

**LEESVILLE MUNICIPAL FIRE AND POLICE CIVIL SERVICE**

**RULES AND REGULATIONS**

**RULE I**

**MEETING OF THE BOARD**

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, herein after referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all shall be held at the Leesville Municipal Building.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall and on each Department bulletin board, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the time, place, and subject matter to be covered, and whether said meeting is regular or special. Special meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.
- SECTION 8: The board shall not revise the agenda less than twenty-four hours prior to a board meeting. Each item on the agenda shall be listed separately and with reasonable specificity.

**RULE II**

**SUBJECT MATTER OF MEETINGS**

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

**RULE III**

**ORDER OF BUSINESS**

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

**RULE IV**

**EXECUTIVE SESSIONS**

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:4.1, (relative to public meetings) and those statutes that follow. Any voting on matters discussed in executive sessions will be conducted upon return to public meeting.

**RULE V****APPLICATION FOR APPEALS AND HEARINGS**

- SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Act may apply for such an appeal by written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.
- SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.
- SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

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

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.
- SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony, followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.
- SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.
- SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. If the subpoena is directed at the production of evidence or intended as a subpoena duces tecum such application shall state what evidence is sought to be produced by the subpoena. A subpoena service fee of \$25.00 will be required for any additional subpoenas requested after the first six.
- SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

#### **RULE VII**

#### **DISMISSAL OF APPEALS**

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

#### **RULE VIII**

**TRANSCRIPTS OF HEARINGS**

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

**RULE IX****OTHER HEARINGS**

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

**RULE X****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 Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen months.

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

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

months.

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

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

#### **RULE XI**

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

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

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

#### **RULE XII**

##### **LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES**

SECTION 1: Leaves of Absence--Police and Fire

- A. Leaves of absence are classified as follows:
1. Leave of absence with pay
  2. Leave of absence without pay
  3. Absence without leave and pay
  4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an

investigation concerning the conduct of the employee or as may otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the civil service board, when circumstances warrant such extension. Administrative leave shall be terminated upon the employee being ordered to return to active duty or upon the appointing authority affecting disciplinary action, whichever occurs first.

B. Sick leave:

1. Each full time employee of the classified service accrues sick leave at the rate of eight (8) hours per month of service; 96 hours per year.
2. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
3. When an employee of the classified service is ill and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the chief of the department not later than (30) minutes prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay."
4. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.
5. Should any illness last longer than three calendar days, the employee is required to submit a doctor's certificate indicating the illness or condition which justified his/her absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness over three days, the employee will be classified as "absent without leave and pay."
6. When an employee of the classified service is ill and cannot report for duty for an extended

period of time which exhausts all of his/her accrued sick leave, the appointing authority may authorize leave of absence without pay subject to civil service board approval.

7. Upon retirement from a city sponsored plan, an employee will be paid on the basis of one (1) day's pay for each three (3) days of accumulative sick leave, not to exceed eighty (80) working days, to be paid out on a monthly basis.

C. Funeral Leave

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

D. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any municipal fire and police civil service examination.

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

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be authorized to take

leave time when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will the difference between pay earned for the special duty and the employee's regular pay from the city.

F. City, District Court, or Civil Service Board Attendance

Attendance in city or district court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance in court on departmental business, his/her off time, such time shall be compensated at his/her normal rate of pay.

Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

Each departmental representative shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the U.S. Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

H. Military Leave without Pay

Any member of the classified service called into the Armed Forces, will be carried on military leave

without pay until he returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the employee have used all leave to which he is entitled (in Section G), he shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) working days and this leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

J. Annual Leave - Fire and Police

1. Each full-time employee of the classified service shall accrue vacation leave at the rate of ten (10) working days each year for the first five (5) years of service; fifteen (15) working days each year from five (5) to ten (10) years of service; twenty (20) working days each year from ten (10) to fifteen (15) years of service; twenty-five (25) days each year from fifteen (15) to twenty (20) years of service; and thirty (30) working days each year from twenty (20) years of service and thereafter.

1A. A working day consists of eight (8) hours. If an employee works a different hourly schedule, i.e., 10, 12, 16, or 24 hours, then the vacation time is computed on their hourly schedule, example: 12 hour schedule equals 1

½ working days of vacation. 10 working days equals 80 hours, 15 working days equals 120 hours, 20 working days equal 160 hours, 25 working days equals 200 hours, 30 working days equals 240 hours.

- 1B. The effective date of this change on leave vacation is to be effective on the employees anniversary date for the year 1990.
2. Vacation leave (one week) may be taken after the first six (6) months of continuous employment. Two weeks vacation may be taken after one (1) year of continuous employment if one (1) week was not taken after six (6) months service.
3. Each employee may divide vacation leave into separate periods, the total of which shall not exceed the employee's total accrued vacation leave time with approval of department head.
4. All employee vacation schedules must be approved by the supervisor at least two (2) weeks before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling, however, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statutes 33:2557.

K. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on legal holidays. Holidays to be set by governing authority.

Should a member of the classified service work assignment be such that the he or she is scheduled to work on a legal holiday, he/she will be paid an additional compensation of one (1) times the normal rate of pay. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

L. Seniority Special Leave

Special leave without pay up to thirty (30) days may be granted by the appointing authority when such leave would be in the departmental interest. Any special leave, with or without pay, exceeding

thirty (30) days must first be approved by the civil service board and if approval is granted, the board will determine, at that time, if departmental seniority is to be interrupted or continued.

M. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

**RULE XIII**

PROCEDURE FOR CONDUCTING INVESTIGATION PURSUANT TO REQUEST FILED IN ACCORDANCE WITH LA. R.S. 33:2537, OR R.S. 33:2477

**SECTION 1: PURPOSE/DEFINITION:**

1.1 Purpose:

This rule is adopted and promulgated in order to establish rules governing the conduct of investigations made pursuant to the request of any qualified elector of the state for the purpose of investigation of the conduct and performance of an employee in the classified service.

1.2 Definition of Investigation:

For purposes of this section, investigation shall be defined as a reasonable inquiry by the Board into any complaint made by a qualified individual in accordance with La. R.S. 33:2537, or R.S. 33:2477.

**SECTION II: INVESTIGATION PROCEDURES:**

2.1 It shall be the policy of this Civil Service Board to investigate allegations and complaints made in accordance with applicable statutory provisions through lawful investigatory techniques. The Board shall be responsible for conducting the investigation in a lawful manner.

- 2.2 The Board shall be responsible for questioning the complainant, the employee made subject of the complaint, witnesses and whomever else the Board feels may have information which will be helpful to the investigation. The Board shall be responsible for collecting and preserving evidence. Members of the Board shall not intentionally take any actions which may jeopardize any further investigation of the matter.
- 2.3 Whenever a complaint is made in accordance with Louisiana law, the subjects(s) of the complaint shall be notified by certified letter or by letter hand delivered to the subject(s) from an authorized agent of the Board as soon as practical, but no later than twenty-four (24) hours prior to the calling of any meeting for purpose of instituting the requested investigation.
- 2.4 The questioning of witnesses shall be conducted by the Board or by any person appointed by the Board, including the Board's legal representative.
- 2.5 The questioning of any witness, complainant, or classified employee shall be recorded in full. The employee who is made the subject of the complaint shall not be prohibited from obtaining a copy of the recording and/or transcript of the recording of his own statement upon his written request to the Board.
- 2.6 Any classified employee made the subject of an investigation by institution of a complaint made in accordance with La. R.S. 33:2537, or R.S. 33:2477 shall be entitled to the presence of his counsel, representative, or both, at his questioning in connection with the investigation. The counsel or representative is present in an advisory capacity and may not participate in the questioning process unless the Board deems such participation acceptable.
- 2.7 The board may order any complainant, officer or witness to submit to a deception detection examination, including but not limited to a polygraph test.
- 2.8 Neither the board, nor any of its members, shall release to the news media, press or any public information agency the name of the employee which is made the subject of the complaint, nor their home address, photograph or any information that may be deemed otherwise confidential, without the express written consent of the employee made

subject of the investigation.

**SECTION III: SUBPOENA POWER OF THE BOARD:**

- 3.1 Each member of the Board shall have the same subpoena power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation as is processed by the district courts of the state of Louisiana in accordance with La. R.S. 33:2562 or La. R.S. 33:2502.
- 3.2 The Board shall take whatever lawful steps necessary to compel the production of books, papers, and other documents which it believes necessary to conduct an investigation into the allegations of the complaint.

**SECTION IV: CLASSIFICATION OF THE COMPLAINT UPON COMPLETION OF INVESTIGATION:**

- 4.1 Following the completion of a complaint investigation, the Board shall classify the case as one (1) of the following:
- a) Sustained - The allegation is supported by sufficient proof.
  - b) Not Sustained - The evidence is not sufficient to prove or disprove the allegations.
  - c) Unfounded - The allegation is false or otherwise not based upon valid facts.
  - d) Exonerated - The incident that occurred or complained of was lawful and proper.
  - e) Misconduct - Not based on the original complaint - The evidence supports action for infractions discovered during the investigation of the complaint that may be sustained.
- 4.2 The result of the investigation, as set forth herein above, shall be forwarded to the Appointing Authority, the Police Department and Fire Department, to the complainant and to the employee who has been the subject of the investigation.

- 4.3 If the Board so chooses by majority vote, the Board may order action to be taken by the appointing authority as a result of the findings made by the Board pursuant to the investigation.

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