State of Louisiana
Municipal Fire and Police Civil Service

Classified Employee Handbook

OFFICE *of*
STATE EXAMINER
FIRE & POLICE CIVIL SERVICE

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DEFINITIONS

The following words and phrases shall have the following meaning, unless the context clearly requires otherwise:

1. "**Allocation**" means the official determination of the class to which a position in the classified service belongs.

2. "**Appointing Authority**" means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police services.

3. "**Appointment**" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.

4. "**Board**" means the municipal fire and police civil service board

5. "**Class**" or "**class of position**" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.

6. "**Classification plan**" means all the classes of positions established for the classified service.

7. "**Classified service**" means every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Part; and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Part.

8. "**Demotion**" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally affords less responsibility and pay.

9. "**Departmental service**" means employment in the public services offered and performed separately by the fire and by the police departments of the municipality.

10. "**Eligible**" means a person whose name is on a list.

11. "**Employee**" means a person legally occupying a position.

12. "**Employment list**" or "**list**" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a reemployment list.

13. "**Position**" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.

14. "**Promotion**" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.

15. "**Promotion employment list**" or "**promotion list**" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Part to be established from the results of a competitive test.

16. "**Promotion test**" means a test for positions in a particular class which is not specifically required by this Part to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

17. "**Reemployment list**" means an employment list for the entrance or lowest ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the "lay off" provisions of this Part. This list shall not be applicable to persons who have resigned or have been discharged.

18. "**Regular employee**" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this Part after completing his working test period.

19. "**Regular paid and regularly paid department**" means any fire or police department in any municipality that employs personnel in positions of the classified service as defined in this Section and compensates such personnel at regular intervals.

20. "**Reinstatement employment list**" or "**reinstatement list**" means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.

21. "**Seniority**" means the following:

    a. "**Departmental seniority**" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, not to exceed four years, shall be construed to mean continuous service and shall be included in the computation of his departmental seniority. Total departmental seniority, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated departmental seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his departmental seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future computation.

    b. "**Promotional seniority**" means the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class. The appointing authority shall maintain accurate records of appointments and suspensions, and shall report such appointments and suspensions to the board in strict compliance with R.S. 33:2503. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time in any future computation.

        i. *For employees of the Lake Charles Police Department, "promotional seniority" shall also include time an employee spends serving in the armed forces of the United States on official training, active training exercises, or active duty deployment. In addition, in these instances, the employee's seniority shall be construed to be continuous employment and unbroken by a resignation or discharge of the employee.*

22. “**Temporary appointment**” means the appointment of an employee for a limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

PRINCIPLES OF A CIVIL SERVICE SYSTEM

The primary goal of a civil service system is to provide the public with a workforce whose selection, employment and appointments are made according to the principles of merit, efficiency, fitness and length of service. Civil service accomplishes this objective by providing employees a sense of job security through the establishment of:

- Classifications and job descriptions of each position according to actual duties performed and responsibilities involved;
- Appointments and promotions based on examination qualifications, job performance, and departmental seniority.

MERIT

No employee may be appointed to a position of the fire and police civil service except through merit. Before any offer of permanent appointment may be made, a person must meet minimum qualification requirements, pass a civil service examination, and be placed upon a certified eligibility list.

EFFICIENCY

The appointing authority may remove any employee, or take appropriate disciplinary action as the circumstances warrant. Such action, however, shall be taken in good faith for cause. Under the Fire and Police Civil Service Law, there are fifteen reasons for which an employee may be disciplined or terminated.

FITNESS

Classified employees must meet the minimum qualification requirements for a position in the classified service and obtain successful test results. Due to the nature of public safety work, employment in the classified fire and police service requires that employees must remain mentally and physically fit. The Fire and Police Civil Service Law comprises a number of statutes that require employees to maintain fitness for duty.

LENGTH OF SERVICE

Promotions within the fire and police departments are made by either departmental seniority or promotional seniority.

Departmental seniority is the total period of time an employee has served in the classified service since he was confirmed as a regular and permanent employee in his entrance class, less any time during which the employee was suspended without pay.

Promotional seniority (used only by specific jurisdictions listed in the law) means the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall

include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class.

The following jurisdictions use “promotional seniority” when promotions are made:

- Lafayette Police Department (rank of Lieutenant and above)
- Lake Charles Police Department (all promotional police classes)
- Crowley Police Department (all promotional police classes)
- Deridder Police Department (all promotional police classes)
- Eunice Police Department (all promotional police classes)

THE STAKEHOLDERS

Every municipality, parish, or fire protection district within the Municipal Fire and Police Civil Service System encompasses the governing authority, the appointing authority, the department chief(s), and the classified employees of the rank and file, and, of course, the local fire and police civil service board.

The governing authority appoints a civil service board and provides adequate funding for the operations of the civil service board in order to cover expenses. Although it is not specifically addressed in civil service law, the governing authority establishes and maintains the pay plan for fire and police employees.

The appointing authority (AA) is the entity with the power to hire and discipline employees. The AA advises the board of changes to an employee's duties or job classification and reports actions involving classified personnel to the board for review.

The civil service board is the body of local citizens who have been appointed to administer the system of classified fire and police service at the local level, and enforce the provisions of the Louisiana Fire and Police Civil Service Law.

The civil service board establishes and maintains employment lists by reviewing applications, calling for examinations as required by law, and certifying names to appointing authorities. The board investigates complaints from the general public, members of the classified service, or the governing body regarding violations of the civil service law. The board hears appeals from classified employees regarding disciplinary actions. They make and adopt a classification plan appropriate for the needs of the jurisdiction. The board also adopts a set of board rules which allow for leaves of absence for classified employees.

The Office of State Examiner (OSE) is a department in the state of Louisiana authorized to assist in administering the Louisiana Fire and Police Civil Service System on a statewide basis, providing support to the local fire and police civil service boards, appointing authorities and governing authorities, department chiefs, classified employees and the public.

The OSE provides advice regarding the duties and responsibilities imposed upon these individuals by the Fire and Police Civil Service Law. The OSE prepares, administers and scores all tests required for employment and promotion in the fire and police classified service. The OSE prepares and submits a classification plan to the board for its approval and adoption after consulting the authorities and department heads.

The OSE also maintains the statewide eligibility list for entrance Firefighter, entrance Police Officer, Jailer, Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer, and Police Communications Officer from which the appointing authority will make hires.

MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARDS

CIVIL SERVICE BOARD COMPOSITION

Each municipality and fire protection district that is applicable to the civil service system will have a local civil service board. Such appointments are made by the governing authority.

Civil service boards consist of either 3 or 5 board members, with Shreveport being the exception. Board members serve a 3-year term.

- The Governing Authority board member - The governing body appoints one board member upon its own nomination;

- The College List board member - The executive head of a regularly chartered and established four-year institution of higher education located within the municipality, parish, or fire protection district (as the case may be) provides, on the governing authority's request, a list of four names, according to whether one or both services are provided. The governing authority then appoints one or two persons from the respective lists. If there is no institution of higher education located in the area, a list of names must be requested from the executive head of such an institution which is within the state and which is the most geographically proximate to the area served;

- The Fire and/or Police Representative board member - regular employees of the fire department elect one member to serve on the board. The regular employees of the police department elect one member to serve on the board.

ELIGIBILITY TO SERVE ON THE BOARD

To be eligible for appointment or to serve as a member of a board**,** a person SHALL be a citizen of the United States of America and have resided in the municipality, parish, or fire protection district served by the board for five (5) years immediately preceding appointment. There are exceptions to this rule.

- **For the City of Baton Rouge, a member of the board shall be a resident of the City of Baton Rouge, the unincorporated area of East Baton Rouge Parish, or a combination thereof for at least five (5) years preceding their appointment and shall be a qualified voter of East Baton Rouge Parish.**

- **For the City of Zachary, the GOVERNING AUTHORITY board member shall have been a resident of the city of Zachary, the unincorporated area of East Baton Rouge Parish, or a combination thereof, for at least five years preceding his appointment and shall be a qualified voter of East Baton Rouge Parish. ACT 67, 2021 Legislative Session.**

A board member must also be a qualified voter of the municipality, parish or fire protection district served by the board.

For the fire and police representative board member, an employee-nominee shall be a regular and permanent employee in the fire/police department.

> By resolution of the governing authority in the municipality, parish, or fire protection district which is authorized to make board appointments, the 5-year residency and qualified elector requirements may be extended beyond the limitations of the area served for the employee elected members of the board. At the governing authority's discretion, employee elected members may reside either within the parish in which the board is domiciled, or in another parish.

An employee-nominee shall hold a position lower than that of chief, assistant chief, district chief, or battalion chief in the fire service or hold a position in a class lower than that of major, assistant chief and chief for the police service. *If an employee is promoted and confirmed in a restricted class, he must resign is appointment*.

With respect to eligibility for appointment or to continue to serve on the civil service board, NO PERSON SHALL:

- be a member of any local, state or national committee of a political party during his appointment or for a period of six months immediately preceding his appointment,
- be an officer or member of a committee in any factional political club or organization;
- be a candidate for nomination or election to any public office;
- hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal, parish or fire protection district, fire or police department employee.
- have been convicted of a felony ten (10) years immediately preceding his appointment. ACT 280, 2021 Legislative Session.
- committed a civil rights violation, as determined by a legally binding agreement or finding, ten (10) years immediately preceding his appointment.

NOTE: Positions of public employment include part-time and full-time employees of public schools; state colleges and universities; employees of city, state, and federal agencies; and members of public boards, commissions, and authorities.

ELECTION PROCESS FOR EMPLOYEE BOARD MEMBERS:

The chief of each department will post a notice to receive nominations for a department representative to serve on the board. After the nomination period is closed, a notice of the time, place and date(s) for the election is posted for 15 days. The chief should provide a formalized method for the members of the department to cast their votes.

Only members who are regular and permanent employees of the respective fire or police service may nominate, be nominated and vote. Within ten (10) days immediately following the election, the chief must notify the governing authority of the name of the employee who was elected and the governing authority must appoint that person to the civil service board.

If, after the nomination period ends and only one regular and permanent employee has been placed in nomination, that nominee shall be declared elected.

If more than one name is placed in nomination, the chief shall call an election within forty-five (45) days by posting a notice for fifteen (15) continuous days immediately preceding the election at all departmental stations.

Employees **are not required** to vote.

Each regular employee can vote one (1) time (*see exceptions for Shreveport, below*).

All employees must cast their own vote. Employees **cannot** vote by phone.

The chief of the department shall vote in the election **only** in the case of a tie vote.

The employee who receives the majority of the votes that were cast wins the election. If no one wins by a majority, then there is a runoff between the top two. The chief shall officially notify the governing body within ten (10) days immediately following the election, the name of the employee-nominee elected by the regular employees of his department.

SHREVEPORT

In accordance with R.S. 33:2476.1, the employee election procedures for Shreveport are as follows:

The governing authority shall appoint four members who have been nominated and elected by and from the regular employees of the fire and police departments as follows:

(a) Two members shall be elected and appointed from the fire department, and two members shall be elected and appointed from the police department. The employee-nominees from each department shall be elected by secret ballot of the regular employees of their respective department at an election to be

called and held for that purpose by the chief of the department. ***In such an election, each voting employee shall cast two votes and may distribute them among candidates in any manner the voter chooses, including casting both votes for a single candidate.*** The two candidates receiving the most votes shall be elected.

(b) The chief of each department shall call such an election within forty-five (45) days after the effective date of this Paragraph by posting, for a fifteen-day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department. The chief shall officially notify the governing authority of the municipality, within the ten-day period immediately following the election, of the names of the employee-nominees so elected.

CIVIL SERVICE BOARD MEETINGS

R.S. 33:2536 and 33:2476 require that all civil service boards under the provisions of the Louisiana Fire and Police Civil Service Law must meet at least once in each quarter of the calendar year.

Most boards meet at least once per month, while many – mostly in the larger municipalities – may meet more often, usually due to a higher number of appeals that are more likely to occur in fire and police departments that comprise larger numbers of personnel.

All public bodies, including the civil service board, must give written public notice of regular meetings ***at the beginning of each calendar year.*** The board may reschedule these quarterly meetings and may change the place of the meeting, if needed.

PUBLIC MEETINGS LAWS

Notice of all regular and special meetings are to be posted at the building in which the meeting is to be held, not less than twenty-four (24) hours before the date of the meeting.

All meetings of the board are required to be held in public. Therefore, no one may be prohibited from attending a meeting, including the media. Although meetings are intended to be open in order to inform the public of the business of government, there are times when a public body must convene in closed session. Also known as executive sessions, these closed meetings are permitted only under a few circumstances.

It is important to note that hearings on appeal from a classified employee's disciplinary action must be held in public. However, your board may hold a discussion in executive session concerning an employee's professional competence or his physical/medical condition. If the employee desires these discussions to be held in public, the board must comply.

As a classified employee, you are encouraged to attend the civil service board meetings. Board meetings discuss issues and take actions as it relates to your career. An agenda for a civil service board meeting may include reviewing applications for an examination, approving test scores, adopting a new classification, or reviewing an appeal request.

THE RULES OF THE CIVIL SERVICE BOARD

Louisiana Revised Statute 33:2478 or R.S. 33:2538 provides that civil service boards must adopt rules necessary to effectively carry out the provisions of the Fire and Police Civil Service Law.

By law, the board must adopt a classification plan and rules that provide for leaves of absence. Other rules may be adopted which are determined by the board to be necessary to effectively carry out the provisions of the civil service law. The board rules for the jurisdiction you are employed can be found on the OSE website.

Generally, the board's rules will consist of three components: The Classification Plan (job descriptions for each class), Procedural Rules and Leaves of Absence.

THE CLASSIFICATION PLAN

The Fire and Police Civil Service Law (R.S. 33:2543 or R.S. 33:2483), requires each local civil service board to adopt a classification plan for the fire and/or police service under its jurisdiction. The classification plan for the jurisdiction you are employed can be found on the OSE website.

The classification plan is divided into groups of classes, arranged so as to show the principal and natural lines of promotion and demotion. The term "class," as used in the Fire and Police Civil Service System, is *not* synonymous with the term "position".

- A "position" means a kind of employment within a class to which one person is appointed and to which a set of duties is assigned.

- The term "class" refers to one or more positions whose duties, responsibilities and qualification requirements are distinctly different from those of other positions, but which are so nearly alike that they may be reasonably treated alike for classification purposes.

For example, the *positions* with primary duties of fighting fires are included in one *class* titled Firefighter.

The classification plan includes an index of classes and a job description for each class of positions as determined locally. Some job descriptions may include duties which are not performed by all persons of the same class. However, all positions in the class share the same essential function and qualifications. Job descriptions included in the classification plan demonstrate how each class differs from another, and are designed to reflect the following:

- *The Distinguishing features of the class* include general statements which describe the type of class, outline the most important duties of the class, locate the class in terms of lines of authority, and note any unusual conditions or requirements of the class.

- *The Examples of work* describe the duties of the class and include only general examples of the work. The examples are not intended to include all of the duties which may be required in positions of the class.

- The *Qualification Requirements* provide for the requirements which an individual must meet before being approved by the board for admission to civil service examination for the class. Such requirements must include the conditions for admission to an examination mandated by civil service law, such as being a citizen of the United States of America. They may also include other conditions adopted by the civil service board such as a minimum age requirement over that of legal age and a minimum education requirement. It should also include a medical statement which authorizes the appointing authority to administer a medical exam after offer of appointment in order to determine that the candidate is physically fit to perform the duties of prospective position.

PROCEDURAL RULES

R.S. 33:2478 and R.S. 33:2538 authorize the civil service board to adopt and execute rules, regulations or orders necessary or desirable to carry out effectively the provisions of the fire and police civil service law. Such rules are needed to provide structure and organization to civil service board meetings, to assure compliance with provisions of R.S. 42:11 through R.S. 42:28 (Open Meetings Laws), as well as to provide for meeting activities in the order in which they are to be taken up. These rules ensure the board complies with both civil service law and Louisiana's Open Meetings Laws.

Procedural rules also provide for other matters, from the procedures for applying for admission to examinations to procedures for requesting an appeal hearing, as well as regulations by which the board conducts appeal hearings and investigations.

LEAVES OF ABSENCE RULES

The Fire and Police Civil Service Law (specifically, R.S. 33:2497 or R.S. 33:2557) provides that the board shall adopt rules that provide for leaves of absence for all fire and police classified employees. The rules must include annual leave and sick leave with pay, and special leave with or without pay. They may provide for special extended leaves with or without pay or with reduced pay when employees are disabled through injury or illness resulting from their employment.

The Louisiana Legislature has enacted a set of general statutes under Title 33, which apply to employment in the fire and police services. These general statutes precede the Fire and

Police Civil Service Law, and include provisions for annual leave and sick leave for firefighters and police officers who are employed in certain municipalities, and for firefighters in all parishes and fire protection districts. These provisions are found in R.S. 33:1995, R.S. 33:1996, for the fire service, and R.S. 33:2214 for the police service. If your Board is established in these political subdivisions, your Board rules must track the provisions of those statutes. As a classified employee, you are encouraged to read and become familiar with these statues.

Funeral leave, civil leave, military leave with and without pay, and other types of leave with and without pay should be included in the board rules where such leave is already provided for by the governing authority, or where such leave is reasonable under the provisions of the fire and police civil service law. For example, the board may adopt a rule that provides for leave of absence to the employee members of the board in order to attend civil service board meetings, or to conduct other official board business.

The board rules should not include *procedures* that must be followed when employees cannot report to duty, such as submitting doctors' excuses, dictating employees' behavior while on sick leave, policies for requesting leave. Such administrative directives do not fall under the statutory authority of the civil service board, and are most appropriate as departmental policies that are maintained by the administration.

EXAMINATIONS

The municipal fire and police civil service system consists of competitive exams and promotional exams within the fire and police departments.

COMPETITIVE EXAMS

May be given as often as the needs of the service require.

PROMOTIONAL EXAMS

May be given as the needs of the service require, but must be given at least one time during each successive period of eighteen (18) months.

POSTING FOR EXAMINATIONS

The civil service board is the entity that will call for all exams, ***except for entry level Firefighter, entry level Police Officer, Jailer, Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer and Police Communications Officer***. The board must post an examination notice for a continuous period of ten (10) days prior to the application deadline.

For the classes of entry level Firefighter, entry level Police Officer, Jailer, Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer, and Police Communications Officer, the OSE calls for and maintains the list of scores from which the appointing authority may hire from. For more information, see the OSE website (www.ose.louisiana.gov).

Notices for either competitive or promotional examinations must be posted on the bulletin board at each station and department building of the respective departments.

The posting notice must include:

- the class or classes for which the test(s) will be administered;
- whether the examination(s) will be competitive or promotional;
- the final date on which applications for admission to the test(s) will be received;

The posting notice should also include:

- Information about how applicants may obtain applications, and to whom completed applications must be submitted;

- The qualification requirements for admission to the respective exam(s). This list will include all qualification requirements in the class plan as adopted by the civil service board.

- If the board waived any of the qualification requirements for the examination, the posting notice must *also* include a statement that the qualification requirement had been waived for that exam only.

- A list of all documents which the board requires as proof of meeting certain qualification requirements, and which must be attached to the application.

For all ***COMPETITIVE*** examinations, **except entry level Firefighter, entry level Police Officer, Jailer, Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer, or Police Communications Officer** the board must post a public notice on the OSE's website and the municipalities', fire protection district or parish fire department for a period of ten (10) days prior to the final date for accepting applications. It is your responsibility to be aware of upcoming exams and application deadlines for any exam you may wish to apply for.

APPLYING FOR AN EXAM

PICKING UP AN APPLICATION:

For your convenience, the OSE provides fillable/printable versions of both the competitive and promotional applications on our website. These application forms are used by most jurisdictions. ***However, we have language on our website that states that applicants should contact the civil service board giving the examination for information concerning the application that the jurisdiction prefers.***

SUBMITTING YOUR APPLICATION:

The posting notice for the examination will have language explaining where and when you must submit your application. It will also include language for any required attachments such as birth certificate, driver's license or required certifications.

Your application must be submitted on or before the application deadline. All applications submitted after the application deadline will be rejected.

APPROVAL OF APPLICATIONS:

Following the period for accepting applications, the board meets to review them. The board will check qualification requirements and determine if applicants should be admitted to the exam or rejected.

In reviewing the applications, the board *may* reject any application if the board finds reasons in accordance with the provisions of R.S. 33:2553(A)(5) or 33:2493(A)(5).

The board *must* reject any application if:

1. It was received after the final date for accepting applications.

2. The applicant is not a citizen of the United States and of legal age (entrance and competitive classes).

3. The applicant does not meet all the qualification requirements of the class as adopted by the board.

4. The board cannot verify that requirements have been met by the applicant due to the lack of adequate documentation. The board may conditionally accept such applications if the applicant can submit the required documentation by a specific date and time prior to the exam, which is to be determined by the board. If the documents are not submitted in time, then the board must reject his application.

If your application is approved, you will be notified of the date, time, and place of the scheduled examination at least five (5) calendar days prior to the examination in any manner the board deems appropriate.

STUDY GUIDES AND PRE-EXAM BOOKLETS

Pre-examination booklets for each competitive, entry-level examination may be found on the OSE website.

Study guides for promotional and non-entry level competitive examinations are based on the exam plan, which has been developed from information and data obtained from the most recent job analysis for the respective class of positions. Because the job analysis reflects the duties and responsibilities of incumbents in the positions of each respective classes for which tests are being given, the examination and its study guide is unique to your Board's jurisdiction.

Due to the customization of the exam to your department's classification plan, the study guides for these examinations will be forwarded to your board usually no less than six (6) weeks prior to the scheduled date of the examinations. You will contact the board for a copy of the study guide.

SPECIAL TESTING ACCOMMODATIONS

If you require special testing accommodations because of a disability which inhibits a major life activity, you must attach a written request to the application which identifies the specific accommodations requested.

The request must have attached a copy of written documentation from a doctor, psychologist, rehabilitation counselor, occupational or physical therapist, or other professional with knowledge of the applicant's functional limitations.

The board will review your application and request for accommodations and determine if you meet the qualification requirements of the class and if you have attached the proper documentation to grant the special accommodations. If approved, the OSE will provide the requested accommodation the day of the exam.

DAY OF EXAMINATION

PERSONAL ELECTRONIC/TELECOMMUNICATION DEVICES

In the interest of protecting the integrity and security of the examinations administered by the OSE, and to prevent disruptions during the test, the OSE has adopted the following policy, which is strictly enforced:

Under no circumstance will any test applicant be permitted to enter the examining room with a personal or department issued electronic or telecommunication device. Prohibited devices include, but are not limited to: cellular telephones, smart phones, digital pagers, iPads/Kindles or any like device, body cam, telecommunicator, radio, or any other device capable of storing, sending, or receiving analogue or digital data. In the event that an examining official discovers any applicant to have any prohibited device in his possession during the examination process, the applicant will be immediately disqualified from the examination and asked to leave the exam site!

AFTER THE EXAMINATION

SENDING RESULTS TO THE BOARD

After the OSE administers an examination and our examiner returns the exam materials to the office, the grading process will commence as soon as possible.

For entry level Firefighter, entry level Police Officer, Jailer, Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer, and Police Communications Officer exams that were taken in person, you will receive your certified score by email within a week. For on-line testing, you will receive your certified score by email within a few days.

For all other exams (other competitive exams and all promotional exams), the process to complete scoring may take from four (4) to six (6) weeks. These scores are mailed to the civil service board. Please do not contact the OSE for your results.

APPROVING RESULTS FROM THE EXAMINATION

Once the scores are received by the board, a meeting will be scheduled in order to review and approve the test results. These test scores are not valid until certified by the board.

Following approval and certification of the examination results by the civil service board, each applicant who received a passing score shall be notified of his score and placement on the eligibility list for the class in any manner the board deems appropriate. (R.S. 33:2552.10 or R.S. 33:2492.10)

Test scores on all competitive examinations are valid for a period not to exceed eighteen (18) months from the date the board approves the eligibility list.

Test scores for promotional examinations are valid for a period not to exceed forty-eight (48) months from the date the board approves the eligibility list.

VETERAN'S POINTS

Civil service law provides that a veteran's preference of 5 points is granted to any person whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces of the United States of America during a time of war or for one hundred eighty days or more, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board or the state examiner in any manner it deems advisable.

COMPETITIVE APPOINTMENTS:

When the appointing authority proposes to fill a vacancy in a position of a competitive class, anyone whose name has been certified as eligible from a competitive employment list may be selected by the appointing authority to fill a vacancy. Selection is made without consideration of seniority, and, in fact, may be made from among a list of persons who have no previous experience for which the test has been given.

PROMOTIONAL APPOINTMENTS:

Civil service law requires that a vacancy in a promotional class must be filled by the selection of the person having the greatest departmental or promotional seniority in the next lower class of positions.

Promotional tests must be given at least once every eighteen months. Although the expiration date for promotional scores is four (4) years, civil service law requires that such exams are given every 18 months.

Other times for promotional exams to be given could be when a provisional appointment has been made to any class or when the appointing authority has specific departmental needs.

ADDITIONAL INFORMATION REGARDING EXAMINATIONS

WAIT TIME BETWEEN EXAMINATIONS

There is no required waiting period between exams, and you may apply to take the next exam for which you may be eligible.

However, each time you wish to take an examination, you must complete a new application and attach all supporting documentation that may be required by the board. In other words, you must go through the same procedures every time you apply for an examination.

Of course, all applications must be submitted prior to the application deadline for the appropriate exam.

MAKE-UP EXAMINATIONS FOR EMPLOYEES RETURNING FROM MILITARY LEAVE OF ABSENCE

Upon return to duty following military leave of absence with or without pay, a classified employee may apply for any **promotional test** which he missed, and for which he may have been otherwise qualified, during the period of leave.

The application must be submitted to the civil service board within a reasonable period of time following his return to duty as established by the board. Once the board has approved the application, the exam will be administered by the OSE at our Baton Rouge office.

The applicant must have been eligible for admission to the respective test by having met all qualification requirements in effect at the time the examination was originally given. The applicant also would have been otherwise approved by the board for admission to the test had he not been on military leave.

- The board must notify our office in writing after it has approved the employee's application. Our office will administer the examination to the employee at our office in Baton Rouge and we will notify the board of the date, time and place of the examination.

- The board must notify the employee of the date, time and place of the examination at least five (5) calendar days prior to the examination.

Employees who would have been promoted had they not been on military leave must be immediately promoted after the board approves his passing score. The date the employee should have been promoted had he not been on military leave must be recorded on the PAF (personnel action form) in the remarks section.

Upon the employee satisfying the working test period, the date of confirmation should be adjusted to the date that the employee would have been otherwise confirmed had he not been on military leave.

THE CAREER CYCLE OF A CLASSIFIED EMPLOYEE

THE RECRUIT PERIOD

A recruit is defined as any person who has been appointed from an entry-level employment list for firefighter, firefighter/operator, or police officer, but who has not demonstrated successful completion of formal training that results in possession of Firefighter I certification or Police Officer Standards and Training (POST) certification, respective.

(Note: civil service law applicable to the cities of Baton Rouge, Bossier City, Lafayette, Zachary and Calcasieu Ward 4 Fire Protection District 2 requires that all entry-level firefighters must successfully complete the respective city's Fire Department Training Academy prior to beginning the working test, notwithstanding that employees may possess Firefighter I certification at the time of appointment.)

The recruit period begins immediately upon appointment from the employment list and continues for the period of six months or until the appropriate certification is earned, whichever occurs first. Upon completion of the six-month recruit period or upon certification, the working test period commences immediately. The fact that a recruit fails to obtain the appropriate certification during the six-month recruit period does not require that he must be terminated. Rather, the recruit must immediately begin the working test period, during which he would be expected to obtain the appropriate certification.

An employee may be rejected in the recruit period (also known as the "formal training period"). This action is not considered a disciplinary action.

In the event that a recruit may be subjected to corrective or disciplinary action, he does not possess the right to demand a hearing and investigation by the civil service board. Such appeals are authorized only for regular and permanent employees of the classified service.

THE WORKING TEST

Following every appointment to a permanent position of the classified service, whether the position is promotional or competitive, the appointee must immediately begin a working test. The working test period is commonly referred to as the "probationary period," when the appointing authority evaluates the ability of the employee to successfully perform the duties of the position to which the employee has been appointed.

The working test period is limited to a period of not more than one year, but may be completed after the employee has served at least six months. At the end of the working test, the appointing authority must, within fifteen days, notify the board and the employee of his decision, in writing, to either confirm the employee as a regular employee of the class, or to reject the employee and return to him to his previously held position. If the employee is rejected in his working test period, this is not considered a disciplinary action.

If the employee is rejected during the latter six months of the working test, the employee is entitled to appeal to the board, **but only upon the grounds that he was not given fair opportunity to prove his ability.**

There are differences in how probational employees are treated in the first six months of the working test period, as well as differences in how probational employees of the police service are treated, depending on whether or not the employee is serving in a position of a competitive class or a position of a promotional class. These differences are explained below:

THE FIRE SERVICE

Except for employees who are appointed to an entry level position of firefighter, firefighter/operator, or an entry level position of fire communications officer (dispatcher), any probational employee who has served fewer than six months in a working test for any given position may not be rejected from the working test unless the board grants prior approval. Grounds for rejecting such an employee are limited only to 1) the employee's inability or unwillingness to perform satisfactorily the duties of his position, or, 2) his habits and dependability do not merit the employee's continuance in the position. An employee for whom the appointing authority seeks such approval has the right to appear before the board to state reasons in opposition to his removal.

The appointing authority is not required to obtain board approval or to give reasons to the board for rejecting probational firefighters, firefighter/operators or fire communications officers during the first six months of the working test. Therefore, because the employees have no right to appeal to the board, they may be considered to be "at will" through the first six months of the working test.

However, after the first six-month period of the working test, and at any time during the ensuing six-month period, employees serving a working test may be confirmed as regular and permanent. During this latter six-month period, the appointing authority may reject an employee from the working test for any reason. The appointing authority is required to notify the employee of its refusal to confirm and the reasons why. Such employees may appeal to the board, but only on the grounds that they were not given fair opportunity to prove their ability to satisfactorily perform the job. If the appointing authority fails to confirm or reject the employee, such failure to act constitutes a confirmation and the employee becomes a regular and permanent employee by operation of the law.

THE POLICE SERVICE

Except for employees who are appointed to an entry level position of police officer, or to an entry level position of police communications officer (dispatcher), no probational police employee who serves in a position of a competitive class may be rejected during the first six months in the working test, unless the board has granted prior approval to the appointing authority. The appointing authority is not required to obtain board approval or give reasons to the board for rejecting probational police officers or police communications officers.

These employees may be considered to be “at will” through the first six months of the working test.

No probational police employee who serves in a position of a promotional class may be rejected during the first three months of the working test without prior approval of the board. In either case, the grounds for rejecting such an employee are limited only to 1) the employee’s inability or unwillingness to perform satisfactorily the duties of his position, or, 2) his habits and dependability do not merit the employee’s continuance in the position. An employee for whom the appointing authority seeks such approval has the right to appear before the board to state reasons in opposition to his removal.

After the first six-month period of the working test, and at any time during the ensuing six-month period, employees serving a working test may be confirmed as regular and permanent. During this latter six-month period, the appointing authority may reject an employee from the working test for any reason. Such employees may appeal to the board, but only on the grounds that they were not given fair opportunity to prove their ability to satisfactorily perform the job. The appointing authority is required to notify the employee of its refusal to confirm and the reasons why. If the appointing authority fails to confirm or reject the employee, such failure to act constitutes a confirmation and the employee becomes a regular and permanent employee by operation of the law.

TEMPORARY APPOINTMENTS IN THE CLASSIFIED SERVICE

There are three categories of temporary appointments under the Fire and Police Civil Service Law: Provisional, Substitute, and Emergency Appointments.

The appointing authority is not required to make temporary appointments; however, if such an appointment is necessary, there are provisions of law which must be followed for each type.

Persons appointed to serve in temporary appointments generally do not accrue any permanency in the positions to which they have been appointed.

PROVISIONAL APPOINTMENTS:

May be made by the appointing authority when a bona fide vacancy occurs and there is no employment eligibility list from which a permanent appointment may be made. If a vacancy occurs in a position of an existing class, and there is no employment list from which the appointing authority may fill the vacancy, a provisional appointment may be made by the selection of any person considered qualified.

Provisional appointments permit the work of the position to continue while an eligibility list is being established from which a permanent appointment may be made. Provisional appointments must terminate after ninety-days; however, the appointment may be renewed by the board for a subsequent ninety-day period.

For entry level Firefighter, entry level Police Officer, Jailer Secretary to the Chief, Departmental Records Clerk, Fire Communications Officer, and Police Communications Officer, provisional appointments may not exceed **90 days and may not be renewed**.

Provisional appointments may also be made when a position of a new class in the classified service has been created by the appointing authority. Such provisional appointments do not terminate until the board adopts the class and allocates the position to the appropriate class.

SUBSTITUTE APPOINTMENTS:

Substitute appointments may be made to positions from which the permanent employee is away from his position on authorized leave of absence, or when an employee is substituting in another position.

Whenever a substitute appointment may be required in a position from which the incumbent will be absent for less than thirty days, the appointing authority may select anyone considered qualified. However, when an absence will be for thirty days or more, and the position to be filled is promotional, the appointment must be made in the same manner as a permanent appointment would be made.

In other words, the substitute appointment must be offered first to the person(s) on the reinstatement list and then to the persons in order of highest seniority on the appropriate promotional employment list.

EMERGENCY APPOINTMENTS:

Emergency appointments may be made during local emergencies of a temporary or special nature. Such appointments may be made only for the duration of up to ninety days, but in any case, they shall be terminated upon the conclusion of the emergency period. When a state of emergency is declared by the governor, the appointments shall be effective for the duration of the state of emergency.

TRANSFER

A transfer is the lateral movement of an employee between positions of the same class. Transfers may be made anytime at the discretion of the appointing authority. The appointing authority is not required to notify the board, or to receive the board's approval.

An employee has the right to appeal the transfer to the board if the employee was moved to a position that is not within the same class (ex: Fire Driver to Dispatcher), is not in the classified service (ex: Fire Inspector to Building Inspector), or was made deliberately to discriminate against the employee (ex: transfer to a less desirable assignment on the basis of an employee's race).

REINSTATEMENT

A reinstatement is the act of placing an employee in a position to which he had been appointed immediately preceding a demotion for a non-disciplinary reason. An employee demoted from a working test must be reinstated in the regular and permanent position from which his promotion had been made and from which the employee commenced the working test.

Employees otherwise demoted for non-disciplinary reasons are entitled to be reinstated to their former positions as vacancies may occur in the classes from which the demotions were made. The board may remove the name of any person who declines an offer of reinstatement.

RE-EMPLOYMENT

Re-employment is the act of filling vacancies in the entrance or lowest ranking class in the classified service, or in any group of classes, by employing persons who had been laid-off because their class of positions were overburdened, and who were regular and permanent employees at the time of their lay-off.

Re-employment shall be made from the names of persons placed upon the re-employment list, and in reverse order in which each employee was laid-off. The board may remove the name of any person who declines an offer of re-employment.

If the appointing authority wishes to re-employ an employee who has voluntarily separated (resigned or retired) from the service, he must have prior approval of your board. To be rehired, you must have been a regular and permanent (confirmed) employee when resigned/retired, it must be less than four years since resignation/retirement, and you must furnish your board with a favorable medical certificate. The board must also verify that there is not a list of eligibles when the appointing authority is requesting a reemployment to a position of a promotional class.

DISCIPLINARY ACTIONS & EMPLOYEE APPEALS

In the fire and police classified service, a regular and permanent employee (confirmed) has the right to appeal disciplinary actions. If you are disciplined, or feel you have been disciplined, you have the right to appeal such action to the civil service board within 15 days of receiving notification. The 15-calendar day period begins the day after you are notified of the disciplinary action, either verbally or in writing.

Contact your local civil service board to properly submit an appeal request. Once the board receives the appeal request, civil service law states that within 30 days of receipt, the civil service board shall grant a hearing and investigation, in accordance with R.S. 33:2501 and R.S. 33:2561.

If the appeal has been found to have been properly submitted, the board shall notify the employee and the appointing authority of the date, time, and place of the hearing. Notification must be provided at least ten (10) calendar days in advance of the date set for the hearing. Although not required by civil service law, such notification should also be made to the employee's attorney, the appointing authority's attorney, and to the chief of the respective department.

According to the Fire and Police Civil Service Law, the board shall decide the matter on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause, set forth in the provisions of the Fire and Police Civil Service Law.

Under the provisions of LSA-R.S. 33:2500 and 33:2560, cause for the removal of or corrective or disciplinary action against a classified employee of the fire and police civil service are as follows:

1. Unwillingness or failure to perform the duties of his position in a satisfactory manner.

2. The deliberate omission of any act that it was his duty to perform.

3. The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.

4. Insubordination.

5. Conduct of a discourteous or wantonly offensive nature toward the public, any municipal officer or employee; and, any dishonest, disgraceful, or immoral conduct.

6. Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of liquor.

7. The use of intoxicating liquors, or habit-forming drug, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.

8. The conviction of a felony.

9. Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or, practicing or attempting to practice fraud or deception in any test.

10. Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.

11. Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.

12. Inducing or attempting to induce by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Part, or of the rules.

13. The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.

14. The willful violation of any provision of this Part or of any rule, regulation, or order hereunder.

15. Any other act or failure to act which the Board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.

The appointing authority and the appellant shall be afforded an opportunity to appear before the board and present evidence to show that the action was or was not taken in good faith for cause. Parties and witnesses shall be subject to cross-examination as in civil trials. Board members may ask questions of witnesses. The party bearing the burden of proof is the party that is first to present its evidence and testimony. Usually, this is the appointing authority – he must prove that he acted in good faith for cause.

NOTE:
The burden of proof rests with the employee in hearings out of which an employee has alleged:

(1) that he was not given a fair opportunity to prove his abilities in his position after the appointing authority has failed him in the working test period (R.S. 33:2495 or R.S. 33:2555), or;

(2) discrimination based on political or religious beliefs, sex, race.

DECIDING THE ISSUE AND RENDERING A DECISION

If, upon conclusion of the hearing and investigation, the board finds:

- The action of the appointing authority *was taken in good faith, for cause* and the punishment imposed was commensurate with the infraction, the board must affirm the action of the appointing authority.

- The action of the appointing authority was taken in good faith, for cause *but the punishment was not commensurate with the infraction*, the board may modify the action of the appointing authority. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing therefor, or such other lesser punitive action that may be appropriate under the circumstances.

- No part of the disciplinary action was taken in *good faith, for cause*. In these instances, the board must overturn the action of the appointing authority. The board must order the immediate reinstatement of the appellant in his office, place, position, or employment from which he was removed, suspended, demoted, or discharged. The reinstatement shall be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board shall also order that the employee receive all seniority that was lost due to the disciplinary action.

- The appointing authority violated any part of the Louisiana Fire Service Bill of Rights or the Rights of Law Enforcement Officers under Investigation, such that the appellant was not afforded his due process in accordance with R.S. 33: 2181.C or R.S. 40:2531(1)(C), the board must declare the action to be an absolute nullity, and overturn the action taken by the appointing authority.

PROHIBITED POLITICAL ACTIVITY

Employees holding a job or position in the fire or police civil service are bound by the prohibitions on Political Activity found in Article X, Section 20 of the 1974 Louisiana Constitution and R.S. 33:2504 and R.S. 33:2564

The following activities are not considered prohibited political activities. However, the OSE cautions that when there is a question, you should consult your local civil service to avoid any violation and its consequences.

YOU MAY

- Serve as a poll commissioner or official watcher on behalf of a governmental entity at the polls.
- Publicly support or oppose issues of public debate or election other than in support of or opposition to a candidate or political party or faction.
- Sell services that you regularly offer or sell for fair market value to a candidate or political party or faction, even if doing so requires your presence at a fundraiser. However, you may not reduce or waive your fee for political reasons.
- Be a member of a private organization that may, under certain circumstances, endorse a candidate for public office, so long as the primary purpose of the organization is not the support of opposition of candidates, political parties, or factions.
- Attend a free function open to the public where all candidates are invited and any or all the candidates attend to speak or present their views.
- Attend an election night party (even before the polls close), but not after a primary election that is to be followed by a runoff election.
- Attend an inaugural celebration or victory party after election night that is not a fundraiser.
- Express your opinion privately and cast your vote.

Prohibited political activity is defined generally as any effort to support or oppose a candidate for election or a political party in an election, whether the election is for a state, local, national or even out of state office. Because of the prohibitions in the State Constitution, (Article X, Section 20) and R.S. 33:2504 and 33:2564, you cannot voluntarily engage or be forced to engage in the following acts either directly or indirectly:

YOU MAY NOT

- Become a candidate for nomination or election to public office.
- Be a member of a national, state or local committee of a political party or faction.
- Be an officer or member of a committee of any factional, political club or organization.

- Make any political speech or public political statement on behalf of any candidate seeking to be elected to public office.
- Make or solicit contributions for any candidate, political party or faction.
- Take any part in the management or the affairs of a political party, faction, candidate or campaign.
- Be elected to public office.
- Attend any fund-raising function of a candidate or political party or faction – even if someone gives you a free ticket. A function will be considered a fundraiser if it is advertised that anything, including food, will be sold at the function, even if you do not plan to purchase anything.
- Solicit votes for or against a candidate, political part or faction.
- Publicly announce, in writing or otherwise, support or opposition to a candidate, political party or faction.
- Prepare or distribute campaign material for or against a candidate, political party or faction.
- Contribute or volunteer time, effort, property or anything of value in support of or opposition to a candidate, political party or faction.
- Display a bumper sticker on the vehicle you drive in support of or opposition to a candidate, political party, or faction.
- Place a sign on your property supporting or opposing a candidate or political party, or faction or allow anyone who is not your spouse to do so.
- Contribute or loan money in support of or opposition to a candidate, political party, or faction.
- Vote at the caucus or convention of a candidate or political party or faction.
- Wear, use, display or distribute t-shirts, hats, stickers, pins, fans, water bottles or any other material in support of or opposition to a candidate, political party or faction.
- “Like” or “follow” a candidate, party or faction on Facebook, Twitter or other form of social media.

If you are found to violate either R.S. 33:2504 or R.S. 33:2564, the penalty for a first offense is a **30-working day** suspension. A second violation will result in dismissal. However, any employee who is found to be a candidate for nomination or election to public office shall be terminated on the first offense.

The OSE strongly urges you, as a classified employee of a fire or police department, to use caution and refrain from engaging in any action which can be perceived as political activity.

The OSE hopes this has been a helpful tool and resource in your career path as a classified fire or police employee. Please feel free to call our office or email with any questions or concerns you may have.

And again, thank you for your service to the state of Louisiana.

Adrienne T. Bordelon, State Examiner

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