

**FIRE DISTRICT CIVIL SERVICE BOARD RULES  
WEST BATON ROUGE FIRE PROTECTION DISTRICT NO. 1**

**PLEASE TAKE NOTICE** that the following rules have been duly adopted by the WEST BATON ROUGE FIRE PROTECTION DISTRICT NO. 1 CIVIL SERVICE BOARD ("the board") in accordance with La. R.S. 33:2538. Pursuant to La. R.S. 33:2538, these rules "shall have the force and effect of law."

**RULE I**

**MEETINGS OF THE BOARD**

SECTION 1: The board shall hold at least one regular meeting within each quarterly period of the calendar year. The board may also hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2531 and those that follow.

SECTION 2: All meeting notices shall be given and posted in accordance with the Louisiana Open Meetings Law, La. R.S. 42:11 *et seq.*, and The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, La. R.S. 33:2531 *et seq.*

SECTION 3: Unless otherwise provided in the notice for such meetings, all meetings shall be held at West Baton Rouge Administration Building.

SECTION 4.1: Other than the board's routine business (e.g., approval of personnel action forms, consideration of correspondence, etc.), no item shall be placed on the agenda unless a written request is submitted to the board secretary during normal business hours. The written request shall: (1) contain the name, address, email address and telephone number of the requester; (2) be signed and dated by the requester; and, (3) shall clearly and adequately describe the item that is the subject of the request. The official date stamp of the board secretary shall be proof certain of the date of filing. Any agenda item request received by the board secretary shall be placed on the agenda for the next board meeting. If no meeting has

previously been scheduled to be held within thirty days of the filing of an agenda item request, a meeting shall be scheduled to be held no later than thirty (30) calendar days after the filing of the agenda item request, at which meeting a hearing date (if required) shall be scheduled. Unless otherwise agreed by the interest parties, the hearing, if required, shall be scheduled to commence no more than thirty (30) calendar days later or sixty (60) calendar days following the initial filing of an agenda item request requiring a hearing, whichever may occur sooner.

SECTION 5: 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 33:2531 and those that follow.

SECTION 6: All board meetings shall be open to the public, except when the board meets in executive session as provided by law.

SECTION 7: 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.

## **RULE II**

### **SUBJECT MATTER OF MEETINGS**

SECTION 1: At special meetings the board shall consider only those items of business for which the meeting was called, except that by agreement of two-thirds of the board members other matters may be considered.

## **RULE III**

SECTION 1: At regular meetings, the order of business shall be as follows unless specifically varied by the duly adopted agenda:

1. Call to Order
2. Roll Call
3. Adoption of the agenda
4. Reading of the minutes.
5. Decisions and orders on matters considered at

- previous hearings and meetings.
- 6. Special and general reports.
- 7. New business.
- 8. Executive sessions
- 9. Announcements
- 10. Adjournment

SECTION 2: At special meetings, the order of business shall be as follows unless specifically varied by the duly adopted agenda:

- 1. Call to Order
- 2. Roll Call
- 3. Adoption of the agenda
- 4. Reading of minutes.
- 5. Decisions and orders on matters considered at previous hearings and meetings.
- 6. Hearing of matters previously fixed for the special meeting.
- 7. Executive sessions
- 8. Announcements
- 9. Adjournment

**RULE IV**

**EXECUTIVE SESSIONS**

SECTION 1: The board may only meet in executive session during regular or special meetings in accordance with law including, but not limited to, the Louisiana Open Meetings Law, La. R.S. 42:11 *et seq.* No votes shall take place in executive session.

**RULE V**

**APPLICATION FOR APPEALS AND HEARINGS**

SECTION 1: The written rules, regulations, and procedures of the civil service board and The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, La. R.S. 33:2531 *et seq.* shall govern all appeal proceedings.

SECTION 2: Any person authorized to appeal to the board under the provisions of civil service law may apply for such an appeal by serving the board secretary with

a written appeal request, which includes, but is not limited to, giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. 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 3: 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. The date that an employee is notified in person and/or by certified mail and/or by personal service of the disciplinary action report containing the job action signed by the Parish President shall be considered the date of notification of the job action for purposes of this Section. The date of a signed receipt by the applicant or signature of any person at the address, or personal service, shall be deemed receipt of notice for purposes of this section.

SECTION 4: 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 and docket number.

## **RULE VI**

### **PROCEDURE ON APPEALS**

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

SECTION 2: The board secretary shall provide written notice to an appellant, of the date, time and place of an appeal or investigation hearing at least ten (10) days in advance of such hearing. Such written notice shall be sent by regular mail, and also by certified mail, return receipt requested, addressed to the appellant at the mailing address listed in the appeal filed by or on behalf of the appellant, or to appellant's counsel as designated in the

appeal, or to both. A return receipt indicating the notice was mailed to an address of the appellant or appellant's counsel as provided in the appeal documents shall be proof positive for all purposes of the receipt by the appellant of the notice of the date, time, and place of the hearing.

In lieu of mailed notice, the parties may agree that all notices can be delivered by one or more electronic means (i.e. electronic mail, electronic messaging and/or telefax).

SECTION 3: 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 4: 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 reasonable relevance to the issues before the board. The board shall also have the right to limit duplicative or unnecessary scandalous or inappropriate evidence and testimony. The burden of proof shall be as provided by law.

SECTION 5: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

SECTION 6: The board may, on request of any party or on its own motion, place witnesses other than parties or experts under sequestration and thus exclude them from the hearing room.

SECTION 7: 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, not less than ten (10) calendar days prior to the hearing date. Any member of the board may sign and issue a subpoena. For good cause shown, the board may order the issuance of a subpoena at any time before or during a hearing.

In the event that the board incurs an expense or charge in connection with service of the any subpoena, the party requesting that subpoena shall

be responsible for paying such charge or expense.

SECTION 8: Any party desiring the continuance of a hearing shall so certify in writing to the board, listing the reasons why the continuance is requested. No hearing shall be continued unless written requests to do so is filed at least seven (7) calendar days before the date of the hearing. All requests for continuances shall be decided by the entire board where practicable. Where a hearing by the entire board is not practicable, a request for continuance may be ruled upon by the board Chairman. A request for continuance made less than seven (7) days before the hearing will generally only be granted in cases of documented and extreme emergency or hardship. In the event of a continuance, the Secretary of the Board shall promptly notify all parties by telephone and in writing (if possible) of the continuance and any new hearing date(s).

SECTION 9: The Louisiana Rules of Civil Procedure shall not apply to proceedings before the board. However, all parties shall exchange all relevant documents within thirty (30) days of an appeal request and shall provide one another with witness and exhibits lists no later than fifteen (15) days before a scheduled hearing.

## **RULE VII**

### **RULES OF APPEAL HEARINGS**

At all appeal hearings, the burden of proof shall be as provided by law.

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 original of the transcript shall be filed with the board and shall become part of the record of the proceedings. 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. Any transcription of recorded material (if any) will be made at the request of either party, and the requesting party shall bear the cost of such transcription.

Opening statements will be given first by the appointing authority involved, explaining the situation, action taken, and violation of rules/regulations. This discussion should be fairly brief and give

the board an explanation of the action.

The appealing employee or his/her representative will be allowed a brief statement explaining why the action under review should not have been taken and the defense to be made.

The appointing authority will then call any witnesses or present any other evidence which it may have in its case. Upon completion of evidence, the appointing authority should so inform the board.

The employee may then call any witnesses or present any other evidence which it may have in the case. Upon completion of evidence, the employee should so inform the board.

The appointing authority may call any witnesses or put on evidence which rebuts the employee's case. Such evidence shall, however, not be duplicative or cumulative.

The board, or any member thereof, may call witnesses and subpoena and receive documentary evidence upon a majority vote approving such action.

All witnesses testifying in hearings shall be sworn and subject to cross examination.

Any objections to questions or testimony shall be made directly to the chairman, and the chairman shall rule on such objections. Any board member may request reconsideration of a decision by the chairman, and a vote by the board will be taken to determine the validity of the objection. A majority vote is required to override the ruling of the chairman on any objection.

During the proceedings, the chairman or any board member may interrupt questioning of any witness, ask questions of any participants, or may request procedural matters.

All parties, counsel and witnesses shall be respectful toward the board and shall maintain appropriate professional decorum.

At any time during or after an appeal hearing, the board may go into executive session to receive advice from its counsel.

The board may request pre-hearing and/or post-hearing memoranda or briefs from the parties.

## **RULE VIII**

### **DISMISSAL OF APPEALS OR DEFAULT**

- SECTION 1: If the appellant or authority 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.
- SECTION 2: When an applicant or appellant fails to prosecute a case, the board may also dismiss the case upon the failure of the applicant or appellant to show good cause why the case should not be dismissed.

#### **RULE IX**

##### **OTHER HEARINGS**

- SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the Civil Service Law in general.
- SECTION 2: At all other hearings, all parties, counsel and witnesses shall be respectful toward the board and shall maintain appropriate professional decorum.

#### **RULE X**

##### **INVESTIGATIONS BY THE BOARD**

- SECTION 1: This Rule shall apply to all investigations pursuant to La. R.S. 33:2537(4), La. R.S. 33:2537(5), La. R.S. 33:2537(6), and La. R.S. 33:2560(C), and shall supersede any other board rules to the extent that they conflict with this Rule in the case of such investigations.
- SECTION 2: Upon receipt of a request that meets the applicable statutory requirements, the board shall meet as soon as is practicable and open the required investigation. In the event that any person(s) entitled to the protections of the Fire Employees' Bill of Rights ("the FEBR"), La. R.S. 33:2181 *et seq.*, are the target(s) of the investigation, written notice(s) of investigation shall issue to such person(s) in compliance with the FEBR.



- SECTION 3: During the course of the investigation, the board shall act as an investigative (as opposed to adjudicative) body. The board may issue subpoenas for witnesses and documents. The board may hold public hearings where it may require sworn testimony to be given upon questioning by the board members and/or board counsel.
- SECTION 4: Any employee who is a target of the investigation shall be given specific notice of the public hearing dates and times and shall have the right to attend such hearings.
- SECTION 5: During the investigation, the board may order the appointing authority to place investigation target(s) on administrative leave with full pay and benefits. Such an order shall in no way negatively reflect upon the target(s) and shall not be used against the target for any reason.
- SECTION 6: During the course of an investigation, any target(s) of the investigation may request in writing that the board hear from specific witness(es). Such requests shall include a summary of the testimony expected from such witness(es). The board shall promptly consider such requests, and should liberally view them in favor of the target(s) taking into account all pertinent circumstances including the relevancy of the expected testimony, the timeliness of the request, the time such witnesses may consume, any impending deadlines and the purpose of the requested testimony.
- SECTION 7: During the course of an investigation, any target(s) of the investigation may offer to the board any and all documentary evidence that the target(s) deem appropriate. The board shall promptly consider such offers, and should liberally view them in favor of the target(s) taking into account all pertinent circumstances including the relevancy, timeliness, the time such evidence may consume, any impending deadlines and the purpose of the offered evidence.
- SECTION 8: The board may conduct pre-disciplinary hearings in connection with investigations.

- SECTION 9: The board may issue any orders to the appointing authority that it deems appropriate including, but not limited to subpoenas and orders to: place employees on administrative leave with pay, conduct pre-disciplinary hearings and/or to impose specific disciplinary action(s) (up to, and including, termination).
- SECTION 10: No person shall directly or indirectly interfere with an investigation by the board. No person shall take any action that is directly or indirectly designed or intended to cause the board's investigation to exceed any statutory deadlines for such investigations.
- SECTION 11: The board may enforce all subpoenas and orders in the court of appropriate venue and jurisdiction.
- SECTION 12: Any employee aggrieved by any order or subpoena of the board may seek review of that item in the court system in accordance with law.
- SECTION 13: In cases where the board orders the appointing authority to impose discipline upon an employee, the board may recuse itself from any appeal of such disciplinary action to the board. The board's rule on recusal shall apply in such cases.
- SECTION 14: During the course of an investigation the board may go into executive session for any reason provided by law including for the purpose of receiving advice from legal counsel.

## **RULE XI**

### **RECUSAL OF THE ENTIRE BOARD**

In cases where the entire Board is recused, or in other cases where no Board member is able to preside over the hearing of a pending matter, an administrative law judge shall conduct a fair and impartial hearing of the matter in accordance with law. In connection with this hearing, the parties shall be able to introduce all forms of evidence subject to objections and rulings on admissibility by the administrative law judge. The parties shall also be able to subpoena witnesses, examine them under oath and seek

enforcement of subpoenas in the district court as provided by law. In order to facilitate the implementation of this provision, the board shall contract with the Louisiana Division of Administrative Law to provide Administrative Law Judges.

In cases to which this rule applies, the board Chairman shall issue all requested subpoenas. Any party may, however, request that such issued subpoena(s) be limited or quashed by the presiding administrative law judge. Any such action by the administrative law judge may be subject to review by the courts in accordance with law.

In cases where this rule applies, the administrative law judge shall issue written notice to the parties that the record is complete.

As in cases of recusal under La. R.S. 33:2561(D), in cases to which this rule applies, the board shall be considered to have affirmed the action of the appointing authority. Upon receipt of written notice from the administrative law judge that the record is complete, the employee may appeal to the appropriate district court by following the procedure set forth in La. R.S. 33:2561(E).

## **RULE XII**

### **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.33:2552 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 after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each succeeding period of eighteen (18) months. The initial list shall be used until expiration or exhaustion in hiring practices.

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.

Every applicant for entry-level examinations must file with the application proof of voter

registration, age, and applicable educational background. 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 permanent record of the board in accordance with Civil Service Law.

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

SECTION 4: Admission to tests shall be governed by provisions of R.S.33:2553 of Civil Service Law 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 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 XIII**

#### **DISTRIBUTION OF BOARD RULES**

SECTION 1: A copy of the board rules shall be distributed to each board member, Parish Governing Authority, the Fire District Board of Commissioners, the appointing authority, the Fire Chief and all fire station bulletin boards. Additional copies shall be made available to employees and the public upon request.

**RULE XIV**

**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 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. Each new member of the classified service, after having served one (1) year with West Baton Rouge Parish F.P.D. No. 1, shall be entitled to annual leave with full pay in accordance with Table 1. Service must be continuous with West Baton Rouge Parish F.P.D. No. 1.

<b>TABLE 1 - ANNUAL LEAVE AFTER COMPLETING ONE (1) YEAR OF SERVICE</b>	
<b>24-hour Shift Employees</b>	<b>10-hour Shift Employees (40 hours a week)</b>
<b>Hours Accrued</b>	<b>Hours Accrued</b>
216	180

2. Each member of the classified service, after serving one (1) year with West Baton Rouge Parish F.P.D. No. 1, shall be entitled to- annual leave with full pay on each January 1<sup>st</sup> of employment in accordance with Table 2. Service must be continuous with West Baton Rouge Parish F.P.D. No. 1.

<b>TABLE 2 - ANNUAL LEAVE</b>		
<b>Years of Continuous Service Completed on January 1st of every year</b>	<b>24-hour Shift Employees Hours Accrued per Year</b>	<b>10-hour Shift Employees (40 hours a week) Hours Accrued per Year</b>
1 - 10	216	180
11	228	190
12	240	200
13	252	210
14	264	220
15	276	230
16	288	240
17	300	250
18	312	260
19	324	270
20	336	280
21	348	290
22 and more	360	300

3. 24-hour shift employees: each member of the classified service shall be entitled to twelve (12) additional hours of annual leave beginning with the first day following the completion of his/her eleventh (11th) year of service through his/her twenty-second (22nd) year of service. Service must be continuous with West Baton Rouge Parish F.P.D. No. 1.

10-hour shift employees: each member of the classified service shall be entitled to ten (10) additional hours of annual leave beginning with the first day following the completion of his/her eleventh (11th) year of service through his/her twenty-second (22nd) year of service. Service must be continuous with West Baton Rouge Parish F.P.D. No. 1.

4. Employees shall not be required to use their annual leave on days that they are not scheduled to work.
5. The annual leave privileges herein provided for shall not be forfeited by any member of the fire department for any cause.
6. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in R.S. 33:2557.

C. Sick leave

1. Each member of the classified 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.
2. Any employee 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.
3. 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.
4. Sick leave, as provided in Number 1, shall be applicable to maternity claims. Maternity sick leave due to the employee's pregnancy, the employee giving birth to a child, and related medical conditions commences when a doctor certifies that the employee cannot perform the duties of the position as assigned by the appointing authority.

D. Parental Leave

1. Each member of the classified service shall be entitled to parental leave with pay up to and not to exceed six (6) calendar days per event, as provided in Numbers 2 and 3.

2. Parental leave shall be granted to an employee due to the employee's spouse or significant other giving birth to a child.
3. Parental leave shall be granted at the time an employee adopts a child.
4. Employees shall not be required to use their parental leave on days that they are not scheduled to work.
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 (2) calendar days.

E. Bereavement Leave

1. In the event of the death of a member of an employee's immediate family as defined in Number 3, the employee shall be entitled to bereavement leave of absence, with pay, which shall not exceed three (3) calendar days, as circumstances warrant.
2. 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.
3. An employee's immediate family shall be defined to include the employee's spouse, children, parents, legal guardians, brother, sister, grandparents, grandchildren, step-parents, step-children, step-brother, step-sister and the employee's spouse's parents, grandparents, brother, sister, brother-in-law, and sister-in-law.
4. Bereavement leave shall be granted for the following reasons: 1) for the employee to make final arrangement; 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. In the event a member of the West Baton Rouge Parish F.P.D. No. 1 is killed in the line of duty, a member who is on duty may be granted bereavement leave with pay in order to attend the funeral service or ceremony.
6. 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.

F. Examination Leave

Each member 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 West Baton Rouge F.P.D. No. 1 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.

G. Civil Leave

Each employee of the classified 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, the employee shall be granted civil leave with pay and shall be allowed time away from his/her 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.

H. 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.

I. Military Leave with Pay

Any member of the classified 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.

J. Military Leave without Pay

1. Any member of the classified 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 I. Should the employee have used all leave to which he/she is entitled (in Sub-section I), 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.

K. Personal Leave Without Pay

Each member of the classified service may be granted personal leave without pay which shall not exceed ten (10) calendar days in any calendar year when such member has no accumulated annual leave. Any member taking personal leave without approval shall be considered as absent without leave or pay.

L. Special Leave

Each member of the classified service may be granted special leave of absence, with or without pay, and without loss of seniority, for a period not to exceed one (1) calendar year where such leave is determined to be in the departmental interest.

Before beginning special leave, the employee may 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.

## M. Training Leave

1. Each member of the classified service may be granted training leave with pay in order to attend a class or training.
2. The class and training must be in the departmental interest.
3. Training leave shall be granted for the duration of the class or training.

## N. Leave for Specialized Disaster Service Volunteer

1. Any member of the classified service who is a trained disaster volunteer of the American Red Cross may be granted leave from his/her 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.

## O. 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 employees of the classified 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 applied to regular FMLA leave during any single twelve-month period.

- b. Military FMLA Leave - Employees of the 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 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 and/or promotional seniority shall continue while an employee is on paid or unpaid family medical leave.

P. Administrative Leave with Pay

The appointing authority may grant administrative leave with pay for a period not to exceed sixty (60) consecutive calendar 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 leave may be extended for an additional period not to exceed sixty (60) consecutive calendar days 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.

Q. Expiration of Leave

Any member of the classified 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.

#### **RULE XV**

The board shall have the power and authority to hire legal counsel as the board deems necessary with approval of the Louisiana State Attorney General as required by law.

Board counsel shall seek judicial enforcement board orders and subpoenas where necessary or appropriate and shall generally advise and assist the board. Board counsel shall specifically assist the board Chairman during hearings with all matters including rulings on objections and procedural matters. Board counsel shall also assist the board secretary with all legal and



procedure matters as is necessary and/or appropriate.

**RULE XVI**

These rules were posted and adopted in accordance with La. R.S. 33:2538. The effective date of enactment of these rules is \_\_\_\_\_, 2017. These rules may be amended by a vote of any two members comprising the quorum after proper notice and posting according to law.