

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

RULE I

MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year. The quarterly meeting will be held on the third Thursday of 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 Revised Statute 33:2471 and those that follow.
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Monroe City Hall Council Chambers.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the City Hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the vice-chairman, or as provided by Revised Statute 33:2471, and those that follow.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Four (4) members of the board must be present to

constitute a quorum of the board. Concurring votes of three (3) members are necessary for decision of all matters before the board.

SECTION 8: The chairman and vice-chairman shall be elected at least every three (3) years by the members of the Monroe Civil Service Board. The term, for which either the chairman or vice-chairman shall serve as such, shall run concurrently with his/her term of office.

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 IVEXECUTIVE 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 42:5.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions shall be conducted **only** upon return to public meeting.

RULE VAPPLICATION FOR APPEALS AND HEARINGS:

SECTION 1: Any person authorized to appeal to the board under the provisions of Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law 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 Civil Service Law 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 under R.S.33:2501 shall be effective unless the above-stated notice is filed within fifteen days following the date the appointing authority notifies the employee of the disciplinary action. Such written notice shall be considered to be timely received by the board when it is hand-delivered to any board member or person(s) designated by the board for such purpose, or delivered by mail to the official mailing address of the board and postmarked by the fifteenth day following such notification by the appointing authority. If

hand-delivered, the appellant shall be issued a receipt indicating the date of receipt and signature of the recipient.

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.

SECTION 4: The secretary will notify the party making appeal to the Monroe Civil Service Board of his/her hearing date, by certified mail, not later than ten (10) days prior to the scheduled hearing date.

RULE VI

PROCEDURE ON APPEALS: (Revised Statute 33:2501)

SECTION 1: All hearings on appeals shall be open to the public, except as provided by R.S. 42:4.1, et seq.

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. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$30.00 will be required for each additional subpoena requested after the first four (4).

SECTION 7: The written rules and procedures of the civil service board, applicable departmental rules and procedures, local collective bargaining agreements, written city policies and R.S. 33:2471, et seq., will be the basis of hearings and appeals.

SECTION 8: When an appeal is taken by an employee in the classified service in those cities with a population exceeding thirteen thousand (13,000) pursuant to R.S. 33:2501 to a municipal fire and police civil service board 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 in any one appeal. A request for payment must be submitted in writing by the appealing employee within thirty (30) days of the board decision that reversed the decision of the appointing authority and determined that the appointing authority was without just cause in rendering the disciplinary action as provided in R.S.33:2501.

RULE VII

DISMISSAL OF APPEALS:

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, after certification of due notice, 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.

SECTION 2: All final decisions of the board shall be recorded by roll call vote.

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 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 R.S. 33:2492 of Civil Service Law. 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 as the needs of the service require and shall be given at least one time during each successive period of eighteen (18) months.

- SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Law.
- SECTION 3: Promotional tests shall be called for at least every eighteen (18) months or as provided for in R.S. 33:2492. 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 2493 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: A copy of the board rules shall be distributed to each board member, the governing body, the Police Chief, the Fire Chief, and the 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, HOLIDAYS, AND BOARD RULES:

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

4. (a) Administrative leave - 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.

(b) Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed seventy-five days (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.

5. Personal leave without pay - Non-disciplinary, personal leave without pay and seniority may be granted at the discretion of the appointing authority and with board approval for periods up to thirty (30) days. Any continuance of this leave must be with board approval.
6. Recognized representatives shall be granted administrative time in accordance with current collective bargaining agreements.

B. Sick leave:

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave in accordance with applicable state law, city policy and procedure, Monroe Police Policy and Procedure, Monroe Fire Department Policy and Procedure, and applicable bargaining agreements. Sick leave is mandated by Louisiana Revised Statute 33:2214 and in cases where there may be possible conflicts this law prevails.

C. Funeral Leave - Immediate Family

1. In the event of death in the immediate family of an employee, the employee shall be granted leave of absence with pay up to three (3) consecutive calendar days with full pay to make household adjustments, arrange and/or attend funeral.
2. Immediate family shall be defined as spouse, children, stepchildren, grandchildren, mother, father, grandparents, step-parent, brother, sister, father-in-law, mother-in-law.

D. Funeral Leave - Other Family Members

1. In the event of a death of a family member other than an immediate family member, the employee shall be granted leave of absence with pay up to two (2) consecutive calendar days to assist in making arrangements and/or attending the funeral.
2. Family members other than immediate family members shall be defined as brother-in-law, sister-in-law, daughter-in-law, son-in-law, uncle, aunt, niece, and nephew.

E. Funeral Leave - Unusual Circumstances

In situations where unusually long travel time is involved in connection with the funeral of a member of an employee's immediate family or other family member, an employee may apply, in advance, in exceptional circumstances, for additional funeral leave. Total absence shall not exceed five (5) consecutive calendar days. An employee must attend the funeral to be eligible for this benefit.

F. 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.

G. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

H. City, District Court or Civil Service Board Attendance

1. Attendance in city or district court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance in court on departmental business, on his/her off time, such time shall be compensated at his/her normal rate of pay.
2. Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

3. 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.

I. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days, as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

J. Military Leave without Pay

Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Any member of the classified service who is a member of the National Guard or in the Reserves

of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section I. Should the employee have used all leave to which the employee is entitled (in Section I), then the employee shall be granted military leave without pay.

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

K. Annual Leave - Fire and Police

Annual leave with pay shall be as set forth in the applicable departmental rules and procedures, local collective bargaining agreements, written city policies and the Louisiana Revised Statutes.

L. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off without loss of seniority and with board approval when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

M. Holidays

Holiday pay and holidays off shall be governed by the applicable police or fire department bargaining agreement and its departmental policy and procedure.

N. Family Medical Leave

Each full-time employee of the classified service, after having served one (1) year, shall

be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

Any employee will be required to first exhaust any or all compensatory time, auxiliary time and any or all accumulated leave time before being granted unpaid family medical leave without seniority.

O. Expiration of Leave

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

Monroe Board Rules

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