LEESVILLE MUNICIPAL FIRE AND POLICE CIVIL SERVICE

RULES AND REGULATIONS

RULE I

MEETING 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 shall be held at the Leesville Municipal Building.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall and on each Department bulletin board, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the time, place, and subject matter to be covered, and whether said meeting is regular or special. Special meetings may be held upon twenty-four-hour notice, as provided by law.

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: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1.

SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings.

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.

SECTION 8: The board shall not revise the agenda less than twenty-four hours prior to a board meeting. Each item on the agenda shall be listed separately and with reasonable specificity.

RULE II

SUBJECT MATTER OF MEETINGS

SECTION 1: At regular meetings of the board it shall consider 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 only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

RULE III

ORDER OF BUSINESS

SECTION 1: 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: At special meetings the order of business shall be as follows:

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

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 42:4.1, (relative to public meetings) and those statutes that follow. Any voting on matters discussed in executive sessions will be conducted 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 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 the applicant or his counsel, if any, and must give the full name and post office address of the appellant 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 written 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 burden of proof, as to the facts, shall be on the appointing authority except in those cases where 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. 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.

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 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. If the subpoena is directed at the production of evidence or intended as a subpoena duces tecum such application shall state what evidence is sought to be produced by the subpoena. A subpoena service fee of $25.00 will be required for any additional subpoenas requested after the first six.

SECTION 7: The written rules, regulations, and procedures of the

civil service board and the Civil Service Act will be the basis of all hearings and appeals.

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 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 their 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: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon

competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

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, 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: One copy of the board rules shall be distributed to each board member, governing body one copy, Police

Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.

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--Police and Fire

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

B. Sick leave:

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

Employees shall not accrue sick leave with pay.

2. Each employee of the police department shall accrue four (4) hours of sick leave with pay, per pay period.

3. Sick leave shall not be used for absences incurred because of attendance to personal matters except as follows:

a. Each fire and police employee shall be allowed to use his accrued sick leave to care for an immediate family member who is sick, injured, or incapacitated. A fire department employee shall not be allowed to use any of his fifty-two (52) weeks of sick leave to care for an immediate family member.

b. An employee's immediate family member is the employee's and the employee's spouse's

parents, siblings, grandparents, children and grandchildren, and the employee's spouse.

4. Any employee on sick leave due to his illness or injury 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.

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

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

C. Bereavement Leave

1. In the event of the death of a member of an employee's immediate family or of the employee's spouse's immediate family, the employee shall be entitled to bereavement leave of absence with pay, as follows.

   a. 8-hour shift employees – not to exceed sixteen (16) hours
   b. 12-hour and 24-hour shift employees – not to exceed twenty-four (24) hours

2. Such leave of absence with pay may be adjacent to an employee's normal day(s) off; however, attendance at a funeral service shall not be the sole purpose for granting the paid leave of absence.

3. An employee's immediate family is the employee's parents, spouse, brother, sister, grandparents, children, and step-children.

4. An employee's spouse's immediate family is the employee's spouse's parents, brother, sister, grandparents, children, and step-children.

5. Bereavement leave shall be granted for the following reasons: 1) for the employee to make final arrangements; 2) for the employee to attend the funeral service or ceremony; 3) for a mourning period immediately before or after the funeral service or ceremony; 4) for a mourning period if no funeral service or ceremony is held.

D. Examination Leave

1. Each permanent employee shall be granted examination leave with pay to take any municipal fire and police civil service examination to which he has been approved for admission by the Leesville Municipal Fire and Police Civil Service Board.

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

EITHER

a. The employee must have been approved for admission to such examination by the Leesville Municipal Fire and Police Civil Service Board.

OR

b. The employee must have been approved for admission to such examination and his test score may be reported to the Leesville Municipal Fire and Police Civil Service Board in accordance with civil service law.

E. Civil Leave

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

a. when ordered to jury duty.

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

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

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

F. Civil Service Board Attendance Leave

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

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

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

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

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

G. Military Leave with Pay

Each employee shall be authorized to take leave without loss of pay, time, annual leave, or efficiency rating on all days during which he is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the

Air Force Reserve, the Citizens Military Training Corps, the Coast Guard Reserve, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one (1) calendar year, as provided by R.S. 42:394.

H. Military Leave without Pay

1. Each employee, except as provided in number 3, who leaves employment in order to perform voluntary or involuntary service in the uniformed services of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, reserve military personnel, members of the National Disaster Medical System as specified in federal law, and other category of persons designated by the President in time of war or national emergency, shall be given any leave due the employee in Subsection G. Should the employee have used all leave to which he is entitled (in Subsection G), he shall be granted military leave without pay in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. 4301-4334).

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

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

4. A recruit serving in formal training who has been placed on military leave without pay for thirty (30) days or more shall have his formal training interrupted for the duration of the military leave. The employee shall resume his formal training the day he reports to active duty with his respective department. The time the employee served in his formal training prior to the interruption and the time the employee serves in the formal training after it is

resumed will be used in calculating the total time served in his formal training. The employee must meet the requirements of R.S. 33:2555.1 prior to beginning his working test.

5. A probational employee serving in a working test who has been placed on military leave without pay for thirty (30) days or more shall have his working test interrupted for the duration of the military leave. The employee shall resume his working test the day he reports to active duty with his respective department. The time the employee served in his working test prior to the interruption and the time the employee serves in the working test after it is resumed will be used in calculating the total time served in his working test. The employee must meet the requirements of R.S. 33:2555 prior to confirmation as a permanent employee in his respective class.

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

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

I. Personal Leave without pay

1. Each employee may be granted personal leave without pay, as follows, when such employee has no accumulated annual leave.

   a. 8-hour shift employees – not to exceed eighty (80) hours in any calendar year.

b. 12-hour and 24-hour shift employees – not to exceed one hundred and twenty (120) hours in any calendar year.

J. Annual Leave - Fire and Police

1. Each employee shall be entitled to annual leave with pay after having served one (1) year with the Leesville Fire Department in accordance with Table 1. Service must be continuous with the Leesville Fire Department.

2. Each employee of the Leesville Police Department shall be entitled to annual leave in accordance with Table 2. Service must be continuous with the Leesville Police Department.

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

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

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TABLE 1 ANNUAL LEAVE - FIRE DEPARTMENT ANNUAL LEAVE ACCRUED PER YEAR OF SERVICE		
Years of Continuous Service	**24-Hour Shift Employees**	**8-Hour Shift Employees**
1-10	216 hours	144 hours
11	228 hours	152 hours
12	240 hours	160 hours
13	252 hours	168 hours
14	264 hours	176 hours
15	276 hours	184 hours
16	288 hours	192 hours
17	300 hours	200 hours
18	312 hours	208 hours
19	324 hours	216 hours
20	336 hours	224 hours
21	348 hours	232 hours
22 and after	360 hours	240 hours

5. Fire annual leave (vacation) will be accumulative at anniversary date; however, vacation time earned but not taken at the end of each calendar year will not be in excess of the employee's maximum accrual of annual leave (vacation) based on table 1.A. below. The maximum annual carry-over is applicable, unless the reason for not taking annual leave (vacation) was due to work restrictions imposed by the city. If restrictions were imposed which will preclude an employee from taking earned annual leave (vacation), a written record will be made and approved by the employee's Department Supervisor and the City Administrative Office and placed in the employee's file and pay record.

6. Fire annual leave (vacation) time earned but not taken, which would otherwise exceed the schedule in table 1.A. below, shall be lost at the end of any and every calendar year in which such maximum is exceeded, unless the reason for not taking the annual leave (vacation) was due to work restrictions imposed by the city.

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TABLE 1.A FIRE DEPARTMENT – MAXIMUM AMOUNT OF ACCRUED ANNUAL LEAVE (VACATION) THAT MAY BE CARRIED OVER BASED ON YEARS OF SERVICE		
Years of Continuous Service	**24-Hour Shift Employees**	**8-Hour Shift Employees**
1-10	432 hours	288 hours
11	456 hours	304 hours
12	480 hours	320 hours
13	504 hours	336 hours
14	528 hours	352 hours
15	552 hours	368 hours
16	576 hours	384 hours
17	600 hours	400 hours
18	624 hours	416 hours
19	648 hours	432 hours
20	672 hours	448 hours
21	696 hours	464 hours
22 and after	720 hours	480 hours

7. Accrued annual leave (vacation) time, not to exceed 240 hours, will be paid to all Fire Department employees, who work a 24-hour shift, upon separation from employment.

8. Accrued vacation time, not to exceed 160 hours, will be paid to all employees, with the exception of Fire Department employees who work a twenty-four-hour shift, upon separation from employment.

TABLE 2 ANNUAL LEAVE - POLICE DEPARTMENT ANNUAL LEAVE ACCRUED PER YEAR OF SERVICE	
Years of Continuous Service	**Hours Accrued Per Year**
0 to 5 years	80 hours
6 to 10 years	120 hours
11 to 15 years	160 hours
16 to 20 years	200 hours
21 and more	240 hours

K. Special Leave

Each employee may request special leave with or without pay, for a period not to exceed twelve (12) consecutive months when such leave is determined to be in the departmental interest. Special leave in excess of thirty (30) calendar days is subject to the approval of the civil service board.

Before an employee is granted leave without pay, he shall be required to exhaust his compensatory time and/or accumulated annual leave.

Under no circumstances shall such special leave be granted for the purpose of engaging in other employment.

L. Leave for Specialized Disaster Service Volunteer

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

M. Administrative Leave With Pay

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

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

N. Determination of Seniority when on Leave Without Pay

In the event an employee is granted leave without pay for a period greater than thirty (30) consecutive calendar days, the board shall determine whether departmental and/or promotional seniority is to be interrupted or continued.

O. Expiration of Leave

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

RULE XIII

PROCEDURE FOR CONDUCTING INVESTIGATION PURSUANT TO REQUEST FILED IN ACCORDANCE WITH LA. R.S. 33:2537, OR R.S. 33:2477

SECTION 1: PURPOSE/DEFINITION:

1.1 Purpose:

This rule is adopted and promulgated in order to establish rules governing the conduct of investigations made pursuant to the request of any qualified elector of the state for the purpose of investigation of the conduct and performance of an employee in the classified service.

1.2 Definition of Investigation:

For purposes of this section, investigation shall be defined as a reasonable inquiry by the Board into any complaint made by a qualified individual in accordance with La. R.S. 33:2537, or R.S. 33:2477.

SECTION II: INVESTIGATION PROCEDURES:

2.1 It shall be the policy of this Civil Service Board to investigate allegations and complaints made in accordance with applicable statutory provisions through lawful investigatory techniques. The Board shall be responsible for conducting the investigation in a lawful manner.

2.2 The Board shall be responsible for questioning the complainant, the employee made subject of the

complaint, witnesses and whomever else the Board feels may have information which will be helpful to the investigation. The Board shall be responsible for collecting and preserving evidence. Members of the Board shall not intentionally take any actions which may jeopardize any further investigation of the matter.

2.3 Whenever a complaint is made in accordance with Louisiana law, the subjects(s) of the complaint shall be notified by certified letter or by letter hand delivered to the subject(s) from an authorized agent of the Board as soon as practical, but no later than twenty-four (24) hours prior to the calling of any meeting for purpose of instituting the requested investigation.

2.4 The questioning of witnesses shall be conducted by the Board or by any person appointed by the Board, including the Board's legal representative.

2.5 The questioning of any witness, complainant, or classified employee shall be recorded in full. The employee who is made the subject of the complaint shall not be prohibited from obtaining a copy of the recording and/or transcript of the recording of his own statement upon his written request to the Board.

2.6 Any classified employee made the subject of an investigation by institution of a complaint made in accordance with La. R.S. 33:2537, or R.S. 33:2477 shall be entitled to the presence of his counsel, representative, or both, at his questioning in connection with the investigation. The counsel or representative is present in an advisory capacity and may not participate in the questioning process unless the Board deems such participation acceptable.

2.7 The board may order any complainant, officer or witness to submit to a deception detection examination, including but not limited to a polygraph test.

2.8 Neither the board, nor any of its members, shall release to the news media, press or any public information agency the name of the employee which is made the subject of the complaint, nor their home address, photograph or any information that may be

deemed otherwise confidential, without the express written consent of the employee made subject of the investigation.

SECTION III: SUBPOENA POWER OF THE BOARD:

3.1 Each member of the Board shall have the same subpoena power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation as is processed by the district courts of the state of Louisiana in accordance with La. R.S. 33:2562 or La. R.S. 33:2502.

3.2 The Board shall take whatever lawful steps necessary to compel the production of books, papers, and other documents which it believes necessary to conduct an investigation into the allegations of the complaint.

SECTION IV: CLASSIFICATION OF THE COMPLAINT UPON COMPLETION OF INVESTIGATION:

4.1 Following the completion of a complaint investigation, the Board shall classify the case as one (1) of the following:

a) Sustained - The allegation is supported by sufficient proof.

b) Not Sustained - The evidence is not sufficient to prove or disprove the allegations.

c) Unfounded - The allegation is false or otherwise not based upon valid facts.

d) Exonerated - The incident that occurred or complained of was lawful and proper.

e) Misconduct - Not based on the original complaint - The evidence supports action for infractions discovered during the investigation of the complaint that may be sustained.

4.2 The result of the investigation, as set forth herein above, shall be forwarded to the Appointing Authority, the Police Department and Fire Department, to the complainant and to the employee

who has been the subject of the investigation.

4.3 If the Board so chooses by majority vote, the Board may order action to be taken by the appointing authority as a result of the findings made by the Board pursuant to the investigation.

Leesville Fire and Police Civil Service Board Rules
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