

**RUSTON 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 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 Ruston City Hall.

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

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all 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 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions shall be conducted **only** upon return to public meeting.

RULE V

APPLICATION 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 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 33:2501)

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. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all 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.

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. If either the appointing authority or the appellant fails to appear at the hearing, the board may proceed to render a decision based upon the evidence brought before it.

RULE VIII

POSTPONEMENT OF APPEALS:

SECTION 1: When requesting a postponement, parties will be required to notify the board chairman through the board secretary. Upon such notification, the board will hold either a special meeting or will meet on a date scheduled during which a determination of postponement will be made by approval of two-thirds vote of the members present at the meeting.

RULE IX

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. If the secretary to the board records the hearing electronically, a copy of the recording can be furnished to the requesting party at the requesting party's expense.

RULE X

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 Law in general.

RULE XI

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 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 XII

DISTRIBUTION OF BOARD RULES:

SECTION 1: A 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 XIII

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
 4. Administrative Leave

a. Police Department Employees - 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 an employee. This period may not be extended beyond seventy-five (75) days, inclusive of Saturdays, Sundays and legal holidays, without approval of the civil service board.

b. Fire Department Employees - 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 an employee. This period may not be extended beyond sixty (60) days without approval of the civil service board.

B. Sick leave:

Each employee, regularly and permanently employed in the classified service shall be entitled to not less than fifty-two (52) weeks of sick leave with pay in compliance with R.S. 33:2214B as amended. Sick leave shall be granted any employee because of his own illness or actual incapacitation; or, because of his being exposed to contagious disease under circumstances in which the health of employees with whom he associates or members of the public necessarily dealt with might be endangered by his attendance on duty, written advice of a

physician that such leave be granted, or in the case of illness or disease of his/her spouse, father, mother, father-in-law, mother-in-law, brother, sister, son, daughter, grandparents, the child of an employee who is domiciled with the employee or whose other parent is not available or able to care for the ill child.

When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department no later than one (1) hour prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay" and may result in disciplinary action.

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.

Police and Fire civil service employees are not prohibited from receiving sick leave benefits provided for city employees by the City of Ruston which further enhance the sick leave program and which are not in violation of existing law.

C. Funeral Leave

In the event of death in an employee's immediate family, leave is granted for three consecutive calendar days, one of which shall include the day of the funeral, without loss of earnings.

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

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.

F. City, District Court or Civil Service Board Attendance

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.

G. Military Leave

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.

H. Military Leave without Pay

Any regular and permanent 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 regular and permanent 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.

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

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 is entitled (in Section G) then the employee shall be granted military leave without pay.

I. Personal Time

Each member of the classified service may apply to the chief of the department for personal time when no accumulated leave has been accrued. This leave is classified as "leave of absence without pay."

Any additional time should be subject to the discretion of the appointing authority.

J. Annual Leave - Fire

1. Each full-time employee of the classified service after having served one year, shall be entitled to an annual vacation of eighteen (18) calendar days with full pay. This vacation period shall be

increased one calendar day for each year of service (with the exception of a break in service due to military service) over ten (10) years, up to a maximum vacation period of thirty (30) calendar days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.

2. "Vacation day", shall be defined as a calendar day from midnight to midnight, upon which personnel would normally be scheduled to work. Therefore, personnel whose work schedule covers parts of two (2) calendar days, will be charged two (2) days of annual leave to take off a full shift. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
3. No cash payment be made in lieu of vacation until such time as the employee is separated from his/her employment.
4. 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.

K. Annual Leave - Police

1. Each employee, regularly and permanently employed in the Classified Service, shall be given fifteen (15) days annual vacation with pay, only after one (1) year of continuous service. Said annual leave shall not be forfeited by any employee.
2. Each employee, regularly and permanently employed in the Classified Service, shall be given twenty-one (21) days annual vacation with pay, only after ten (10) years of service. Said annual leave shall not be forfeited by any employee.
3. Each employee, regularly and permanently employed in the Classified Service, shall

be given twenty-eight (28) days annual vacation with pay, only after twenty (20) years of service. Said annual leave shall not be forfeited by any employee.

4. Any regular employee whose employment relations are terminated after the first twelve (12) months of any calendar year shall be given the full fifteen (15) days leave. Any such employee whose service is terminated before the expiration of the first six (6) months of any calendar year shall not be given vacation leave for that year. Each such employee whether his employment relations are terminated during the first and last half of a respective year shall be given all vacation leave accrued and unused, if any, for the year proceeding 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.
5. Leave requests must be submitted at least fourteen (14) days prior to the anticipated date.
6. Leave requests are subject to the approval of the Chief or his designee.

L. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. Christmas Eve
2. Christmas Day
3. New Year's Day
4. Independence Day
5. Labor Day
6. Thanksgiving Day
7. Day after Thanksgiving
8. Good Friday
9. National Memorial Day
10. Martin Luther King Day

Should a member of the classified service work assignment be such that the employee is required to work on a legal holiday as set by this board, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

M. Special Leave - Seniority

Special leave with pay up to thirty (30) days may be granted by the appointing authority when such leave would be in the departmental interest. Any special leave, with or without pay, exceeding thirty (30) days must first be approved by the civil service board and if approval is granted, the board will determine, at that time, if departmental seniority is to be interrupted or continued.

N. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

O. 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 1993).

Ruston Municipal Fire and Police Civil Service Board Rules

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