

## **RULE I**

### MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the fiscal year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairman or as provided in Act 282.
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Winnfield City Hall Council Chambers.
- SECTION 3: Notice of all meetings, including regular meetings, shall be given by posting such notice in the city hall, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the time, place, and subject matter to be covered, and whether said meeting is regular or special.
- 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 Act 282.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session.
- SECTION 6: All board members must be notified not less than five (5) days preceding all board meetings.

## **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 a majority 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 before regular or special meetings, or by majority vote when considering sensitive matters. All voting on matters discussed in executive sessions will be conducted 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 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 Sect. 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 request 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.

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 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 appeals docket, giving the said appeal an appropriate title.

SECTION 4: The chairman of the board shall fix the time and place for the hearing on an appeal and shall give notice thereof to all parties not less than ten (10) calendar days prior to the date fixed. Such date, fixed by the chairman, shall be within thirty (30) days after the receipt of the written request.

## **RULE VI**

### PROCEDURE ON APPEALS:

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, who must be duly licensed to practice law within the State of Louisiana. 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.

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.

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 in writing at least five (5) days before the time fixed for the hearing.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Act 282 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, he shall furnish a court reporter for said purpose at his own expense. Where a court reporter is furnished, the original of the transcript shall be filed with the board and shall become part of the permanent record of the appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible.

**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 Law in general.

**RULE X**APPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment lists shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment lists may be given as the needs of the service require, and shall be given after any existing competitive eligible list is fifteen months old and before said list expires. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired.

SECTION 2: Applications for admission to test 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 Sect. 2553 of the Civil Service Act.

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

##### SELECTION FROM EMPLOYMENT LIST:

SECTION 1: The results of a fingerprint check, FBI and Louisiana Dept. of Public Safety, and physical examination from a doctor's office of the applicants who pass the competitive examination will be presented to the board before the applicant can be selected from the competitive employment list.

SECTION 2: Employees of the classified service under the jurisdiction of the board shall be domiciled with the Parish of Winnfield, State of Louisiana.

#### **RULE XII**

##### DISTRIBUTION OF BOARD RULES:

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one (1) copy, fire and police chief one (1) copy, fire and police bulletin boards one (1) copy, and State Examiner one (1) 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 XIII**LEAVES OF ABSENCE:

## 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 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. Sick leave:

1. All classified employees of the City of Winnfield as of July 29, 1964, shall be eligible for sick leave. Sick leave will be accrued on the basis of one day per month of continuous employment. New employees will not be eligible to use the sick leave until employed for six (6) months.
2. Workmen's Compensation Payments:  
If an employee's disability is of a nature that he is entitled to workmen's compensation insurance he shall also be entitled to receive sick leave pay to the extent that sick leave has accumulated provided that the employee shall reimburse the City of Winnfield in an amount equivalent to that received by the employee as workmen's compensation payments. After all accumulated sick leave has been used, the employee shall be entitled to workmen's compensation only.
3. In computing charges against accrued sick leave, deduction shall be made only for work days. If the employee is reimbursing the city with workman's compensation checks, charges of one-half ( $\frac{1}{2}$ ) day for each work day shall be made against employee's accrued sick leave.

## C. Death In Employee's Immediate Family

In the event of a death in the employee's immediate family, (immediate family to include exclusively

spouse, mother, father, mother-in-law, father-in-law, sister brother, child, grandparents, brother-in-law, sister-in-law) sick leave may be used for this purpose. A maximum of three days shall be allowed each individual. Actual time allowed will be determined by the circumstances of each individual case and at the discretion of the employee's immediate superior.

A classified employee shall be entitled to one day per year emergency leave for a death in the employee's immediate family and such emergency leave shall not be deducted from accumulated sick leave.

D. Examinations

Each employee of the classified 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 Winnfield Municipal Fire and Police Civil Service Board.

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

Each employee of the classified service shall be granted leave of absence 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 leave of absence with pay for any period of time his presence and availability is demanded. If an employee is subpoenaed for departmental business while on duty, employee will 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. 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. Military Leave with Pay

An employee 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 Civil Air Patrol, or the Coast Guard Reserve, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one calendar year, as provided by Louisiana Revised Statute 42:394.

H. Military Leave without Pay

Any member of the classified service who is a called into 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/she is entitled (in Section G), he/she shall be granted military leave without pay until he/she returns to duty.

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.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and 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."



J. Maternity Leave

Each female employee regularly and permanently employed in the classified service shall be entitled to a maximum of eight (8) months of leave of absence without pay due to pregnancy when the conditions actually warrant. Any accrued sick leave time must first be exhausted before leave without pay commences. Upon notification of her pregnancy by her doctor the employee shall obtain from the doctor a statement indicating that the employee is capable of performing all the duties of her position or alternatively a statement indicating her inability to perform all the duties of her position. When the employee cannot perform all the duties of her position and light duty is not available for that position then maternity leave must commence. During such leave the employee will continue to accrue seniority but will be ineligible for promotion. The employee shall be returned to the position she was absent from upon her physician's written statement of her ability to perform all the duties of the position.

K. Annual Leave - Fire and Police

1. All full time classified employees who have worked continuously for more than one (1) year shall be eligible for a paid vacation. For employees with more than one (1) year the vacation shall be one (1) week (seven (7) consecutive calendar days); for employees with more than two (2) years the vacation shall be two (2) weeks (fourteen (14) consecutive calendar days); for employees with more than ten (10) years the vacation shall be three (3) weeks (twenty-one (21) consecutive calendar days); for employees with more than twenty (20) years the vacation shall be four (4) four weeks (twenty-eight (28) consecutive calendar days); for employees with more than twenty (20) years the vacation shall be five (5) weeks (thirty-five (35) consecutive calendar days.)

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. Special Leave - 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 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.

## N. Family Medical Leave (Public Law 103-3)

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 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 for applied to regular FMLA leave during any single twelve-month period.

- b. Military FMLA Leave - Employees of the fire classified 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. Classified employees shall be required to first exhaust any or all compensatory time and any or all accumulated leave time before commencing FMLA leave.
5. FMLA leave, if granted, shall be served without credit for departmental seniority.

O. 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 otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period 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.

P. Expiration of Leave

Any employee 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.

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