: Proposed members shall meet the requirements of no Political Activities six (6) months prior to acceptance of membership on the Board as stated in the State Civil Service Laws.

3.0 REGULATION OF POLITICAL ACTIVITIES:

- 3.1.1 The Civil Service Board shall conduct a public hearing to determine whether or not a member of the Board has complied with the extend of this procedure, or the State Civil Service Laws.
- 3.2 Prospective Member:

3.2.1 Prior to acceptance to the Board, the prospective member shall sign a disclaimer stating that he/she has not been involved in any political activities for six (6) months prior to being sworn in as a member of the Board.

* Space is defined as Bumper Stickers, Yard Signs on any properties owned by the Member, House for political gatherings, etc.

LEAVES OF ABSENCE

(Standard Procedure)

A. PURPOSE

The purpose of this standard procedure is to establish the criteria for granting leaves of absence within the police and fire departments and how leaves of absence are to be processed.

B. AUTHORITY

Section 15.1 of Article XIV of the Constitution of 1952 of the State of Louisiana, Section 15.1.27, page 28. Chief must have first and initial justification for the leave of absence.

C. DEFINITIONS

Work days are defined as for each department:

FIRE DEPARTMENT: Shall be established by the fire chief based upon the tour of duty of each job classification. In general, a work day shall be based upon twenty-four hours per day and forty-eight hours per week.* For fire suppression and other department personnel, an eight (8) hour shift/day and forty (40) hours per week.

*Forty-eight (48) hours is an average of time worked per week on a 24 - 48 hour basis.

POLICE DEPARTMENT: Work day is one eight (8) hour shift per day and forty (40) hours (5 days) per week according to shift assignments.

SICKNESS: Sickness is illness to the employee that precludes that employee from performing his or her duties. Sickness is also defined as that condition whereby members of the immediate family are hospitalized or subject to a serious illness and the presence of the employee is

required during the hospitalization or to assist the patient during this illness. The requirement for the employee to be present must be verified by the attending physician.

INJURY: Damage or trauma which is sustained both on and off duty.

SICK LEAVE: (R.S. 33:1995 & 33:2214) An employee shall be granted sick leave for the normal illness/injury that occurs throughout the working year per procedure established by the fire and police departments.

Sick leave, as prescribed by state law, which exceeds the prescribed departmental limits shall be granted only by the chief of the department upon receipt of proper medical documentation. Leaves of absence for illness/injury which occur while performing his/her normal duties shall be established by the appointing authority.

D. GENERAL

1. A leave of absence is the means by which the appointing authority can permit an employee to be temporarily absent from work without terminating employment. A leave of absence must be requested in advance unless conditions make an advance request impossible. If a leave of absence has not been requested at the end of one twenty-four hour day of absence from scheduled work, the employee will be considered a voluntary quit as of the last day worked and disciplinary action will be taken.
2. Employees may request extensions to approved leaves of absence. Such approvals, however, will be at the discretion of the fire or police chief based upon consideration of individual circumstances, and in coordination with the employee's department.
3. An employee who applies for and receives a leave of absence through false pretenses will be subject to disciplinary action up to and including discharge.
4. Failure to report to work from an approved leave of absence without pay or extension thereof will result in the termination of the employee as a "Quit" effective the last day of such leave of absence or extension thereto.

E. LEAVES OF ABSENCE

1. A leave of absence can be granted by the chief of police or the chief of the fire department for the

following reasons:

- a. Department request
 - b. Educational (department relative)
 - c. Personal business (approved by the civil service board also)
 - d. Called to active duty from Reserves
 - e. Military induction
 - f. Maternity.
2. The chief of the fire or police departments shall authorize payment to the employee for leave of absence for acceptable reasons.
 3. The chief of the fire or police departments shall establish a procedure to insure that pay for leave of absence is administered fairly and uniformly.
 4. Payment for leave of absence shall be classified as follows:
 - a. LEAVE ABSENCE - ACTIVE STATUS WITH PAY: An authorized absence with pay for an employee shall be determined by the chief of the department. The employee remains on the active personnel records and all employee benefits continue.
 - b. LEAVE OF ABSENCE - ACTIVE STATUS WITHOUT PAY: An authorized absence without pay for an employee for a period of seven or more calendar days. The employee remains on the active personnel records and continues as part of the active work force. All employee benefits continue.
 - c. LEAVE OF ABSENCE - INACTIVE STATUS: An authorized absence without pay for an indefinite period of seven or more regularly scheduled work days, usually of long duration, from which return of the employee is anticipated. The employee is removed from active personnel and payroll records and employee benefits are discontinued.
 5. 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 and light duty within her classification is not available

F. PROCESSING LEAVES OF ABSENCE

1. Process leaves of absence with or without pay as follows:
 - a. Prepare a personnel action form stating the following information:

REASON FOR THE LEAVE OF ABSENCE
DURATION OF THE LEAVE
START AND ENDING OF THE LEAVE
 - b. Personnel action form shall be authorized by the chief of the fire or police departments.
 - c. The personnel action form shall be sent to the civil service board for approval.

G. RETURN FROM LEAVES OF ABSENCE

1. The employee's department must initiate the personnel action form when the employee returns from a leave of absence.
 - a. On medical related leaves of absence, obtain city medical clearance before initiating personnel action form.
 - b. Complete the personnel action form blocks and obtain approval of the employee's department chief.
2. If the absence was caused by an injury, surgery, or sickness that required hospitalization of the employee, or any sickness requiring absence for three (3) consecutive work days (police) or three (3) consecutive shifts (fire - 24 hr./shift), the employee is to report to the city medical department. (This leave due to injury, surgery, or sickness shall be granted only after all departmental sick leave time has been expended.)
3. When the employee returns from city medical department, the injury and medical report is to be filed in the employee's departmental folder.
4. The employee change notice (personnel action form) reinstating the employee from a leave of absence is retained in the employee's departmental folder.
5. If the employee does not return to work by the scheduled date, the employee's department is to prepare a personnel action form for termination or the request an extension of the leave of absence.

H. SPECIFICS FOR GRANTING LEAVES OF ABSENCE

1. Accident, Illness or Pregnancy
 - a. A leave of absence will be granted to an employee for the period of disability, resulting from an accident or illness, commencing on the ninth day of such disability, for a period of not to exceed the provisions of the applicable state laws. Leaves of absence that are granted for periods of disability shall not exceed one (1) year.
 - b. The period of disability will begin as of the date that the employee is disabled and cannot work and will extend until the employee's attending physician certifies that the employee is no longer disabled and can return to work.
 - c. An employee returning from an accident or illness leave of absence must be cleared by the city medical department prior to returning to work.
 - d. Length of continuous service will continue to accrue during the period of active leave of absence. An employee returning to work at the end of such leave of absence will be reinstated to their former position.
2. Educational
 - a. A leave of absence may be granted an employee who attends on a full-time basis an institution of higher learning to pursue a course acceptable to the department and civil service board. Such leave of absence will be granted for a period not to exceed one (1) year with provisions for extensions for up to three (3) years.
3. Personal Reasons
 - a. A leave of absence may be granted to an employee for personal reasons. A request for such a leave of absence must be accompanied by a reasonable evidence that a leave is necessary and must be approved by the requesting employee's department chief.
 - b. A leave of absence for personal reasons will be granted or denied solely at the discretion of the civil service board.

- c. Leaves of absence not exceeding two (2) months, granted for personal reasons, will be active status - without pay. Leaves of absence exceeding two (2) months, granted for personal reasons, will be inactive status.

4. Jury Duty

- a. The chief of each department shall establish a policy regarding the absence from work due to mandatory jury duties. This policy shall be approved by the civil service.

5. General

- a. A leave of absence, as used in this standard procedure means " a continuous absence of seven (7) days."
- b. An application for a leave of absence, or extension thereof, must be made in writing by the employee with the reasons for the request stated. Medically orientated leaves of absence and extensions must be supported in writing by the employee's attending physician. These leaves of absence will be subject to check by the medical department. If the leave or extension is approved, the employee will be notified.
- c. Employees returning from leaves of absence as a result of extended illness, injury, or maternity must pass a physical examination provided by the city medical department and provide a doctor's statement (where applicable) before they will be permitted to begin work.
- d. Leaves of absence shall be subject to verification by the city and civil service board. Any leave of absence obtained through false pretenses shall be invalid and the employee's absence shall be recorded as unauthorized. Such fraudulent absence shall be considered as cause for disciplinary action up to and including discharge, if the appointing authority believes warranted.

6. Annual Vacation

(R.S. 33:1996) Fire Department, 18 calendar days/pay after 1 year continuous service.*

(R.S. 33:2214) Police Department, 15 working days/pay after 1 year continuous service.**

- * After 10 years of service, one calendar day shall be added to the vacation time for each year of service, until 30 calendar days has been obtained.
- ** After 10 years of service, 20 working days/pay.
After 20 years of service, 25 working days/pay.

This change of vacation shall be effective on January 1, 1980. No retroactive pay shall be incurred prior to this date.

- a. The police and fire department shall establish procedures for granting annual vacation based upon the following rules:
 1. All employees who are to be granted annual vacation under this section must have permanent status.
 2. Vacation shall be based upon a calendar year unless another year is mutually approved by the department and the civil service board.
 3. Vacation shall be granted upon the seniority system based upon shift preference.
 4. Substitute appointed employees hired for vacation relief shall be employed for one employee's vacation period at a time. A personnel action form will be issued with substitute appointment stating the period of vacation relief and the person who is on vacation.
 5. The fire and police departments shall submit a tentative vacation schedule for the forthcoming year to the civil service board one month after the beginning of the calendar year.

RULES FOR KENNER

MUNICIPAL FIRE & POLICE CIVIL SERVICE

- 1.0 PURPOSE:** The purpose of this procedure is to establish rules for organization of the KENNER CIVIL SERVICE BOARD.
- 2.0 GENERAL RULES:**
- 2.1 The members of the Board shall meet and organize by electing one of its members chairman. In case of a vacancy in the office of chairman, the Board shall elect a new chairman.
 - 2.2 The members of the Board shall meet and organize by electing one of its members vice-chairman. The vice-chairman will assume the duties of the chairman in his absence. In case of a vacancy in the office of vice-chairman, the Board shall elect a new vice-chairman.
 - 2.3 The Board shall meet for the transaction of any civil service business at such place and time as may be specified by resolution of the Board and at such other place and time as may be fixed by the chairman who, when he calls a meeting, shall have timely notices of such meeting conveyed to the other members of the Board.
 - 2.4 The Board shall not be bound by rules or order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish.
 - 2.5 All meetings and hearings shall be open to the public except executive sessions.
 - 2.6 The Board shall hold executive sessions upon a 2/3 vote by Board members. Executive sessions are to be attended only by Board members, the secretary, the state examiner, and other invited at the pleasure of the Board.
 - 2.7 When a rule is to be adopted, revised and/or abolished then due notice shall be given for a public hearing. All other meetings and executive sessions shall require due notice as required by the amendment and specified by these rules.
 - 2.8 Four members shall constitute a quorum.
 - 2.9 Each Board member shall vote on each question and the concurring vote of any three members shall be sufficient for the decision of all matters to be decided or transacted. Absence votes are not

permissible.

- 2.10 The secretary of the board shall keep adequate records and minutes of its business and official actions.
- 2.11 It shall be the duty of the Board:
- (a) To represent the public interest in matters of personnel administration in the fire and police services.
 - (b) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments, with reference to the establishment, maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.
 - (c) To conduct investigations on its own motion, or the application of any interested party, hold public hearings whenever there is reason to believe the amendment or rules are being violated or has been violated by any person or department and to issue appropriate orders in such cases.
 - (d) Advise and assist employees in the classified services with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
 - (e) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments and the state examiner or municipal fire and police civil service bring before it.
 - (f) Make, alter, amend and promulgate rules and otherwise provide for the establishment, maintenance, and improvement of a civil service system in the departments of municipal government which by terms of the amendment are under the jurisdiction of the board.
 - (g) To hear appeals from employees and others who claim their rights under these rules and amendments.
 - (h) Adopt and maintain a classification plan. And allocate new positions and reallocate all positions when warranted by a change in duties

or a change in classification plan.

- (i) Make reports to the governing body, either upon its own motion or upon official request, regarding general or special matters of personnel administration in and for the local fire and police services, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

- 2.12 Amendments to the rules shall be approved by the board only after giving due notice and after holding a public hearing. Such amendments shall become effective upon adoption by the board unless otherwise specifically provided.

DUTIES OF THE CHAIRMAN:

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

CONDUCT OF HEARINGS:

- 1.0 **PURPOSE:** The purpose of this Civil Service Procedure is to establish guidelines for the conduct of Public Hearings.

- 2.0 **GENERAL GUIDELINES:**

- 2.1 Time and place of all hearing shall be established by the Chairman of the Board. Members and affected parties shall be notified by the Secretary (written or verbal)
- 2.2 A quorum is required at all hearings. A quorum constitutes four members. All motions, in order to pass, must have three favorable votes (other-wise, the motion fails)
- 2.3 All hearings shall have an informal format with all members taking an active part in the information gathering activities
- 2.4 All members shall remain open and unbiased in order that a full extent of the Louisiana Civil Service Law is upheld
- 2.5 The Board shall subpoena all witnesses requested by the Appointing Authority and/or the members of the classified service
- 2.6 The Board is responsible to determine whether or not any personnel action was done with just cause and with good faith
- 2.7 Appeals to the Board: An appeal may be made to the Board by:
 - (a) Any person in the classified service who alleges that he or she has been discriminated against or subjected to any discriminatory action for political or religious reasons or because of this political or religious opinion or affiliations.
 - (b) Any person in the classified service who, having acquired permanent civil service status, alleges that he has been demoted, dismissed, discriminated against, or subjected to any corrective or disciplinary action contrary to any provision of the Amendment or of the Rules of this Board.
 - (c) Any person in the classified service who alleges that he has been deprived of any right, discriminated against or adversely affected by the violation of any provision of the Amendment of any Rule of this Board
 - (d) Any person who alleges that he has been discriminated against by the allocation or reallocation of a position to a class, or by the Classification Plan or any change thereof.

- (e) Any person who shall have applied for or been examined for the classified service, without having acquired permanent status therein, and who alleges discrimination in the review of his application, admission to an examination, scoring of an examination, the establishment of an eligibility list, or certification therefrom.
- (f) Any person expressly granted the right to appeal to this Board by Amendment or by any Rule of the Board.

2.8 Request for Appeal:

An appeal shall be applied for by written notice giving a clear and concise statement of the action complained against, with the date it occurred or that appellant learned thereof, the basis of the appeal, and the relief sought. It must be signed by the appellant or his counsel and must give the full name and post office address of the appellant and of his counsel, if any.

2.9 Delay for Making Appeal:

2.9.1 No appeal shall be effective unless notice there of is filed with the Board or its secretary within fifteen (15) days following the action complained against, or within fifteen (15) days following appellant's knowledge thereof, or 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.

2.9.2 The Chairman shall cause the date of filing to be noted on each notice of appeal. An appeal shall be docketed in the order filed.

2.10 Summary Dismissal of Appeal:

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

- (a) That the Board lacks jurisdiction of the subject matter.

- (b) That the appellant has no legal right to an appeal.
- (c) That the appeal has not been made in the manner prescribe or within the time fixed by these rules.
- (d) That a decision on the merits would be ineffectual.

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

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

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

An appellant may withdraw or abandon his appeal at any time by filing written notice such as his desire. The docketing of such notice shall constitute summary and final disposition of such appeal. The secretary shall promptly notify all adverse parties of such dismissal.

2.11 Assigning Cases for Hearing:

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

2.12 Place of Hearing:

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

2.13 Notice of Hearing:

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

2.14 Continuances:

- (a) Appeals fixed for hearing and not reached shall be refixed by preference over any appeal subsequently docketed.
- (b) Appeals fixed for hearing may be continued by consent of all parties, but shall be relegated to the foot of the docket for refixing. The Board shall exercise its discretion in determining whether the appellant shall be compensated for lost time, if his appeal be finally sustained, for that portion of the time lost by reason of the continuance.
- (c) Continuance for cause deemed sufficient by the Board may be granted or ordered by the Board, without prejudice to appellant. Any case for cause shall be specially assigned for hearing at the earliest convenient date.

2.15 Procedure at Hearing:

- 2.15.1 All hearings shall be open to the public.
- 2.15.2 Parties shall have the right, but shall not be required to be represented by counsel. Any such counsel may be duly licensed to practice law or may be any person inside or outside of the classified service.
- 2.15.3 The burden of proof as to the facts shall be on the plaintiff in every appeal, and he shall be required to open the case.
- 2.15.4 Each person shall take the following oath prior to testifying, "I _____, do solemnly swear and affirm to tell the truth, the whole truth, and nothing but the truth so help me God."

- 2.15.5 Affidavits or ex-parte statements shall not be received except by consent of all parties, unless introduced to refresh memory or discredit a witness.
 - 2.15.6 All person presenting testimony shall be subject to cross-examination.
 - 2.15.7 The Board may require that the parties stipulate all undisputed facts.
 - 2.15.8 The Board may limit corroborative testimonial proof.
 - 2.15.9 In all matters not provided for in these Rules, hearings and the taking of testimony shall be conducted in any manner acceptable to the Board.
- 2.16 Subpoena of Witnesses, Production of Documents.
- 2.16.1 The Board, and each of its members, shall have power to order the appearance of witnesses and compel the production of books, papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.
 - 2.16.2 Any party desiring the issuance of a subpoena for any witness at any hearing must apply for it in writing at least five (5) days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed. Should a party request more than five (5) subpoenas to be issued, that party, either the appellant or the appointing authority, needs to provide a written reason why more than five (5) subpoenas need to be issued and a written detailed statement as to what each witness is expected to testify to before the board will issue any subpoenas.
 - 2.16.3 In lieu of the issuance and service of formal subpoena to classified employees any member of the Board may direct any Appointing Authority to order any designated employee under his supervision to attend any hearing.
 - 2.16.4 Any party desiring the production of books or papers at any hearing must apply for an

appropriate order in writing at least five days before that fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give full name and address of the person required to make such production.

2.16.5 (a) The appointing authority and/or appellant shall notify the civil service board of all personnel by name in the classified service who are involved in personnel action within five (5) days after the request for a hearing has been granted by the civil service board.

(b) If both parties are represented by counsel, all parties shall confer prior to the hearing to identify those witnesses, by name, that shall be subpoenaed and to review any documents that will be sought for introduction at the hearing.

Parties shall mark all documents for identification, state whether any of the parties have any objections to its admission and the grounds of said objections, and to arrive at any stipulation that would expedite the hearing. This meeting is not necessary if appellant is representing himself.

(c) Authentic copies of books, records, and papers or other documents in the custody of any department, board or agency of the State or any agency of the State or any subdivision of thereof which evidence with the same effect as the originals, but if original records are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.

2.16.6 The abuse of the privilege to require the attendance of witnesses or the production of books and papers shall be deemed a violation of these rules and the person responsible for the abuse may or may not be disciplined at the discretion of the Board.

2.17 Dismissal for Non-Appearance.

2.17.1 If the appellant fails to appear at the

place and time fixed for any hearing, his appeal may be dismissed or the Board may in its discretion continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

2.17.2 If the authority or person against whose action the appeal has been taken fails to appear at the place and time fixed for any hearing, the Board may proceed with the hearing and the appeal shall be decided upon such evidence as may be adduced at the hearing.

2.17.3 Nothing herein shall be construed to prevent the Board from upsetting any fixing upon timely application and for good cause.

2.18 Consolidation:

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

2.19 Refusal to Appear, Refusal to Testify; False Testimony:

2.19.1 Any officer or employee in the classified service who wilfully refuses or fails to appear to testify or answer any question pertinent to the matters under consideration shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the classified service for a period of six (6) years.

2.19.2 Any officer or employee required to testify as herein authorized shall not be subjected to any disciplinary action by his appointing authority because of his giving such testimony.

2.19.3 Any person who wilfully fails to appear in response to a subpoena or to answer any questions or produce any books or papers pertinent to any hearing before the Board or a referee, or who knowingly gives false testimony therein shall be subject to the penalties provided in the Articles XIV, Section 15.1 of the Constitution of the

State.

2.20 Cost of Appeals:

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

2.21 Board Action on Appeal:

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

3.0 Hearing - Personnel Action

3.1 The Board shall call a hearing whenever a regular and permanent employee request a hearing resulting from a violation of the Rules and Regulations of the Applicable Department or R.S. 33:2500. The meeting shall be scheduled within thirty (30) days of written notice of appeals allowing a minimum of ten (10) days notice for employee preparation. The Board shall verify that all appeals are timely filed.

3.2 The Hearing shall be isolated to specific incident as stated in the Personnel Action. (Time, Place and Personnel.)

3.3 All witnesses who have been subpoenaed shall be verified by a roll call and shall be sequestered during the hearing. Exception shall be allowed for the Chief of the Department and the principal investigator of each Department.

3.4 The Appointing Authority shall have the burden of proof to show that the employee violated the Department's rules and regulations, or revised Statue 33:2500.

3.5 Each witness shall be duly sworn by the person selected by the Board.

3.6 The conduct of hearing shall be Direct and Cross examination of each witness. The Chairman of the Board shall be responsible for the conduct of hearing and determination as the applicable and acceptability of evidence to be presented.

4.0 Hearing - Discrimination

- 4.1 The Civil Service Board shall call a hearing whenever a regular and permanent employee states to the Board in writing that discrimination has been committed by the Appointing Authority. The employee is responsible for stating time and dates when the discrimination occurred. (Statue 33:2489, 33:2471)
- 4.2 Hearing for discrimination shall be informal and shall introduce all evidence required to insure that the employee's City, State and Federal rights have not been violated.

*In order to run an orderly civil service board meeting, the board will not tolerate any type of disorderly conduct such as speaking out from the audience, being loud, boisterous, any type of interruption from the audience during a hearing or any type of action that may seem unruly. This action will be decided by the board.

*Any civil service employees that conduct themselves in a disorderly fashion will be called up by name by the chairman or any other member in charge of the hearing, and he will be asked to conduct himself in an orderly manner. If he should continue to disrupt the meeting, he will then be asked to leave the premises and to return at a later date for the board to investigate the possibility of disciplinary action to be taken by the board. This investigation will be held within ten (10) days, at which time the board will decide what course of action will be taken.

GOVERNING PERSONNEL ACTION DIRECTED BY THE APPOINTING AUTHORITY:

1.0 PURPOSE: This procedure governs the action to be taken by the Kenner Civil Service Board regarding the administration of Personnel Actions directed by the Appointing Authority.

2.0 Procedure:

- 2.1 All Personnel Action shall be signed by the Chairman of the Board with a majority consent of the members.
- 2.2 Personnel Action forms shall be prepared individually for each person and each incident. Multiple violation of Appointing Authority rules and regulation, Civil Service Laws, City, State, or Federal Laws that occur during an incident, may be cited collectively or separately.
- 2.3 Disciplinary Actions: Disciplinary actions are

demotion, suspension, and dismissal:

2.3.1 Personnel Action form shall state the:

- (a) Person Involved
- (b) Date and time of alleged violation
- (c) The violation
- (d) Date the action was taken

2.3.2 The Civil Service Board shall notify the person involved upon signing the personnel action forms of his or her rights.

2.3.3 The Civil Service Board shall conduct a hearing regarding the Personnel Action either by a majority vote of the Board or by request for by the affected individual.

The Board recognizes the following milestones that must be followed by the Appointing Authority prior to submitting a Disciplinary Action type Personnel Action Form:

ON THE JOB OCCURRENCES:

- (a) The Appointing Authority shall notify the employee that a personnel action is being taken. Notify the employee of time and place that the violation if the occurrence was knowingly done to the Appointing Authority.
- (b) The Appointing Authority shall take action promptly after the investigation of the incident is complete. After the investigation is complete the Appointing Authority shall submit a Personnel Action during Fifteen (15) days.

PUBLIC COMPLAINTS:

- (c) The Appointing Authority may investigate all public complaints against a member of the Classified Service without notification. The Board does not recognize a time limit on such investigation.
- (d) If possible the Appointing Authority shall obtain a written statement from the employee concerning the violation.
- (e) Establish a manual consisting of Rules and Regulations of the Department (Fire or Police). These rules and regulations shall be general in nature and cover the complete operation and conduct

necessary for a functional department. Appointing Authority will make the manual available to each classified employee and all updates shall be distributed to each classified employee in a timely manner.

- (f) Specific order required within the Department shall be controlled by the Fire and Police Department. The Board recognizes the practice that: In order to perform the job properly each individual must obtain the "word" describing the job function.

2.4 Resignation:

2.4.1 Personnel Action forms concerning resignation shall contain:

- (a) A written notification of Resignation. (Personnel who terminates employment in the classified service without written notice of resignation shall be considered as dismissed and the personnel action shall be modified to so state.)

2.4.1 The Board shall maintain a copy of personnel action, written resignation notice and jacket on file for a minimum of six (6) years. (R.S. 44:36)

2.5 Provisional and substitute Appointments:

2.5.1 All Personnel Action form for either a Provisional or substitute appointment shall be approved by a majority vote of the Board.

2.5.1. It shall be the duty of the Board to verify that the Provisional or Substitute Appointment is proper.

2.6 Probational Appointment:

2.6.1 The Board shall verify that Probational Appointments are proper and that eligible persons are appointed to the classified service.

2.6.2 The Board shall verify that Probational employees are made permanent employees after the working test period.

2.7 Leave of Absences:

2.7.1 All personnel action forms for leave of

absence shall be approved by a majority vote of the Board.

- 2.7.2 All request for Leave of Absence shall meet the requirements of Civil Service Law.

POLITICAL INVOLVEMENT

1.0 DEFINITION:

- 1.1 Political Activities is defined as any assistance given to a Political Official either in office or prior to or during Political Campaign.
- 1.2 Political Official is any person proposing to actively engaged in a campaign or holding an elected office in the City of Kenner, Jefferson Parish, State of Louisiana and the United States Government.

2.0 ACTIVITIES:

- 2.1 Active Member: No member of the Civil Service Board shall engage in the following Political Activities:
- 2.1.1 Provided personal or financial support to a political candidate or an elected official.
- 2.1.2 Provide space within any properties for display of any political advertisement.*
- 2.1.3 Attendance of Political Campaign gatherings unless previously approved by the Board. Attendance of said Campaign gathering will be for the sole purpose to obtain personal information on the issues of particular political individual.
- 2.2 Proposed Members: Proposed members shall meet the requirements of no Political Activities six (6) months prior to acceptance of membership on the Board as stated in the State Civil Service Laws.

3.0 REGULATION OF POLITICAL ACTIVITIES:

- 3.1.1 The Civil Service Board shall conduct a public hearing to determine whether or not a member of the Board has complied with the extend of this procedure, or the State Civil Service Laws.
- 3.2 Prospective Member:

3.2.1 Prior to acceptance to the Board, the prospective member shall sign a disclaimer stating that he/she has not been involved in any political activities for six (6) months prior to being sworn in as a member of the Board.

* Space is defined as Bumper Stickers, Yard Signs on any properties owned by the Member, House for political gatherings, etc.

LEAVES OF ABSENCE

(Standard Procedure)

A. PURPOSE

The purpose of this standard procedure is to establish the criteria for granting leaves of absence within the police and fire departments and how leaves of absence are to be processed.

B. AUTHORITY

Section 15.1 of Article XIV of the Constitution of 1952 of the State of Louisiana, Section 15.1.27, page 28. Chief must have first and initial justification for the leave of absence.

C. DEFINITIONS

Work days are defined as for each department:

FIRE DEPARTMENT: Shall be established by the fire chief based upon the tour of duty of each job classification. In general, a work day shall be based upon twenty-four hours per day and forty-eight hours per week.* For fire suppression and other department personnel, an eight (8) hour shift/day and forty (40) hours per week.

*Forty-eight (48) hours is an average of time worked per week on a 24 - 48 hour basis.

POLICE DEPARTMENT: Work day is one eight (8) hour shift per day and forty (40) hours (5 days) per week according to shift assignments.

SICKNESS: Sickness is illness to the employee that precludes that employee from performing his or her duties. Sickness is also defined as that condition whereby members of the immediate family are hospitalized or subject to a serious illness and the presence of the employee is

required during the hospitalization or to assist the patient during this illness. The requirement for the employee to be present must be verified by the attending physician.

INJURY: Damage or trauma which is sustained both on and off duty.

SICK LEAVE: (R.S. 33:1995 & 33:2214) An employee shall be granted sick leave for the normal illness/injury that occurs throughout the working year per procedure established by the fire and police departments.

Sick leave, as prescribed by state law, which exceeds the prescribed departmental limits shall be granted only by the chief of the department upon receipt of proper medical documentation. Leaves of absence for illness/injury which occur while performing his/her normal duties shall be established by the appointing authority.

D. GENERAL

1. A leave of absence is the means by which the appointing authority can permit an employee to be temporarily absent from work without terminating employment. A leave of absence must be requested in advance unless conditions make an advance request impossible. If a leave of absence has not been requested at the end of one twenty-four hour day of absence from scheduled work, the employee will be considered a voluntary quit as of the last day worked and disciplinary action will be taken.
2. Employees may request extensions to approved leaves of absence. Such approvals, however, will be at the discretion of the fire or police chief based upon consideration of individual circumstances, and in coordination with the employee's department.
3. An employee who applies for and receives a leave of absence through false pretenses will be subject to disciplinary action up to and including discharge.
4. Failure to report to work from an approved leave of absence without pay or extension thereof will result in the termination of the employee as a "Quit" effective the last day of such leave of absence or extension thereto.

E. LEAVES OF ABSENCE

1. A leave of absence can be granted by the chief of police or the chief of the fire department for the

following reasons:

- a. Department request
 - b. Educational (department relative)
 - c. Personal business (approved by the civil service board also)
 - d. Called to active duty from Reserves
 - e. Military induction
 - f. Maternity.
2. The chief of the fire or police departments shall authorize payment to the employee for leave of absence for acceptable reasons.
 3. The chief of the fire or police departments shall establish a procedure to insure that pay for leave of absence is administered fairly and uniformly.
 4. Payment for leave of absence shall be classified as follows:
 - a. LEAVE ABSENCE - ACTIVE STATUS WITH PAY: An authorized absence with pay for an employee shall be determined by the chief of the department. The employee remains on the active personnel records and all employee benefits continue.
 - b. LEAVE OF ABSENCE - ACTIVE STATUS WITHOUT PAY: An authorized absence without pay for an employee for a period of seven or more calendar days. The employee remains on the active personnel records and continues as part of the active work force. All employee benefits continue.
 - c. LEAVE OF ABSENCE - INACTIVE STATUS: An authorized absence without pay for an indefinite period of seven or more regularly scheduled work days, usually of long duration, from which return of the employee is anticipated. The employee is removed from active personnel and payroll records and employee benefits are discontinued.
 5. 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 and light duty within her classification is not available

F. PROCESSING LEAVES OF ABSENCE

1. Process leaves of absence with or without pay as follows:
 - a. Prepare a personnel action form stating the following information:

REASON FOR THE LEAVE OF ABSENCE
DURATION OF THE LEAVE
START AND ENDING OF THE LEAVE
 - b. Personnel action form shall be authorized by the chief of the fire or police departments.
 - c. The personnel action form shall be sent to the civil service board for approval.

G. RETURN FROM LEAVES OF ABSENCE

1. The employee's department must initiate the personnel action form when the employee returns from a leave of absence.
 - a. On medical related leaves of absence, obtain city medical clearance before initiating personnel action form.
 - b. Complete the personnel action form blocks and obtain approval of the employee's department chief.
2. If the absence was caused by an injury, surgery, or sickness that required hospitalization of the employee, or any sickness requiring absence for three (3) consecutive work days (police) or three (3) consecutive shifts (fire - 24 hr./shift), the employee is to report to the city medical department. (This leave due to injury, surgery, or sickness shall be granted only after all departmental sick leave time has been expended.)
3. When the employee returns from city medical department, the injury and medical report is to be filed in the employee's departmental folder.
4. The employee change notice (personnel action form) reinstating the employee from a leave of absence is retained in the employee's departmental folder.
5. If the employee does not return to work by the scheduled date, the employee's department is to prepare a personnel action form for termination or the request an extension of the leave of absence.

H. SPECIFICS FOR GRANTING LEAVES OF ABSENCE

1. Accident, Illness or Pregnancy
 - a. A leave of absence will be granted to an employee for the period of disability, resulting from an accident or illness, commencing on the ninth day of such disability, for a period of not to exceed the provisions of the applicable state laws. Leaves of absence that are granted for periods of disability shall not exceed one (1) year.
 - b. The period of disability will begin as of the date that the employee is disabled and cannot work and will extend until the employee's attending physician certifies that the employee is no longer disabled and can return to work.
 - c. An employee returning from an accident or illness leave of absence must be cleared by the city medical department prior to returning to work.
 - d. Length of continuous service will continue to accrue during the period of active leave of absence. An employee returning to work at the end of such leave of absence will be reinstated to their former position.
2. Educational
 - a. A leave of absence may be granted an employee who attends on a full-time basis an institution of higher learning to pursue a course acceptable to the department and civil service board. Such leave of absence will be granted for a period not to exceed one (1) year with provisions for extensions for up to three (3) years.
3. Personal Reasons
 - a. A leave of absence may be granted to an employee for personal reasons. A request for such a leave of absence must be accompanied by a reasonable evidence that a leave is necessary and must be approved by the requesting employee's department chief.
 - b. A leave of absence for personal reasons will be granted or denied solely at the discretion of the civil service board.

- c. Leaves of absence not exceeding two (2) months, granted for personal reasons, will be active status - without pay. Leaves of absence exceeding two (2) months, granted for personal reasons, will be inactive status.

4. Jury Duty

- a. The chief of each department shall establish a policy regarding the absence from work due to mandatory jury duties. This policy shall be approved by the civil service.

5. General

- a. A leave of absence, as used in this standard procedure means " a continuous absence of seven (7) days."
- b. An application for a leave of absence, or extension thereof, must be made in writing by the employee with the reasons for the request stated. Medically orientated leaves of absence and extensions must be supported in writing by the employee's attending physician. These leaves of absence will be subject to check by the medical department. If the leave or extension is approved, the employee will be notified.
- c. Employees returning from leaves of absence as a result of extended illness, injury, or maternity must pass a physical examination provided by the city medical department and provide a doctor's statement (where applicable) before they will be permitted to begin work.
- d. Leaves of absence shall be subject to verification by the city and civil service board. Any leave of absence obtained through false pretenses shall be invalid and the employee's absence shall be recorded as unauthorized. Such fraudulent absence shall be considered as cause for disciplinary action up to and including discharge, if the appointing authority believes warranted.

6. Annual Vacation

(R.S. 33:1996) Fire Department, 18 calendar days/pay after 1 year continuous service.*

(R.S. 33:2214) Police Department, 15 working days/pay after 1 year continuous service.**

- * After 10 years of service, one calendar day shall be added to the vacation time for each year of service, until 30 calendar days has been obtained.
- ** After 10 years of service, 20 working days/pay.
After 20 years of service, 25 working days/pay.

This change of vacation shall be effective on January 1, 1980. No retroactive pay shall be incurred prior to this date.

- a. The police and fire department shall establish procedures for granting annual vacation based upon the following rules:
 1. All employees who are to be granted annual vacation under this section must have permanent status.
 2. Vacation shall be based upon a calendar year unless another year is mutually approved by the department and the civil service board.
 3. Vacation shall be granted upon the seniority system based upon shift preference.
 4. Substitute appointed employees hired for vacation relief shall be employed for one employee's vacation period at a time. A personnel action form will be issued with substitute appointment stating the period of vacation relief and the person who is on vacation.
 5. The fire and police departments shall submit a tentative vacation schedule for the forthcoming year to the civil service board one month after the beginning of the calendar year.