

**LAKE CHARLES MUNICIPAL FIRE AND POLICE  
CIVIL SERVICE BOARD RULES**

**RULE I**

**DEFINITIONS**

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

1. "Board" means the Lake Charles Municipal Fire and Police Civil Service Board.
2. "Civil service law" means Louisiana Revised Statutes 33:2471, et. seq. (Amendments.)
3. "Member" or "members" means persons appointed to the Lake Charles Municipal Fire and Police Civil Service Board.
4. "R.S." means Revised Statute of the State of Louisiana.
5. "Regular and permanent employee" means an employee who has been appointed to a position in the classified service in accordance with civil service law after completing his/her working test.

**RULE II**

**CONDUCTING BOARD BUSINESS AT MEETINGS**

Introduction of Business - business shall be brought before the board by either a motion of a member or by presentation of correspondence to the board. A motion is not needed and may not necessarily be made in order to receive reports from committees. The board may dispense with a motion in the ordinary routine of business. Any member may, however, object to dispensing a motion and then a motion would be required to continue.

Obtaining the Floor - before a member may make a motion, or address the board in discussion, it is necessary that he/she obtain the floor by addressing the chairperson.

Discussion of a Matter - before any subject is open to discussion a motion shall be made by a member who has obtained the floor and then the motion must be seconded. The board shall hear discussions from its members and others who are present at the meeting. All

comments and discussions shall be directed to the chairperson.

Main Motions - a main motion shall be made in order to introduce an item to the board for consideration. A main motion shall be made by a member who has obtained the floor. A main motion cannot be made when any other motion is on the floor for discussion and/or vote.

Seconding Motions - a motion must be seconded in order to place the business before the board for discussion and/or a vote. If a motion is not seconded quickly, the chairperson shall ask if the motion is seconded. The chairperson may repeat the motion before calling for a second in order that all may hear the motion. If there is no second to a main motion the chairperson shall declare that the motion is dead due to the lack of a second. Once the motion is dead, a member may make another main motion on the matter.

Putting the question to the board for vote - the chairperson shall state the question that is before the board for consideration and ask if the board is ready to vote. If there are no more discussions, a vote is taken.

Voting - the members may vote on a matter before the board without discussion. The members may vote by voice, roll call of each member, or by general consent. When using general consent voting, the members show agreement by their silence to the chairperson stating that the motion on the floor will pass if there is not objection. If, however, a member objects, there must be a voice or roll call vote.

Motion to Table - the board may consider a motion to table a matter on the agenda until a later meeting. A member may, however, move to "take from the table" a matter that was previously tabled.

Motion to Adjourn the meeting - a member shall make a motion to adjourn the meeting.

### **RULE III**

#### **MEETINGS OF THE BOARD**

SECTION 1: The board shall hold at least one regular meeting within each quarterly period of the calendar year. The board shall post notice of such meetings at the beginning of each calendar year. The notice shall state the date, time, and place of each quarterly meeting. The board may reschedule these quarterly

meetings and may change the location of the meeting as provided in Sections 3 and 4 of Rule III. The board may also hold special meetings as may be called by the chairperson or as provided by Section 2 of Rule III.

SECTION 2: The board shall meet at any time upon the call of the chairperson, who shall give all members at least a five (5) calendar day, exclusive of Saturdays, Sundays, and legal holidays, notice if it is a regular meeting and at least a twenty-four (24) hour, exclusive of Saturdays, Sundays, and legal holidays, notice if it is a special meeting. If the chairperson fails or refuses to call a quarterly meeting of the board, the members shall meet upon the written call of any two members mailed ten (10) calendar days, exclusive of Saturdays, Sundays, and legal holidays, in advance of the date of the meeting.

SECTION 3: Unless otherwise provided in the notice for such meetings, all meetings shall be held in the City Council Chambers at City Hall located at 326 Pujoe Street, Lake Charles, Louisiana.

SECTION 4: Notice of regular and special meetings shall be given by posting such notice at the City Council Chambers at City Hall located at 326 Pujoe Street, Lake Charles, Louisiana, or at the building in which the meeting is to be held and at all fire and police department stations and buildings. Notification of board meetings shall also be posted on the board's website, if the board has a website, in accordance with this section.

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

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

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

meeting.

In accordance with R.S. 42:19, each item on the agenda shall be listed separately and with reasonable specificity. The agenda shall not be revised less than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, preceding the scheduled time of the meeting. Before the board may take any action on an agenda item at a meeting, the chairperson or his/her designee shall read aloud the description of the item.

Section 5: At a regular or special meeting, in accordance with R.S. 42:19, the board may take up a matter not on the agenda upon unanimous approval of the members present at the meeting. In order to add an item to the agenda, a motion must first be made to take up the matter and the motion must include, with reasonable specificity, the purpose for the addition to the agenda, and it must be entered into the minutes of the meeting. After the motion is seconded and prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14.

SECTION 6:

- a. All board meetings shall be open to the public, except when the board meets in executive session as provided by R.S. 42:16 and R.S. 42:17.
- b. Sonic or video recording and broadcasting of public meetings shall be permitted. Any person wishing to record the board's proceedings by video or audio equipment, or to broadcast the proceedings, shall register with the board secretary not less than fifteen (15) minutes in advance of the commencement of the meeting and provide his/her identity and media affiliation, if any. Persons recording or broadcasting the meeting with equipment which must be supported by a tripod or other stand, shall position themselves in the back of the meeting room, and shall not interfere with the entrance or egress of others. Persons using hand-held recording devices may be seated in the audience; however, they shall not interfere with the orderly conduct of the board's proceedings, nor cause

unreasonable interference with the audience's view of or participation in the proceedings.

- c. Recording equipment must be assembled and in working order prior to the commencement of the board's proceedings. No one shall be permitted to set up or disassemble equipment while the board is conducting its meeting. No strobes, flash lighting, or other bright lights that may impair the conduct of the meeting shall be used, except by approval of the board chairman given at least twenty-four (24) hours in advance of the meeting.
- d. There shall be no interviews conducted in the meeting room while the board is conducting its meeting.
- d. Compliance with the provisions of this Section shall be strictly enforced. Persons in violation of the provisions of this Section shall receive one warning. Continued non-compliance shall be grounds for immediate removal of the violator and his/her equipment.

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 a decision of all matters before the board except as follows. In the event that a quorum is not present at the time scheduled for a meeting, the meeting shall be cancelled thirty (30) minutes after the scheduled time for the meeting to allow time to obtain a quorum. If a member leaves a meeting which results in the loss of a quorum, the meeting shall immediately recess until a quorum is again obtained. In the event that a quorum cannot be obtained within thirty (30) minutes after the recess, the meeting shall be called back to order and a motion shall be made to adjourn. Written minutes of such meetings shall be kept as provided in Rule III, Section 9.

SECTION 8: The chairperson shall vote on all matters before the board except in situations when he/she is required to recuse himself/herself as provided in R.S. 33:2501(D) and in accordance with the Louisiana Code of Ethics. The vice-chairperson shall act in the

absence of the chairperson and shall be authorized to sign all board documents, as necessary.

SECTION 9: The board secretary or another person designated for the purpose by the board chairperson, shall keep written minutes of all open meetings. The minutes shall include but shall not be limited to the date, time, and place of the meeting; the members recorded as either present or absent; a record of officials, attorneys, and others present; the substance of all matters decided by the board; a record of all motions and votes; and any other information that any member, the Office of State Examiner, and others request to be discussed at the meeting and included in the minutes.

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

#### **RULE IV**

##### **ORDER OF BUSINESS AT MEETINGS OF THE BOARD**

Section 1: At regular and special meetings the order of business may be as follows:

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

Section 2: In accordance with R.S. 42:14, a public comment period shall be provided for at any point in the board meeting prior to action on an agenda item upon which a vote is to be taken. Public comment on proposed rules of the board shall be provided for within the context of the public hearing. Any person wishing

to make comment shall raise his/her hand until recognized by the chairman. Each person recognized to speak shall state his/her full name and home address for the record; however, members of the classified fire and police civil service wishing to make comment shall not be required to reveal their home address, but shall give the address of their employing agency. No person shall be given more than five (5) minutes within which to comment; however, the speaker may, before their time expires, request additional time, which shall be approved at the chairman's discretion. Upon expiration of allotted time, the speaker shall immediately cease making comment.

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

Following the receipt of a written petition by a citizen for a hearing and investigation, no public comment period shall be provided in a public meeting, investigative proceeding, or during an investigatory hearing with respect to any matters or allegations set forth in the petition until a decision of the board has been made. Decisions of the board shall be limited to the evidence adduced from the written petition or the investigative hearing and shall not be prejudiced by public comment.

## **RULE V**

### **EXECUTIVE SESSIONS**

Section 1: In accordance with R.S. 42:16, the board may meet in executive session during regular or special meetings, by two-thirds (2/3) vote of those present

in order to discuss those matters which are exceptions to open meetings as provided in R.S. 42:17. Any voting on matters discussed in executive sessions shall be conducted only upon return to the public meeting.

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

#### **RULE VI**

#### **APPLICATION FOR APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

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

All petitions for appeals and other hearings and investigations must be signed by the petitioner or applicant or his/her counsel, if any. All petitions must include the full name, preferred mailing address, phone number, and email address of the petitioner or appellant and of his/her counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: Written petitions for appeals to the board under the provisions of R.S. 33:2501 shall be made only by regular and permanent employees in the classified service and shall be limited to matters involving



discharge, corrective or disciplinary action and the application shall so state.

Written petitions under the provisions of R.S. 33:2501 must be received by the board within fifteen (15) calendar days after the date the employee is notified of the discharge, corrective or disciplinary action. The fifteen (15) calendar day period shall begin the day after the employee is notified of the disciplinary action either verbally or in writing.

The board shall meet within thirty (30) calendar days after receipt of the written petition for a hearing under the provisions of R.S. 33:2501. The board shall review the petition in order to determine if the request complies with the provisions of civil service law and to consider granting the appeal. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the hearing.

SECTION 3: All other written petitions for hearings and investigations pursuant to civil service law not otherwise provided for under R.S. 33:2501 shall set forth the section of the civil service law under which the petition is brought. The board shall institute and conduct such hearings and investigations in accordance with civil service law and the Lake Charles Municipal Fire and Police Civil Service Board Rules.

Written petitions showing just cause for hearings and investigations by the board as provided for in civil service law shall be granted at the first board meeting following receipt of the petition or at a special meeting as provided in Rule III. Investigations conducted under the provisions of R.S. 33:2477 (4) and (5) shall be completed within sixty (60) calendar days of the board's receipt of the petition. Investigations into prohibited political activity pursuant to R.S. 33:2504(B) shall be completed by the board within thirty (30) days after receiving written charges for violations of R.S. 33:2504.

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

## **RULE VII**

### **PROCEDURES ON APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

SECTION 1: All hearings on appeals and investigations shall be open to the public except when the board goes into executive session as provided for in R.S. 42:16 and R.S. 42:17. The board shall have complete charge of all hearings and investigations that come before the board, and may conduct them in any manner it deems advisable, without prejudice to any person or party thereto. The procedures followed shall be informal and not necessarily bound by the legalistic rules of evidence.

SECTION 2: In accordance with R.S. 33:2501.D, any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself/herself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any member of the board who is an immediate family member of the appealing employee shall recuse himself/herself from voting on any such decision. For purposes of this section, immediate family member shall mean any parent, child, sibling, or spouse.

If such recusal by a member of the board results in the inability of the board to reach a decision by the concurring votes of three members, the board shall be considered to have affirmed the action of the appointing authority, as required by R.S. 33:2501.D.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by an attorney, the board shall

be notified as soon as counsel is retained. Notification must provide the full name, preferred mailing address, phone number, and email address of the attorney. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

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

SECTION 5: 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 shall be on the appointing authority except in those cases where, (1) an employee is alleging that he/she was not given a fair opportunity to prove his/her abilities in his/her position after the appointing authority has failed him/her in his/her working test period as provided for in R.S. 33:2495 and, (2) when the employee alleges discrimination based on political or religious beliefs, sex or race.

SECTION 6: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The party bearing the burden of proof shall be first to present evidence and testimony followed by the evidence and testimony of the other party. Board members may ask questions of witnesses.

SECTION 7: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room. While sequestered, no person shall discuss or exchange with any other person any information regarding the matter before the board.

## SECTION 8: Subpoenas

Each board member shall have the power to subpoena witnesses and compel the production of books and papers without compensation. The board may serve such subpoenas in any manner it deems appropriate. No person shall deny or interfere with in any manner a board member's action to serve a subpoena. The board may hire an outside entity to serve subpoenas and the cost shall be billable to the City of Lake Charles.

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 fifteen (15) calendar days, inclusive of weekends and holidays, prior to the date set for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena.

A subpoena service fee shall be required for each subpoena requested after the first four (4) in order to cover all cost incurred per subpoena. Excessive requests shall be restricted in number at the discretion of the board. Any party may request an estimate of the subpoena fees from the board prior to requesting the subpoena. The subpoena fees shall be submitted to the board at the time of the request for the subpoena. All subpoena fees shall be paid in the form of a money order or cashier's check, payable to the City of Lake Charles. If the subpoena fee is not provided to the board, the board shall reject the subpoena request. Reasonable copy fees may be assessed against the requester by the custodian of records for the production of books or papers pursuant to such subpoenas.

## SECTION 9: Lists of Witnesses and Exhibits

Both parties shall have the right to call witnesses and to produce exhibits. A list of prospective witnesses and exhibits shall be submitted to the board and to the opposing party not less than ten (10) calendar days, inclusive of weekends and holidays, prior to the date set for the hearing. Each list

shall include a general statement of the relevancy of the evidence to be adduced. The board and the opposing party shall be provided a copy of each exhibit appearing upon the list of exhibits. The witness lists shall include the name and residential address of each potential witness; however, if a witness is an employee of the fire or police service, the employee's business address shall be provided.

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

Testimony by such witnesses and on such exhibits shall be for the board's determination of whether or not the appointing authority acted in good faith for cause. Any witness, exhibit, and subpoena requested for testimony as to the character of either party shall not be admitted.

Section 10: All parties, or their attorneys, shall state their names and addresses for the record, and shall be permitted to give a brief preliminary statement.

Section 11: All persons who will offer testimony or make statements of fact during the hearing shall be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn shall be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

Section 12: An effort shall be made to complete the questioning of each witness by all parties before beginning the questioning of the next witness. However, the board's hearings may sometimes be expedited by a discussion type interrogation involving more than one witness at a time and this shall be permitted upon occasion within such limitations as the board may find necessary or desirable in a particular case.

- Section 13: Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.
- Section 14: Documentary evidence shall be filed with and marked for identification by the secretary of the board, or another person designated for the purpose by the board chairperson.
- Section 15: At the conclusion of the hearing or investigation and before any motions, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate. If the proceedings are being transcribed by an official reporter, the oral argument may or may not be transcribed and bound with the transcript of testimony as the board may direct.
- Section 16: In reviewing disciplinary action taken against an employee, the board shall determine if the disciplinary action was taken with good faith and just cause, and, if so, whether the punishment imposed is commensurate with the infraction. The board shall determine if the employee's conduct impaired the efficient operation of the employee's respective department.

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

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

thereof, or such other lesser punitive action that may be appropriate under the circumstances.

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

If the board finds that the appointing authority violated any part of the Louisiana Fire Service Bill of Rights or of the Rights of Law Enforcement Officer Under Investigation and the individual was not afforded his/her due process in accordance with R.S. 33:2181.C or R.S. 40:2531.C, respectfully, the board shall declare the action to be an absolute nullity, and overturn the action taken by the appointing authority.

Section 17: In the case of a tie vote and no board member recused himself/herself under the provisions of R.S. 33:2501(D) and Section 2 of Rule VII, the board shall not have reached a decision. The board shall set a new date for the appeal hearing and rehear the case, allowing for any additional admissible evidence, and render a decision that would be appealable to the district court. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the new hearing. The board shall also notify the employee's attorney, the appointing authority's attorney, and the respective chief, but is not required by law.

Section 18: The decision of the board together with the board's written finding of fact, shall be certified in writing to the appointing authority for enforcement.

Section 19: Any employee and the appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of civil

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

SECTION 20: When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501 and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed one thousand dollars (\$1,000.00) in any one appeal.

The employee may request such payment at the time he/she demands a hearing and investigation by the board to determine the reasonableness of the action taken.

#### **RULE VIII**

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

SECTION 1: Requests to reschedule appeal hearings against disciplinary action and other hearings and investigations shall be made in writing and submitted to the board secretary. The secretary shall immediately report such requests to the board chairperson and place requests on the agenda for the next meeting. The board shall act on such requests



as it determines to be for cause and in the public interest under the circumstances.

SECTION 2: If the appellant or his/her attorney requests the continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2501, the board may require a stipulation of the employee receiving no back pay after the original date set for the hearing.

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

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

#### **RULE IX**

#### **TRANSCRIPTS OF APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS**

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

SECTION 2: Where a court reporter is furnished and the proceedings are transcribed, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board shall issue a written finding of fact. Any party may request a copy of the minutes of the hearing, and, if recorded, a copy of the recording.

### **RULE X**

#### **APPLICATION FOR ADMISSION TO TESTS**

SECTION 1: Tests for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with R.S. 33:2492. Tests for entrance upon competitive employment lists may be given as the needs of the service require as determined by the board. Tests for entry upon promotional employment lists may be given as the needs of the service as determined by the board and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: Applications for admission to tests on board approved forms, shall be received only by those individuals designated by the board at any time before final date for receiving applications. Applications filed with persons other than those designated to receive them shall not be considered to have been filed with the board until submitted to such designated persons. Individuals designated to receive applications shall forward such applications to the board secretary, which shall be kept as a permanent record of the board. The board shall reject all applications filed after the time fixed for closing date for receipt of applications as announced in the public notice of the tests. Approved applicants shall be notified at least five (5) calendar days in advance of the date fixed for the exam.

SECTION 3: Competitive employment lists shall be maintained by the board for eighteen (18) months. Promotional employment lists shall be maintained by the board for forty-eight (48) months.

SECTION 4: Admission to tests shall be governed by provisions of R.S. 33:2493 and the qualification requirements of the classification plan of the board. In the event of a demonstrated need for an eligibility list, the board may waive any requirement in the classification plan deemed necessary in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

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

In order to be eligible for admission to a promotional examination, the employee must have been on military leave during the entire thirty (30) day posting period for the examination. The employee must have met all the qualification requirements for the examination as posted by the board and would have been approved for admission to the examination if he/she had not been on military leave. Or, if the employee had submitted an application and was approved to be admitted to the examination, he/she must have been on military leave on the date of the examination.

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

thirty (30) calendar days following his/her return to duty with the department.

When the board receives an application for admission to an examination or a request to take an examination from an employee who was on military leave it shall review such at its next regular meeting. If the application or request is approved, the board shall contact the Office of State Examiner in order that the examination may be scheduled. Such examinations shall be administered by the Office of State Examiner at their Baton Rouge office. The board shall notify the employee at least five (5) calendar days in advance of the date fixed for the exam.

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

## **RULE XI**

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

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

classification plan and the board rules shall be maintained as rules of the board and shall have the force and effect of law.

SECTION 2: The board shall approve proposed revisions to its classification plan or board rules at a public hearing. The board shall hold a public hearing to consider amending the rules of the board. The board shall provide notification of the hearing, including a copy of the current classification plan or board rule(s) and the proposed classification plan or board rule(s) for a period of not less than thirty (30) calendar days prior to the date set for the public hearing. Such notice shall be posted at the place of the hearing and shall be provided to the governing authority, the fire and police chiefs, the state examiner, and any other party whom the rule may in anyway effect. Such notice shall also be posted for the same period at each fire and police station and building occupied by employees of the classified service.

SECTION 3: The board shall hold a public hearing at which time any municipal officer, employee, private citizen, or the state examiner's office should be given the opportunity, in person or via written correspondence to offer comment as to why such rule or any part thereof should not be adopted.

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

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

(continued on the next page)

**LEAVES OF ABSENCE****RULE I**

## SECTION 1: Leaves of Absence - Fire and Police

## A. Leaves of absence are classified as follows:

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

## B. Sick Leave

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during a calendar year for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the aforementioned will be "Leave of Absence With Pay".
2. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination. The Appointing Authority is encouraged to establish written policies necessary to monitor sick

leave and to prevent abuse of this benefit, which may include but not limited to the following: notification prior to duty when calling in sick, situations when doctor's excuses are required, and employee conduct while on sick leave.

3. Sick Leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

C. Leave for Family Illness

Each employee in the classified fire and police service shall be entitled to leave with pay for family illness of not more than ten (10) days each calendar year. This leave is granted during such time as, in the opinion of the family physician, employee's presence is required for the welfare, benefit, or comfort of employee's family due to serious illness of father or mother, wife or husband, son or daughter and brother or sister.

The Appointing Authority is encouraged to establish written policies necessary to monitor leave for family illness and to prevent abuse of this benefit, which may include but not limited to the following: notification prior to duty and other documentation as may be required.

D. Examinations

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

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class which they hold provisionally.



## E. Civil Leave

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

## F. Civil Service Board Attendance

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

## G. Annual Leave - Fire

1. Each full-time employee of the classified fire service shall be entitled to annual leave with full pay after having served one (1) year with the Lake Charles Fire Department in accordance with Table 1.

(continued on the next page)

<b>TABLE 1 - FIRE DEPARTMENT ANNUAL LEAVE</b>				
<b>Years of Service</b>	<b>Staff Personnel 40 Hour/Week</b>	<b>Calendar Days - Equivalency</b>	<b>Line Personnel and Dispatchers</b>	<b>Calendar Days - Equivalency</b>
1 to 10 years	144 hours	18	216 hours	18
11 years	152 hours	19	228 hours	19
12 years	160 hours	20	240 hours	20
13 years	168 hours	21	252 hours	21
14 years	176 hours	22	264 hours	22
15 years	184 hours	23	276 hours	23
16 years	192 hours	24	288 hours	24
17 years	200 hours	25	300 hours	25
18 years	208 hours	26	312 hours	26
19 years	216 hours	27	324 hours	27
20 years	224 hours	28	336 hours	28
21 years	232 hours	29	348 hours	29
22 years and more	240 hours	30	360 hours	30

2. "Vacation day", shall be defined as hours from, upon which personnel would normally be scheduled to work. Therefore, personnel whose work schedule covers two (2) calendar days, will be charged (24) twenty-four hours of annual leave to take off a full shift.
3. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
4. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.

- 5. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2497.

H. Annual Leave - Police

- 1. Each employee shall be entitled to fifteen (15) days of vacation per year as provided for by L.A. R.S. 33:2214.

All full time, permanent employees of the City of Lake Charles Police Department shall be entitled to additional vacation days as set forth below in (a) and (b) provided they have not received six (6) or more unscheduled/unexcused call ins or absences (as defined in the City of Lake Charles attendance policy and Personnel Policy Manual) within the previous twelve (12) months.

All employees who have received six (6) or more unscheduled/unexcused call ins or absences in a 12-month calendar year will not be entitled to take more than 15 vacation days for a period of 12 months beginning January 1 of the following year.

All existing civil service employees hired prior to January 1, 2002, shall be entitled to vacation in accordance with the current contract.

1-5 years	15 days
6-10 years	21 days
Over 10 years	28 days

All employees hired subsequent to January 1, 2002, shall be entitled to fifteen (15) days' vacation plus one day for each year of service up to a maximum of twenty-one (21) days.

2. Any regular employee whose employment relations are terminated after the first six (6) months of any calendar year shall be given the full fifteen (15) days' vacation leave. Any such employee whose services are terminated before the expiration of the first six (6) months of any respective calendar shall not be given vacation leave for that year. Each such employee, whether his employment relations are terminated during the first or last half of a respective calendar year, shall be given all vacation leave accrued and unused, if any, for the year preceding said termination. If said relations are terminated because of the death of such employee, the amount of said leave shall be paid to the employee's wife, if married, if not, to his estate. However, this is subject to the provisions above regarding unscheduled/unexcused call-ins or absences.

I. Special Leave - With or Without Pay, Seniority

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

Municipal Fire and Police Civil Service Laws per, LA R.S. 33:3471 et. Seq.

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

Special leave with or without pay may be granted by the appointing authority to regular employees for the purposes of attending district, state, national, or international meetings of employee or occupational organizations.

J. Leave For Specialized Disaster Service Volunteer

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

American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

K. 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 the 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.

L. Expiration of Leave

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

**RULE II**

A person who resigns from the police department shall have his or her name approved by the board for rehiring under the provisions of Section 20-D part of Page 18 of the Lake Charles Municipal Fire and Police Civil Service Law.

**RULE III**

All members of the police department seeking promotional examinations above the class of Police Officer First Class be required to have completed the L.S.U. advanced in-service police training or an approved equivalent.

**RULE IV**

**PAY PLAN FOR FIRE ALARM OPERATORS**

1. Those fire alarm operators who have been employed in the Lake Charles Fire Department as Fire Alarm Operators for five years or less shall be paid 16.15% more than three hundred (\$300.00) dollars per month.
2. Those fire alarm operators who have been employed in the Lake Charles Fire Department as Fire Alarm Operators for more than five years but less than ten years shall be paid 25% more than three hundred (\$300.00) dollars per month.

3. Those fire alarm operators who have been employed in the Lake Charles Fire Department as Fire Alarm Operators for ten years but less than fifteen years shall be paid 30% more than three hundred (\$300.00) dollars per month.
4. Those fire alarm operators who have been employed in the Lake Charles Fire Department as Fire Alarm Operators for more than fifteen years shall receive 35% more than three hundred (\$300.00) dollars per month.

#### RULE V

Provisions for the reinstatement of incumbents of the competitive class positions of Chief Fire Prevention Inspector and Chief Training Drill Instructor to line promotion classes:

1. Members of the fire department who are appointed to the competitive class position as Chief Fire Prevention Inspector or Chief Training Drill Instructor as a result of a competitive examination shall be permitted to transfer back to their respective line promotion class to which formerly assigned subject to the following provisions:
  - A. A member will be allowed a period of one year from the date of initial appointment to make decision to remain in the competitive class or return to his former line promotion class. Should the member elect to return to his former line promotion class within or prior to the end of the first year, the appointing authority shall transfer the member accordingly.
  - B. A member who elects to remain in the competitive class and such member has completed one year service from the date of initial appointment in the competitive class position will be allowed a total of three years, from date he completed his first year in the competitive class, in which to request reinstatement to his former line promotional class by making request to the municipal fire and police civil service board to have his name placed on the reinstatement list for his respective former line promotional class. Members requesting reinstatement shall be appointed to their former line promotional class and position, without loss of



seniority, at such time as a position vacancy occurs in their former line promotion class. Pending the availability of a vacancy in their former line promotion class the member will be required to continue to perform duty in the competitive class to which he was initially appointed.

- C. A member who does not elect option "b" above prior to the completion of 4 years' service in the competitive class to which appointed will be required to remain in the competitive class to which appointed for the remainder of his service with the department unless the class is abolished.
- D. If at any time the competitive class of Chief Fire Prevention Inspector or Chief Training Drill Instructor is entirely abolished by the appointing authority the incumbents appointed therein shall be transferred back to their former line promotion class and position within that class without loss of seniority.

#### **RESOLUTION**

Authorizing and directing the state examiner to give examination for promotions to all men serving in the Armed Forces of the United States in a manner as defined by this resolution at such times that said employee would become eligible for said promotion if he were not in service.

WHEREAS: There exists a national emergency; and

WHEREAS: A number of the members of both the police and fire departments have been called into service and a larger number will be called from time to time, and

WHEREAS: These men stand in danger of losing their seniority rights or not being able to determine just where their standing on the lists should be, and

WHEREAS: We feel that the city and general public owes a debt of gratitude to these men in the Armed Forces who are offering their all for our freedom; now therefore, be it,

RESOLVED: By the Municipal Fire and Police Civil Service Board of the City of Lake Charles that:

SECTION I: For the duration of our present National Emergency any member of the fire and police department who now comes under the provisions of this Act (Act 102 of 1944) and is classified as a regular employee: or, who may at a later date come under the provisions of this Act and be classified as a regular employee, that may be called into the Armed Forces of the United States, may upon application to the secretary of the civil service board or the elected representative of the departments in which he is classified in, be furnished an application blank for the next regular scheduled examination.

SECTION II: The applicant shall furnish the name and address of his commanding or executive officer along with his application.

SECTION III: After application is received and approved by the civil service board in the same manner that all applications are certified to the secretary shall then place the name of the applicant upon the list of persons eligible to take the next examination and include a copy of the above information to the State Examiner of Municipal Fire and Police Civil Service.

SECTION IV: The State Examiner of Municipal Fire and Police Civil Service shall then forward a copy of said examination by registered air-mail to the officer and at such address as included with the application with instructions as to the proper method to give the examination and method of returning the examination.

SECTION V: The rules and procedure of examinations and grading shall be set by the state examiner in the same manner as for all other examinations.

SECTION VI: When said applicant has successfully passed examination his name shall be placed on the promotional list in the same manner as provided by Act 102 of 1944, as such time when eligible he shall be promoted in his regular turn.

SECTION VII: Probationary period shall begin with his appointment and any time spent in service shall be computed as part of the probationary period.

**Lake Charles Board Rules**

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