

**WASHINGTON PARISH FIRE PROTECTION DISTRICT NO. 7
FIRE DEPARTMENT CIVIL SERVICE BOARD**

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 Act 282 of 1964, hereinafter referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Clayton Byrd Station, 17380 Bill Booty Road, Bogalusa, La, 70427.
- SECTION 3: Notice of regular meetings shall be given by posting such notice 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 chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, 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: Two members of the board must be present to constitute a quorum of the board. Concurring votes of two 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 will 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 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 VI

PROCEDURE ON APPEALS: (Revised Statute 33:2561)

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

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

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

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

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

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. 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 \$75.00 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 VII

DISMISSAL OF APPEALS:

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

RULE VIII

TRANSCRIPTS OF HEARINGS:

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

RULE IXOTHER 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 XAPPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

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

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

SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become

effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, Fire Chief one copy, and fire station bulletin boards one copy.

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

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 a member of the classified fire service does not report to work on his/her assigned work shift and did 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 may be subject to disciplinary action, up to and including termination.

B. Annual Leave

1. 24-hour Shift Employees - each member of the classified fire service after having served one (1) year with Washington Parish F.P.D. No. 7 shall be entitled to two hundred sixteen (216) hours of annual leave with full pay.

Each member with less than one (1) calendar year of service on January 1st following the completion of his/her first year of service shall receive a pro-rated amount of annual leave with full pay on January 1st. The pro-rated amount shall be based on two hundred sixteen (216) hours of annual leave and the time the

employee served from the completion of his/her one (1) year of service up to and including December 31st.

Each member shall be entitled to two hundred sixteen (216) hours of annual leave with full pay on January 1st of each year following the first pro-rated year.

Each member shall be entitled to an increase of twelve (12) hours of annual leave on January 1st of each year for each year of service over ten (10) years, up to a maximum of three hundred sixty (360) hours, all of which shall be with full pay.

2. 40-hour week Employees - each member of the classified fire service after having served one (1) year with Washington Parish F.P.D. No. 7 shall be entitled to one hundred forty four (144) hours of annual leave with full pay.

Each member with less than one (1) calendar year of service on January 1st following the completion of his/her first year of service shall receive a pro-rated amount of annual leave with full pay on January 1st. The pro-rated amount shall be based on one hundred forty four (144) hours of annual leave and the time the employee served from the completion of his/her one (1) year of service up to and including December 31st.

Each member shall be entitled to one hundred forty four (144) hours of annual leave with full pay on January 1st of each year following the first pro-rated year.

Each member shall be entitled to an increase of eight (8) hours of annual leave on January 1st of each year for each year of service over ten (10) years, up to a maximum of two hundred forty (240) hours, all of which shall be with full pay.

3. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.
4. Employees shall not be required to use

their annual leave on days that they are not scheduled to work.

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

C. Sick leave

1. Each member of the classified fire service shall be entitled to and given, with full pay, sick leave not less than fifty-two (52) weeks for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion. 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.
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. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform the duties of the position as assigned by the appointing authority.

D. Bereavement Leave

1. An employee's immediate family shall be defined to include the employee's parents, spouse, brother, sister, grandparents, children, and step-children.
2. In the event of the death of a member of an employee's immediate family as defined in Number 1, the employee shall be entitled to bereavement leave of absence, with pay, which shall not exceed three (3) calendar days.

3. Such leave of absence with pay may be adjacent to an employee's normal day(s) off; however, attendance at a funeral service shall not be the sole purpose for granting the paid leave of absence.
4. Bereavement leave shall be granted for the following reasons: 1) for the employee to make final arrangements; 2) for the employee to attend the funeral service or ceremony; 3) for a mourning period immediately before or after the funeral service or ceremony; 4) for a mourning period if no funeral service or ceremony is held.
5. Calendar day shall be defined as a continuous 24-hour period of time from midnight to midnight upon which a work shift may fall.

Work shift shall be defined as a continuous period of duty which may cover parts of two calendar days.

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

E. Examination Leave

Each member of the classified fire service shall be granted leave of absence with pay to take any civil service examination to which he/she has been approved for admission by the Washington Parish Fire Protection District No. 7 Civil Service Board.

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

F. Civil Leave

Each employee of the classified fire service shall be granted civil leave with pay when ordered to jury duty. If an employee is subpoenaed as a witness in any court proceeding, civil service hearing, or in proceedings of other duly authorized public body, or when summoned to appear before a court, public body, board, or commission, such classified employee shall be granted civil

leave with pay for any period of time his/her presence and availability is demanded. If an employee is subpoenaed for departmental business while on duty, employee shall be granted civil leave with pay and shall be allowed time away from his assigned duties in accordance with departmental policies. Civil leave shall not be used for absences incurred because of court attendance relating to personal affairs. When an employee is required to be in attendance in court on personal affairs, the appointing authority shall grant the employee annual or compensatory leave with pay. If the employee has no unused annual or compensatory leave, the employee shall be granted leave without pay in accordance with the board's rules. Civil leave with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

G. Civil Service Board Attendance Leave

The fire department member of the 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 board.

H. Military Leave with Pay

Any member of the classified fire service shall be authorized to take leave without loss of pay, time, annual leave, or efficiency rating on all days during which he/she is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, the Coast Guard Reserve, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one calendar year, as provided by R.S. 42:394.

I. Military Leave without Pay

1. Any member of the classified fire

service, except as provided in number 3, who leaves employment in order to perform voluntary or involuntary service in the uniformed services of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, reserve military personnel, members of the National Disaster Medical System as specified in federal law, and other category of persons designated by the President in time of war or national emergency, shall be given any leave due the employee in Sub-section H. Should the employee have used all leave to which he/she is entitled (in Sub-section H), he/she shall be granted military leave without pay until he/she returns to duty.

2. Any such employee may request and shall be granted any unused annual leave or compensatory leave. An employee cannot be required to use such leaves of absence.
3. An employee serving in a provisional appointment who is not a regular and permanent employee shall not be granted military leave without pay. He/she shall be required to resign or be separated from the service.
4. A recruit serving in formal training who has been placed on military leave without pay for thirty (30) days or more shall have his/her formal training interrupted for the duration of the military leave. The employee shall resume his/her formal training the day he/she reports to active duty with his/her respective department. The time the employee served in his/her formal training prior to the interruption and the time the employee serves in the formal training after it is resumed will be used in calculating the total time served in his/her formal training. The employee must meet the requirements of R.S. 33:2555.1 prior to beginning his/her working test.
5. A probational employee serving in a working test who has been placed on military leave without pay for thirty (30) days or more shall have his/her working test interrupted for the

duration of the military leave. The employee shall resume his/her working test the day he/she reports to active duty with his/her respective department. The time the employee served in his/her working test prior to the interruption and the time the employee serves in the working test after it is resumed will be used in calculating the total time served in his/her working test. The employee must meet the requirements of R.S. 33:2555 prior to confirmation as a permanent employee in his/her respective class.

6. An employee who has his/her formal training or working test interrupted due to military leave shall be made whole at the completion of such periods. The employee's records shall reflect the date he/she would have completed his/her formal training or working test had he/she not been on military leave. The employee's seniority date, if required, shall be adjusted to reflect the date he/she would have begun accruing seniority had he/she not been on military leave.
7. The appointing authority shall report military leaves of absence without pay, interruption of formal training and working test, and resuming the formal training and working test to the board within fifteen (15) days of the effective date of action.

J. Personal Leave without pay

Each member of the classified fire service may be granted personal leave without pay when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. Any member taking personal leave without approval shall be considered as absent without leave or pay.

K. Special Leave - Seniority

Special leave of absence, with or without pay, may be granted to a member of the classified fire service 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 may be granted for more than thirty (30) consecutive days, the board shall determine whether departmental seniority is to be interrupted or continued.

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.

L. 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.

M. Family Medical Leave

1. Notwithstanding the provisions of Subsection 2.b. (Military FMLA Leave):
 - a. Eligibility for Family Medical Leave shall be extended to classified employees of the fire service who have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.
 - b. A classified employee who is a returning uniformed service member protected under the USERRA shall be eligible if, but for his or her military service, the employee would have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.
2. a. Regular FMLA Leave - Employees of the classified fire service shall be eligible for up to twelve (12) workweeks of unpaid leave due to:
 - i. birth and care of eligible employee's child;
 - ii. placement for adoption or foster care of a child with the employee;
 - iii. care of an immediate family member (spouse, child, parent) who has a serious health condition;
 - iv. care of the employee's own serious health condition;
 - v. because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is covered member on active duty or has been notified of an impending call or order to active duty, in

- support of contingency operation, or;
- vi. other reasons provided in Public Law 103-3.

Not more than twelve (12) weeks of the combined total may be applied to regular FMLA leave during any single twelve-month period.

- b. Military FMLA Leave - Employees of the classified fire service shall be eligible for up to twenty-six (26) workweeks of unpaid leave in order to care for a covered service member with a serious injury or illness, as provided in Public Law 103-3. Such service member shall be defined as:
 - i. a member of the armed forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
 - ii. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the armed forces (including the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The combined total of military FMLA leave and regular FMLA leave shall not exceed twenty-six (26) weeks during a single twelve-month period.

- 3. Spouses employed by the same department shall be limited in the amount of FMLA leave to a combined total of twelve (12) weeks of regular FMLA leave or twenty-six (26) weeks of military FMLA for the following reasons:

- a. the birth and care of a newborn child
 - b. placement of a child for adoption or foster care
 - c. to care for a patient who has a serious health condition
4. At the discretion of the appointing authority, FMLA leave may run concurrently with paid leave, as follows:
 - a. Paid sick leave, only when such leave is necessary for the care of the employee's own serious health condition.
 - b. Compensatory and/or paid annual leave, when such leave is necessary for all other FMLA reasons. Compensatory leave shall be exhausted prior to using annual leave.
 5. When paid leave is exhausted, an employee shall be entitled to the remaining unpaid FMLA leave, if any, to which he/she is entitled.
 6. Accrual of departmental seniority while on FMLA leave shall continue only when FMLA leave is run concurrently with paid leave. Unpaid FMLA leave shall be served without credit for departmental seniority.

N. Administrative Leave with pay

The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) 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 or as may be otherwise required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the 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.

O. Expiration of Leave

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