

ST. LANDRY #2 FIRE PROTECTION DISTRICT**BOARD RULES****RULE I****APPLICATION FOR APPEALS AND HEARINGS**

SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Act may apply for such an appeal by 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 Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE II**PROCEDURE ON APPEALS** (Revised Statute 33:2561)

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. 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 NONE will be required for any additional subpoena requested after the first four (4).

SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

RULE III

DISMISSAL OF APPEALS

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE IV

TRANSCRIPTS OF HEARINGS

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE V

OTHER HEARINGS

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Act in general.

RULE VI**LEAVES OF ABSENCE, HOLIDAYS**

SECTION 1: Leaves of Absence

- 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 - The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days 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. This period may not extend beyond thirty (30) days without approval of the civil service board.
- 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 any calendar year for any sickness or injury or incapacity not brought about by his 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.

3. When an employee of the classified service is ill and cannot report for duty, it is his responsibility to notify the Chief, Assistant Chief, or Captain not later than two (2) hours 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.
4. Should any employee of the classified service absent himself before or after his scheduled days off or at any other time, he will be required to submit a doctor's certificate should the absence be for only one (1) day.
5. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

C. Funeral Leave

1. An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparents, children, and step-children.
2. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed one (1) day, except in extenuating circumstances endorsed by the employee's chief. Funeral leave is authorized for the specific purpose of attending the funeral of the deceased family member.
3. If an employee of the classified service has a death in his family and cannot report for duty, it is his responsibility to notify the Chief, Assistant Chief, or Captain not later than two (2) hours before he is scheduled to report to duty.

D. Examinations

1. Each employee of the classified service shall be granted "leave of absence with pay" to take any 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 that they hold provisionally.

E. Civil Leave

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

F. 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 time off, such time shall be compensated at his normal rate of pay.
2. Each member of the classified service must present to the chief of the department 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 department 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.

G. Military Leave with Pay

1. An employee shall be authorized to take leave without loss of pay or vacation leave 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 days as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least 30 days in advance to the chief of the department and this board, if known by him. Should an employee be called out on an emergency basis, he should contact his supervisor, the chief of the department.

H. Military Leave without Pay

1. Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The employee is required to notify the chief of the department and this board.
2. Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.
3. Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

4. 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 G. Should the employee have used all leave to which he is due (in Section G), he shall be granted military leave without pay.

I. Personal Time Off

1. Each member of the classified service may apply to the chief for personal time off when such time off will not exceed two (2) days off and this leave is classified as "leave of absence without pay."
2. Any member of the classified service taking personal time off without applying for it shall be considered as "absent without leave or pay."
3. The employee will first use any accumulated leave before applying for personal time off.

J. Annual Leave

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 day for each year of service over ten years, up to a maximum vacation period of thirty (30) days all of which will be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause, nor may any cash payment be made in lieu of vacation.
2. Eighteen calendar days (18), vacation may be taken after one (1) year of continuous employment.

3. Each employee may divide vacation leave into separate periods, the total of which shall not exceed the employee's total accrued vacation leave time.
4. All employee vacation schedules must be approved by the chief before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling; however, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2557.

K. Holidays

1. Christmas
2. New Year's Day
3. July 4
4. Labor Day
5. Thanksgiving Day
6. National Memorial Day (Observed)
7. Veteran's Day
8. Easter Sunday
9. Columbus Day (Observed)
10. Martin Luther King, Jr. Day

Should a member of the classified service work assignment be such that the employee is scheduled 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 as according to LA Revised Statutes 33:1999.

L. Special Leave - Seniority

1. Special leave without pay up to thirty (30) days may be granted by the appointing authority. 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.

M. Expiration of Leave

1. 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.

Adopted: 08-03-91

Revised: 01-17-94, 04-28-99, 01-10-24