

LAFAYETTE MUNICIPAL FIRE & POLICE CIVIL SERVICE RULES

RULE I

ORGANIZATION OF BOARD

- SECTION 1:** The board shall be composed of five members who shall be appointed as prescribed by R.S. 33:2476, and who shall serve without compensation.
- SECTION 2:** The board shall have a chairman and vice-chairman who shall be elected by members of the board. The term of office of the chairman and vice-chairman shall run concurrently with that for which he/she is appointed to the board. In the absence of the chairperson, the vice-chairman shall assume his/her duties.
- SECTION 3:** The board shall meet each year within thirty days of the date of appointment of a board member(s). At that time, the oath of office shall be administered to new members and a chairman and vice-chairman shall be elected.

RULE II

RULES OF ORDER

The board shall not be bound by any rules of order, evidence, or procedure in its meetings, hearings, or investigations except as it may itself establish, without prejudice to any person or party.

RULE III

RULES OF THE BOARD

- SECTION 1:** The board shall adopt rules necessary or desirable to carry out effectively the provisions of R.S. 33:2471, et al. Any rule or part thereof may be amended or repealed in the same manner as provided herein and by R.S. 33:2478 for the adoption of the rule.
- SECTION 2:** The board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any municipal officer, employee, private citizen, and the state examiner shall be given an opportunity to show cause why the proposed rule, amendment, or any part thereof should not be adopted.
- SECTION 3:** Before holding a hearing to adopt any rule, the board shall furnish at least thirty days' notice of the date, time, and place of the hearing. Such notice shall be given by posting the notice in the various stations of the police and fire departments and providing copies to the chief of each department, mayor, city council, city personnel department,

and state examiner. A copy of any proposed rule to be discussed shall be furnished with each notice.

- SECTION 4:** Within fifteen days of the adoption, amendment, or repeal of any rule or part thereof, the board shall furnish an official copy thereof the chief of each department, mayor, city personnel department, state examiner, and each station bulletin board.
- SECTION 5:** Rules adopted under the authority of R.S. 33:2478 shall have the force and effect of law. Unless otherwise specifically provided, all rules shall become effective on the first day of the first month following adoption by the board.
- SECTION 6:** Rules of the board shall be given to an employee or his council upon request prior to a hearing.

RULE IV

MEETINGS OF THE BOARD

- SECTION 1:** The board shall hold one regular meeting within each quarterly period of each calendar year and such special meetings as may be called by the chairman or as provided in R.S. 33:2471 and those that follow.
- SECTION 2:** Notice of all meetings shall be given by posting such notice in the various stations of the police and fire departments no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the date fixed for the meetings and as soon as possible before any special meetings. Copies of the notice will be furnished to the chief of each department, mayor, city council, board members, and the city personnel department. The notice shall include the agenda and the date, time, and place of the meeting.
- SECTION 3:** All board meetings shall be open to the public. Four members of the board constitute a quorum necessary to conduct business. The concurring votes of any three members comprising the quorum shall be sufficient for a decision of the board or as provided in R.S. 33:2501(D) and those that follow.
- SECTION 4:** At each meeting, public comment will be allowed related to agenda items prior to the taking of a vote on the item. Individuals who have completed a Request to Comment card and submitted it to the Board secretary no later than the posted time designated for commencement of the meeting will be permitted to speak up to five (5) minutes on the specific item before the Board for a vote. Comments will be restricted to the subject matter of the item up for vote. Additional time may be allowed under special circumstances at the discretion of the Board.
- Once a vote is taken on an agenda item, no further public comment will be allowed related to that item.

Individuals who wish to address the Board on general, non-agenda matters must complete a Request to Comment card and submit it to the Board secretary no later than the posted time designated for commencement of the meeting. The subject matter of the comments must be set out with specificity on the Request to Comment card. Individuals will be permitted to speak up to five (5) minutes.

The Board may extend time limitations on public commentary for just cause, or terminate commentary that is inflammatory, inappropriate or unrelated to Fire and Police Civil Service Issues.

RULE V

SUBJECT MATTER OF MEETINGS

SECTION 1: At regular meetings, the board shall consider all old business and any 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 that by agreement of three board members, other matters may be considered.

RULE VI

ORDER OF BUSINESS

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

- A. Reading of the minutes
- B. Special and general reports
- C. Decisions and orders on matters considered at previous hearings and meetings
- D. New business

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

- A. Reading of minutes
- B. Decisions and orders on matters considered at previous hearings and meetings
- C. Hearing of matters previously fixed for the special meeting
- D. Consideration of other matters (if any) as provided by Rule V, Section 2.

RULE VII

EXECUTIVE SESSIONS

The board may meet in executive session during regular or special meetings, by two-thirds vote, when considering those matters which may be discussed under provisions of R.S. 42:4.1, et. al, (relative to public meetings). Any voting on matters discussed in executive session shall be conducted upon return to public meeting.

RULE VIII

APPLICATION FOR APPEALS AND HEARINGS

SECTION 1: These rules are promulgated to provide a method of procedure in matters brought before the board.

SECTION 2: Any person authorized to appeal to the board under provisions of civil service law may apply for such an appeal by a written notice giving clear and concise statement of the action complained against, the basis of the appeal, and the relief sought.

Application for appeal to the board under the provisions of R.S. 33:2501 of Civil Service Law 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 a statement of the facts and the action which the applicant wishes the board to take. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any. The applicant is encouraged to exhaust all administrative remedies, including the grievance procedure before appealing non-disciplinary matters to the board. The applicant, however, is not precluded from exercising the right, per R.S. 33:2477, to proceed directly to the board with any appealable matter.

SECTION 3: Requests for any type of action, discussion or investigation by the board (herein called "petitions") shall be in writing and filed with the secretary of the board. Requests by employees may be filed with the secretary of the board, or if he/she is unavailable, with the employee's representative to the board. In either case, the party receiving the request shall date the receipt of the request, sign it, and have the employee or party making the request sign it acknowledging the date of filing. The secretary of the board shall list the request on the board agenda. Employee appeals shall be shown on the agenda as Public Hearings.

Requests which are not considered employee appeals shall set forth the facts and circumstances which give rise to the request, and shall specify the nature of the board action/relief that is being sought.

Requests which seek relief beyond the legal jurisdiction of the board will not be considered.

Requests for investigations will be subject to a preliminary determination by the board as to whether just cause exists to proceed.

SECTION 4: The form of the petition shall include:

1. Petitioner's name, address, and telephone number.
2. Petitioner's attorney's name, address, and telephone number, if any.
3. Petitioner's classification and job, if petitioner is a classified employee.
4. The facts complained of or relied upon.
5. What the board is required to do.
6. A reference to the statutory provision or other authority relied upon for relief, if the petitioner has this knowledge.
7. The petition may also include any other information of which the petitioner has knowledge which would help the board understand what action petitioner wants the board to take and petitioner's reasons therefor.

SECTION 5: The board prefers that all documents filed with it be on letter size paper and typewritten. However, if this is a burden on any employee, the board will accept his/her petition in longhand. No document may be filed with the board via E-mail.

For purposes of determining the date of filing of any document, it will be the date the document is physically received by the board secretary or, in the case of the employee, the employee's representative to the board and stamped received that will control.

Any document submitted to the board associated with an appeal shall be sequentially number/Bate stamped in the left bottom corner of each page. No documents – including memoranda, briefs or exhibits – will be accepted by the board secretary or designated employee representative that are not sequentially numbered.

The board reserves the right to refuse any document that contains inappropriate or offensive language. In cases where allegations of wrongdoing are being leveled against any member of the fire or police classified service, the board reserves the right to enlist the investigative assistance/efforts of the police or fire departments, if it determines that the nature and/or scope of the investigative effort and/or the interest of fairness/justice so dictates.

SECTION 6: No appeal shall be effective unless the above 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. If a petition is not filed within the time fixed by law, the board will not consider it.

SECTION 7: Upon receipt of a petition the secretary of the board shall note thereon the date and hour of its receipt and shall distribute copies to each of the board members, the appointing authority, and the city personnel department.

SECTION 8: The board shall initiate a hearing and investigation of an appeal within thirty days of the receipt of a properly executed request and shall have the right to continue the hearing from time to time for good reason. No hearing or meeting shall be held unless both the employee and appointing authority have been advised of the date, time, and place of the hearing, at least ten (10) days in advance.

SECTION 9: Board members shall not discuss pending appeals with anyone. In the event a board member has previous discussion concerning a matter resulting in an appeal, said member shall make the board aware of the discussion and the board will make a ruling on the necessity of recusal.

RULE IX

PROCEDURE ON APPEAL

SECTION 1: The appearances of all parties (petitioner and appointing authority) and their respective attorneys, if any, shall be noted for the record.

SECTION 2: All hearings on appeals shall be open to the public.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 4: If either the employee or appointing authority fails to appear at the place and time fixed for a hearing, the board may decide the issue on the basis of available evidence, continue the hearing, or dismiss the appeal.

A. Requests for continuances of appeal hearings must be submitted in writing and will be heard by the board in open session. Accordingly, such requests must be filed with the board in sufficient time to be set for hearing prior to the date set for the appeal hearing, unless emergency circumstances exist.

Requests for continuances of appeal hearings based upon scheduling conflicts are to be accompanied by supporting documentation to include, but not be limited to, the nature of the scheduling conflict and verification that the conflict arose after the appeal hearing date was set.

SECTION 5: All persons who will offer testimony or make statements of fact during the hearing shall be duly sworn.

SECTION 6: The board shall have complete charge of the hearing and shall conduct it in any manner deemed advisable, provided the procedure shall be informal and not bound by any legal rules of evidence. 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 in all disciplinary appeals 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 7: Insofar as practical, the parties will proceed in the following order, except as the board may otherwise direct:

1. Appointing authority
2. Petitioner
3. Appointing authority rebuttal

SECTION 8: Parties and witnesses shall be subject to cross-examination as in civil trials. In the interest of expediency and informality, the board encourages the stipulation of undisputed facts. Before the commencement of the hearing attorneys and/or unrepresented employees are encouraged to come to the hearing prepared to present possible stipulations. The board will call for these stipulations prior to beginning each hearing.

SECTION 9: The board shall, 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 10: During the course of a hearing the presiding board member shall rule for the board on points of order unless a member of the board objects to such ruling or offers an alternative ruling. In that case, the ruling of the board shall be determined by majority vote.

SECTION 11: Documentary evidence/exhibits shall be appropriately marked for identification and filed by the board secretary. Each page must be sequentially numbered/Bate stamped. Questions relating to the sequential numbering/Bate stamping are to be directed to the board secretary before filing.

Exhibits which are submitted in connection with employee appeals are to include an Index of Exhibits, and are to be filed with the board secretary no later than ten (10) calendar days prior to the date established for the hearing, except at the direction of the board and under extenuating circumstances.

It is the responsibility of the submitting parties to make sure documentary evidence and/or exhibits are properly marked, numbered and/or indexed before submission to the board secretary. It is further the responsibility of the submitting parties to provide to the board secretary one (1) original and six (6) copies of all documentary evidence/exhibits. If this causes an undue burden on an employee, the chairman or vice-chairman may exercise discretion.

SECTION 12: The board and each member of the board shall have the same power to administer oaths, subpoena witnesses, and compel the production of books, papers, or records pertinent to any hearing, or investigation, as is possessed by the district courts of the State of Louisiana.

SECTION 13: 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.

SECTION 14: It is the responsibility of any party seeking the issuance of subpoenas for witnesses or records to make arrangements to have those subpoenas served in accordance with Louisiana law.

All applications for the issuance of subpoenas for witnesses or records must be in the hands of the board in sufficient time to enable the board to prepare and issue the subpoenas, and to further allow for a reasonable and timely service. In no case, except at the discretion of the board and under extenuating circumstances, will subpoenas be issued if received less than ten (10) calendar days prior to the date established for the hearing. All applications shall contain the full name and address of the person to be subpoenaed. Records should be described in as much detail as possible.

SECTION 15: At the conclusion of the hearing, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate. If the proceedings are being transcribed by an official reporter, the oral argument shall be transcribed and bound with the transcript of testimony.

SECTION 16: The written rules of the Civil Service Board and R.S. 33:2471, et. al, will be the basis of all hearings and appeals.

RULE X

FAILURE TO APPEAR/REFUSAL TO TESTIFY

SECTION 1: Any person who fails to appear in response to a subpoena, fails to answer any question, except one which could incriminate him, fails to produce any subpoenaed papers or records, or knowingly gives false testimony shall be subject to punishment by the district court.

SECTION 2: In addition to any penalty by the court, a classified employee who willfully refuses or fails to appear before any court, officer, board, body, or person properly authorized to conduct any hearing or inquiry under the provisions of R.S. 33:2502, et. al, or, who having appeared, refuses to testify or answer any question relevant to the issue at hand, except upon grounds that his testimony or answers would incriminate him, or knowingly gives false testimony, shall forfeit his employment and be ineligible for re-employment.

RULE XI

DECISIONS

- SECTION 1:** The board will decide matters heard by it as required by law.
- SECTION 2:** Appeals to the board shall be decided promptly but in any event within thirty days after completion of a hearing.
- SECTION 3:** Decisions of the board shall be based on whether or not the action against the employee was taken in good faith for cause under the provisions of civil service statutes or these rules.
- SECTION 4:** Any employee or any appointing authority may appeal from any decision or action of the board.
- SECTION 5:** An appeal shall lie direct to the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana, as provided by law.
- SECTION 6:** The appeal must be in writing to the board, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decision, be filed with the district court.
- SECTION 7:** The court hearing will be confined to the determination of whether the decision of the board was made in good faith for cause under the provisions of R.S. 33:2471, et. al.

RULE XII

TRANSCRIPTS OF HEARINGS

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 appeals. 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 when an appeal is instituted.

RULE XIII

EMPLOYMENT TESTS

- SECTION 1:** All tests shall be announced, conducted, scored, and posted as prescribed by the provisions of R.S. 33:2492 and 2493, rules of the State Examiner's Office, and rules of the board.

- SECTION 2:** Admission to tests shall be governed by the provisions of R.S. 33:2493, class specification requirements, and rules of the board.
- SECTION 3:** Competitive tests for classes identified in R.S. 33:2492E shall be held on an as-needed basis.
- SECTION 4:** Promotional tests shall be held on as-needed basis but at least once during each successive period of eighteen months.

RULE XIV

EMPLOYMENT LISTS

- SECTION 1:** The board shall establish and maintain competitive and promotional employment lists as prescribed by R.S. 33:2491 and these rules.
- SECTION 2:** Competitive and promotional employment lists shall be maintained by the board for a minimum period of twelve months and a maximum period of eighteen months.
- SECTION 3:** Employment lists shall be established by the board at the next regular or special meeting following receipt of test results from the State Examiner's Office.
- SECTION 4:** Upon establishment of a competitive or promotional employment list, the board shall specify a date upon which the list shall become effective.
- SECTION 5:** Veterans meeting the qualifications of R.S. 33:2491E shall have five points added to their test score by the board at the time the list is established, provided the veteran attained a passing score and submitted proof of acceptable service. It is the duty of the veteran to request the points and the secretary shall furnish the board with the proper documentation upon adding the five points.
- SECTION 6:** Each applicant who makes a passing score on a test shall be advised of his final grade and relative standing on the list as prescribed by rules of the board.

RULE XV

CLASSIFICATION PLAN

- SECTION 1:** The classification plan provided by Section 2 of this rule is adopted as a rule of the board. Future classifications, abolition of classifications, or changes to classifications shall be adopted only after consultation with the appointing authority, the State Examiner, and vote of board.
- SECTION 2:** Codes and classifications are as follows:

POLICE DEPARTMENT	
CLASS CODE	CLASS TITLE
8001	Police Chief
8005	Police Major
8007	Police Captain
8009	Police Lieutenant
8011	Police Sergeant
8012	Police Corporal
8013	Police Officer First Class
8015	Police Officer
8017	Police Communication Officer
8021	Secretary to the Police Chief
8023	Departmental Records Clerk

FIRE DEPARTMENT

CLASS CODE	CLASS TITLE
8101	Fire Chief
8109	Assistant Fire Chief
8111	District Fire Chief
8117	Fire Captain
8126	Fire Engineer
8128	Firefighter First Class
8129	Firefighter
8121	Chief of Fire Prevention
8123	Fire Inspector II
8124	Fire Inspector I
8114	Chief of Training
8116	Training Officer II
8115	Training Officer I
8113	Chief of Communications
8118	Fire Communications Officer II
8119	Fire Communications Officer I
8105	Planning and Research Officer
8107	Chief of Administrative Services
8135	Secretary to the Fire Chief
8131	Hazardous Materials Officer

SECTION 3: For the purposes of college educational credit hour requirements for all promotional classes of the Lafayette Municipal Fire and Police Civil Service System, all college level credit hours that are successfully completed at any institution that is accredited by the Council for Higher Education Accreditation (www.CHEA.org), as well as any college level credit hours successfully awarded by the American Council on Education from any courses completed during service with any branch of United States military service that are listed on a transcript from the Joint Services Agency, shall be accepted for promotional education credits. The unofficial transcript printed from the Joint Services Agency website by the employee shall be acceptable for the board's purposes. If any official transcript is desired by the board, the board may request an official transcript directly from the Joint Services Agency for verification. The education credit hours shown on the employee's copy of the transcript shall be considered valid unless an official transcript indicates otherwise.

RULE XVI

LEAVES OF ABSENCE

(NOTE: The following rules (Sections 1 through 8) prescribe types of leaves and general rules under which they may or shall be granted. These rules may be supplemented by the appointing authority to provide guidelines for the requesting, approving, reporting, recording, accounting for, and monitoring of leaves of absence; however, no such supplement shall be inconsistent with the provisions of these rules.)

SECTION 1: ANNUAL LEAVE

A. FIRE DEPARTMENT

1. Each employee after having served one year shall be entitled to an annual vacation of eighteen calendar days with full pay. The vacation period shall be increased by one calendar day for each year of service over ten, up to a maximum vacation period of thirty days. These days are not to be calculated on days that an employee is not scheduled to work. Vacation privileges shall not be forfeited for any cause.
2. An employee may be advanced not more than seven calendar days of annual leave having completed his first six months of continuous service, at the discretion of the appointing authority; however, his first annual leave shall be reduced accordingly.

B. POLICE DEPARTMENT

1. Annual leave is earned by all eligible employees, including less than full time employees, upon completion of six months of continuous service and shall be credited in accordance with Section 4 of this rule.

2. The earning of annual leave shall be based on continuous service, the earning rate schedule, and regularly scheduled hours of work up to 40 hours per week, including paid absences (and paid holidays) which fall within the regularly scheduled work week.
3. An employee shall not earn annual leave:
 - a. For any overtime hour.
 - b. For any hour of leave without pay.
 - c. For any hour of a holiday which falls on a non-work day or during a period of leave without pay.
 - d. For any hour in Standby or On-call status or while engaged in travel, training, or other activities outside of regular duty hours.

4. Earning Schedule

CONTINUOUS SERVICE	OTHER THAN 12 HOUR SHIFTS EARNING RATE (Based on 2080 hours per year)	12 HOUR SHIFTS EARNING RATE (Based on 1976 hours per year)
*6 months but less than 5 years	.0577	.0608
*5 years but less than 10 years	.0808	.0851
*10 years but less than 15 years	.0924	.0972
*15 years but less than 20 years	.104	.1094
*20 years and over	.1154	.1215

EQUIVALENT			
CONTINUOUS SERVICE	MONTHLY HOURS	YEARLY HOURS	DAYS
*6 months but less than 5 years	10	120	15
*5 years but less than 10 years	14	168	21
*10 years but less than 15 years	16	192	24
*15 years but less than 20 years	18	216	27
*20 years and over	20	240	30

* The initial earning of leave and future incremental increases shall begin on the first day of the first pay period after completion of six months of continuous service and thereafter, the applicable continuous service anniversary date.

5. Employees with fewer than six (6) months service shall not be granted annual leave.
6. Employees must schedule at least one whole week of annual leave in each calendar year, unless in the judgment of the Appointing Authority work requirements prevent.
7. Annual leave must be applied for by the employee and at all times subject to the approval of the Appointing Authority.
8. Annual leave shall not be charged for non-work days.
9. The minimum charge for annual leave shall be one hour.
10. Eligible employees may be granted advanced leave, but not to exceed the amount they will earn in the same calendar year.
11. An employee with less than one (1) year service may carry all unused annual leave forward to the next calendar year.
12. Annual leave is not cumulative from calendar year to calendar year; however, unused leave may be carried forward to a succeeding year provided the amount carried forward does not exceed the employee's annual earning rate at that time.

13. Any unused annual leave in excess of that which can be carried forward shall be credited to the employee's sick leave balance.
14. Upon termination, regardless of reason, employees shall be paid for all accumulated annual leave. In case of death, the payment shall be made to the beneficiary or estate.
15. Upon termination, regardless of reason (except for lay-off or death), an employee must repay the amount of any unearned annual leave which had been taken in advance.
16. After each pay period, an updated report of annual leave earned and taken shall be generated and shall become the official record of annual leave balances.
17. Notwithstanding any other provision of this rule, the following applies to the twelve (12) hour rotating shift personnel:
 - a. Employees must schedule annual leave in weekly increments at a time as prescribed by the Appointing Authority per the following schedule.

HOURS OF ANNUAL LEAVE	WEEKLY HOURS SCHEDULED TO WORK
96	One 36 and one 48 + 12 hours
120	Two 36 and one 48
144	One 36 and two 48 + 12 hours
168	Two 36 and two 48
192	Two 36 and two 48 + 24 hours

- b. Employees may schedule less than weekly increments only if approved in advance by the Appointing Authority.

SECTION 2: SICK LEAVE

- A. Each employee shall be entitled to sick leave at full pay, not to exceed fifty-two weeks, for personal illness or injury when the conditions actually warrant, not brought about by his own negligence or culpable indiscretion.
- B. Each employee is responsible for notifying his supervisor or other designated person when he is unable to report for duty, under rules prescribed by the

appointing authority. Failure to provide proper notice may result in the absence being charged to unauthorized absence.

- C. If a sick leave absence exceeds two work days, the employee must submit a certificate from a registered physician. The certificate must indicate the general nature of the illness, date released to return to work, or probable length of absence.
- D. Employees with poor attendance records or whose absences indicate a trend, may be required to submit a doctor's certificate for each absence regardless of length.
- E. Failure to produce a doctor's certificate when required may result in the absence charged to unauthorized absence.
- F. Sick leave shall not be used for any reason other than illness or injury of an employee. An employee on sick leave must avoid any activity that could aggravate the condition or prolong the absence. Failure to effect diligent pursuit of recovery may result in denial of sick leave and disciplinary action, if applicable.
- G. A claim for sick leave constitutes authorization for the appointing authority to investigate the need for the absence, including verifying doctor visits either personally or through the city nurse.
- H. If it is determined that an absence was charged to sick leave when no illness was involved, the sick leave shall not be allowed and appropriate disciplinary action shall be taken.

SECTION 3: FUNERAL LEAVE

- A. Upon death of certain family members a regular (permanent) employee may be granted funeral leave with pay for the hours he would have been scheduled to work during a period of consecutive calendar days, one of which must be the day of the funeral (attended by the employee), as follows:

Spouse or child of employee – five consecutive calendar days.
Mother, father, sister, brother, mother-in-law, father-in-law, grandchildren, or grandparents of employee – three consecutive calendar days.
- B. Proof of relationship and funeral attendance is the responsibility of the employee under rules prescribed by the appointing authority.

SECTION 4: CIVIL LEAVE

- A. Employees shall be granted time off from regularly scheduled hours of work without loss of pay when performing jury duty or summoned to appear before a court, grand jury, or other public body or commission, except as a plaintiff or defendant.
- B. Employees must return to work immediately upon being released from jury duty or subpoena unless excused for the remainder of the day by their supervisor.
- C. The Appointing Authority declares that normal functions of the Government are prevented from being performed due to an act of God, i.e., flood, hurricane, tornado, etc.

All members of the Fire and Police Departments who are considered emergency personnel and remain at work, are called to work, or work their regular scheduled shift shall receive additional pay at the regular overtime rate of an hour for hour basis, or equal time off at a later date, at the option of the employee.

SECTION 5: MILITARY LEAVE

- A. Members of a reserve unit of the U.S. Armed Forces or of the National Guard shall be granted time off without loss of pay, not to exceed fifteen days in a calendar year, when ordered to active duty for training. When directed by official military orders, additional time shall be granted but it shall be without pay unless the employee requests and receives approval that the time be charged to annual leave.
- B. Requests for military leave must be submitted as far in advance as possible and a copy of the military special orders must be attached to the absence report.
- C. The appointing authority may require copies of any military pay orders related to military leave to verify need for the absence.
- D. Military leave shall not be granted for weekend drill or makeup sessions. Such absences will be approved but must be charged to leave without pay unless the employee requests and receives approval that the time be changed to annual leave.

SECTION 6: LEAVE WITHOUT PAY

- A. Leave without pay may be granted by the appointing authority under established guidelines when such leave is considered to be in the best interest of the city.

- B. Absences in excess of thirty calendar days are subject to the approval of the board and shall cause the adjustment of the employee's service date by the total length of the absence.

SECTION 7: HOLIDAYS

- A. Holidays for all employees shall be as follows:
 - 1. New Year's Day
 - 2. Martin Luther King's Day
 - 3. Mardi Gras Day
 - 4. Good Friday
 - 5. Memorial Day
 - 6. Independence Day
 - 7. Labor Day
 - 8. Thanksgiving Day
 - 9. Acadian Day
 - 10. Christmas Day
- B. Rotating shift workers shall observe weekend holidays on the actual calendar day of the holiday. All others shall observe holidays on the dates established by the city council.
- C. An employee shall receive his regular rate of pay for any work-week in which a holiday falls.
- D. If an employee is required to work on a holiday, he shall receive additional pay at his regular rate on an hour-for-hour basis, or equal time off at a later date at the option of the appointing authority.
- E. An employee shall not receive holiday pay if the holiday falls during a period of leave without pay or if an unauthorized absence on the holiday or on the day before or after the holiday.

SECTION 8: UNAUTHORIZED ABSENCE

- A. An unauthorized absence is one which had not been approved in advance and which, in the opinion of the appointing authority, could have been avoided by the employee. Such absences are cause for disciplinary action.
- B. If an employee fails to report for duty for three consecutive workdays and fails to notify his supervisor of the reason for the absence, he shall be considered to have vacated his employment and will be terminated as of the close of the third day.

SECTION 9: 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).

SECTION 10: ACCUMULATED SICK LEAVE AT RETIREMENT

Upon an employee's regular or disability retirement or termination because of death or abolishment of his position, he, or his estate, is appropriate shall be paid at his regular hourly rate for all accumulated hours of sick leave. This shall be done in accordance with PPM #261-8, Payment for Sick Leave Upon Retirement, (Dated 1/1/92).

SECTION 11: LEAVE OF ABSENCE FOR ATTENDING TO CIVIL SERVICE BOARD BUSINESS

Each departmental member of the Civil Service Board shall be considered on duty for the durations of any Civil Service Board meeting which the employee representative attends, or for any time required to assist with Civil Service examinations, or other official business of the Civil Service Board, when scheduled for regular duty.

SECTION 12: DELEGATION OF ANNUAL LEAVE

Upon application to, and with the consent of the Lafayette Municipal Fire and Police Civil Service Board, any classified employee of the Lafayette Fire Department or Lafayette Police Department may delegate use of his/her annual leave to another employee of Lafayette City-Parish Consolidated Government under the rules establish herein.

In addition to the requisite approval of the Lafayette Municipal Fire and Police Civil Service Board, the delegations of any employee's annual leave is subject to the following provisions:

- a. A single classified employee of the Lafayette Fire Department or Lafayette Police Department may not receive delegated use time in excess of 1,200 hours per year and may not donate in excess of 24 hours per year under any circumstances.
- b. Delegated use time can only be denoted for an extreme immediate family emergency. Family shall be limited to recipient's spouse, parents, and children.
- c. No employee may donate time to his or her immediate supervisor.
- d. Annual leave benefits for employees may only be transferred and assigned to an employee who has used and exhausted all accrued sick and annual leave and who still faces a serious personal illness or injury or who has a family member facing a serious personal illness or injury.

RULE XVII

EFFECTIVE DATE

The effective date of these rules shall be December 1, 1985, with the exception of Rule XVI, Section 1, which will become effective on January 1, 1986. All prior rules of this board are hereby repealed.

RULE XVIII

SEVERABILITY

If the provisions of any rule or section of these rules or the application thereof is held invalid, such invalidity shall not affect the provisions or application of any other rule or section of these rules, and to this end the provisions of these rules are hereby declared severable.

RULE XIX

CLASS ABOLISHMENT - POSITION ABOLISHMENT - LAY-OFFS

SECTION 1: DEFINITIONS

- A. Lay-off -- removal of an employee from employment, without fault because of the abolishment of his position.
- B. Reduction of positions -- a decrease in the size of the work force in a class caused by the lack of work or funding.
- C. Class abolishment -- Elimination of all positions of a class.
- D. Total Department Service (Departmental Seniority) – All continuous time served in the departmental classified service from most recent date of original confirmation minus all suspension days and periods of leave without pay in excess of thirty (30) days. Eligible time during which an employee served in the armed forces of the United States subsequent to May 1940, not to exceed four years, shall be construed to mean continuous service and shall be included in the computation of service.
- E. Accumulated total service (lay-off) -- All continuous time served in the departmental classified service from most recent date of employment minus all suspension days and periods of leave without pay in excess of thirty (30) days. Eligible time during which an employee 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 service.
- F. Total class seniority -- All continuous class service of regular employees, including class probationary time, plus all time served in higher classes of the same class groupings after an employee's most recent date of employment.

- G. Class groupings -- a series of classes grouped together in the classification plan to show the principal lines of promotion and demotion.
- H. Demotion -- 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.
- I. Lowest Classes -- Police Department -- See Rule XV
Fire Department -- See Rule XV
- J. Qualifications (Demotion): A regular full time employee shall be deemed qualified for demotion to a lower position only if the employee previously held the lower position as a confirmed employee and left the position in good standing. See * for exception.

SECTION 2: REDUCTION OF CLASS POSITIONS

Should the appointing authority determine that a reduction of positions within a class is necessary, such reduction shall be made in accordance with the Municipal Fire and Police Civil Service Law and following Rules. The determining factors in demotion of employees when positions are reduced shall be seniority and qualifications.

The two categories of class position reduction are: (1) reduction of all positions due to abolishment of an entire class, and (2) reductions due to abolishment of one or more positions in a class.

SECTION 2A: REDUCTION OF ALL POSITIONS DUE TO CLASS ABOLISHMENT

R.S. 33:2498

Reduction of all positions in a class due to a Civil Service Board approved abolishment of an entire class shall be accomplished by demoting all employees of the affected class based on total departmental seniority and qualifications. The position reduction/class abolishment procedure is as follows:

After all temporary and probationary appointments have been removed from the class, and starting with the regular employee with the least departmental seniority, and continuing to the regular employee with the most departmental seniority in the abolished class, demote the employee to a position in the next lowest class within the same class grouping which is occupied by the employee with the least total departmental seniority in the other class; provided the demoted employee has more total departmental seniority, has previously held the position as a confirmed employee, and left the position as a qualified employee.* The procedure is completed when all employees have been demoted.

Names of employees displaced from positions in the abolished class will be listed on appropriate reemployment or reinstatement list.

Those employees displaced from lower classes under this paragraph shall be demoted in accordance with Section 2B which covers position reductions not involving class abolishment.

*The requirement that an employee must have previously held and been confirmed in a position, within the same class grouping to which he is being demoted shall be waived if (1) the employee had by-passed and not held the position in question because it had not as yet been created or (2) the lack of confirmation in a position was due to the employee's being promoted to a higher job in the same class grouping and not due to poor work performance.

**SECTION 2B: POSITION ABOLISHMENTS NOT INVOLVING CLASS ABOLISHMENT
R.S. 33:2498 and R.S. 33:2488**

Before implementation of the position reduction procedure, in cases not involving class abolishment, the appointing authority shall take the following action:

Transfer regular employees of the affected class to vacant positions in the same class; or transfer regular employees of the affected class to those positions in the same class occupied by provisional employees; or demote probationary employees of the affected class to the position from which they were promoted.

After the above action, further reductions in the number of class positions shall be accomplished by demoting regular employees based on total class seniority and qualifications.

The position reduction procedure is as follows:

Starting with the regular employee with the least total class seniority within the affected class, demote the employee to a position in the next lower class in the same class grouping which is occupied by the employee with the least total class seniority in the other class; provided the demoted employee has more total class seniority, has previously held the position as a confirmed employee, and left the position as a qualified employee.*

Names of displaced employees will be listed on appropriate reinstatement list.

*The requirement that an employee must have previously held and been confirmed in a position, within the same class grouping, to which he is being demoted shall be waived if (1) the employee had by-passed and not held the position in question because it had not as yet been created or (2) the lack of confirmation in a position was due to the employee's being promoted to a higher position in the same class grouping and not due to poor work performance.

SECTION 3: LAY-OFFS WITHOUT PAY R.S. 33:2499

Should the appointing authority determine that a lay-off of employees is necessary such lay-off without pay shall be accomplished in accordance with the provisions of R.S. 33:2499 and the Municipal Fire and Police Civil Service Rules.

The employee in the lowest class in a respective group of classes with the least continuous accumulated total service shall be removed from service. Lay-offs may be made from any of the positions within the

lowest class but the determination of which positions are to be eliminated rests solely with the appointing authority.

The lay-off procedure is as follows:

The employee in the affected lowest class with the least continuous accumulated total service shall be the first to be laid off.

Names of displaced employees will be listed on appropriate reemployment list.

An individual may, at his option, avoid lay-off by being demoted to another class position in other class groupings provided the individual previously held the position as a confirmed employee and left the position as a qualified employee.

FIRE DEPARTMENT	
CLASS CODE	CLASS TITLE AND GROUPINGS
	LINE CLASSES
8101	*Fire Chief
8109	Assistant Fire Chief
8111	District Fire Chief
8117	Fire Captain
8126	Fire Engineer
8128	Firefighter First Class
8129	*Firefighter
	FIRE PREVENTION
8121	Chief of Fire Prevention
8123	Fire Inspector II
8124	*Fire Inspector I
8122	*Fire Investigator
	TRAINING
8114	Chief of Training

8116	Training Officer II
8115	*Training Officer I
COMMUNICATIONS	
8113	Chief of Communications
8118	Fire Communications Officer II
8119	*Fire Communications Officer I
ADMINISTRATIVE AND CLERICAL	
8105	*Planning and Research Officer
8107	*Chief of Administrative Services
8135	*Secretary to the Fire Chief
8131	*Hazardous Materials Officer

* Denotes entry level (lowest) class in each group of classes to which appointment is by competitive testing. Promotional testing is required for appointment to all other classes.

POLICE DEPARTMENT	
CLASS CODE	CLASS TITLE AND GROUPINGS
LINE CLASSES	
8001	*Police Chief
8005	Police Major
8007	Police Captain
8009	Police Lieutenant
8011	Police Sergeant
8012	Police Corporal
8013	Police Officer First Class
8015	*Police Officer

	LINE SUPPORT CLASSES
8017	*Police Communications Officer
	ADMINISTRATIVE AND CLERICAL
8021	*Secretary to the Police Chief
8023	*Departmental Records Clerk

* Denotes entry level (lowest) class in each group of classes to which appointment is by competitive testing. Promotional testing is required for appointment to all other classes.

RULE XX

POLICE RESIDENCY REQUIREMENT RULE

All employees must maintain primary residence within a radius of approximately thirty (30) miles from the Lafayette Parish Courthouse. Employee must establish residency within ninety (90) days after confirmation.

RULE XXI

POLICE WORK SCHEDULE ACCOMMODATION RULE

Reasonable accommodation, in the scheduling of work, shall be offered by the Police Department to employees in order to facilitate their acquiring college level criminal justice curriculum courses. Consistent with public safety, police employees shall receive scheduling accommodation per the following:

- I. A. Police Officer through Police Corporal
 - 1. A maximum of twenty percent (20%) of the employees in the ranks of Police Officer through Police Corporal are eligible during any one college session.
 - 2. First priority shall be granted in each session to the most senior employees who state in writing their intent to take approved college level courses. Written statements of intent must be filed with the Chief of Police in July for the fall session, in December for the spring session and in May for the summer session.
 - 3. Notwithstanding (2) above, last priority shall be granted in each session to those employees who are educationally eligible for the rank of Police Sergeant.

4. Notwithstanding (2) above, those employees previously granted work schedule accommodations for a school session, but fail to register for, or after registering withdraw from school, shall not be eligible for work schedule accommodation during the next school session.

B. Police Sergeant

1. A maximum of twenty percent (20%) of the employees in the rank of Police Sergeant are eligible during any one college session.
2. First priority shall be granted in each session to the most senior employees who state in writing their intent to take approved college level courses. Written statements of intent must be filed with the Chief of Police in July for the fall session, in December for the spring session, and in May for the summer session.
3. Notwithstanding (2) above, last priority shall be granted in each session to those employees who are educationally eligible for the rank of Police Lieutenant.
4. Notwithstanding (2) above, those employees previously granted work schedule accommodations for a school session, but fail to register for, or after registering withdraw from school shall not be eligible for work schedule accommodation during the next school session.

C. Police Lieutenant

1. A maximum of twenty percent (20%) of the employees in the rank of Police Lieutenant are eligible during any one college session.
2. First priority shall be granted in each session to the most senior employees who state in writing their intent to take approved college level courses. Written statements of intent must be filed with the Chief of Police in July for the fall session, in December for the spring session and in May for the summer session.
3. Notwithstanding (2) above, last priority shall be granted in each session to those employees who are educationally eligible for the rank of Police Captain.
4. Notwithstanding (2) above, those employees previously granted work schedule accommodations for a school session, but fail to register for, or after registering withdraw from school shall not be eligible for work schedule accommodation during the next school session.

D. Police Captain

1. A maximum of twenty percent (20%) of the employees in the ranks of Police Captain are eligible during any one college session.
 2. First priority shall be granted in each session to the most senior employees who state in writing their intent to take approved college level courses. Written statements of intent must be filed with the Chief of Police in July for the fall session, in December for the spring session and in May for the summer session.
 3. Notwithstanding (2) above, last priority shall be granted in each session to those employees who are educationally eligible for the rank of Police Major.
 4. Notwithstanding (2) above, those employees previously granted work schedule accommodations for a school session, but fail to register for, or after registering withdraw from school shall not be eligible for work schedule accommodation during the next school session.
- II. Employees must provide to the Police Department evidence of their enrollment and educational performance before and after each college session.
- III. Work schedule accommodation is not required for hours above six credit hours per spring and fall session or hours above three college credit hours per summer session.

RULE XXII

DISCIPLINARY ACTION

SECTION 1: Employee adherence to the work rules and standards listed in R.S. 33:2500 are necessary for the orderly conduct of the Fire and Police services. Employees who fail to comply with the work rules and standards are subject to being disciplined by the Appointing Authority.

SECTION 2: Except in cases involving major offenses (as defined in Section 3) the board endorses the city policy of attempting to modify an employee's behavior by the application of corrective, progressive disciplinary action as outlined in 33:2500.

SECTION 3: Major offenses are those willful or deliberate violations of work rules and standards that are so intolerable that the employee's behavior is not considered correctable by progressive, corrective disciplinary action. Major offenses may include but are not limited to the following:

- a. Fighting
- b. Stealing
- c. Possession of controlled drugs except as required by the service in the performance of work duties.

- d. Possession of firearms except as required by the service in the performance of work duties.
- e. Gross insubordination

SECTION 4: Corrective, progressive disciplinary penalty levels, from the least severe to the most severe are as follows:

- a. Written Reprimand (See Section 5)
- b. Pay reduction - per R.S. 33:2500B
- c. Suspension without pay - per R.S. 33:2500B
- d. Demotion - per R.S. 33:2500B

SECTION 5: Within eighteen months from the date a written reprimand is issued to an employee, it may be used by the Appointing Authority in determining the penalty level an employee is assessed for any additional violation of a work rule or standard. However, after 18 months written reprimands shall become null and void and shall not be used against the employee in future disciplinary cases, provided that during that time period the employee was not guilty of violating any other work rules or standards.

SECTION 6: On a periodic and routine basis written reprimands that are null and void, per Section 5, shall be removed from all city files.

SECTION 7: An employee who fails to respond to corrective, progressive discipline or who is guilty of a major offense is subject to being terminated when the Appointing Authority acts for cause and in good faith.

RULE XXIII

COUNSELING

SECTION 1: The board encourages, whenever possible, the utilization of counseling to alter employee work performance and behavior prior to initiating disciplinary action.

SECTION 2: Counseling when done orally or reduced to written supervisory notes, should be only one of many factors considered in completing an employee's performance evaluation.

SECTION 3: Counseling of employees is a supervisory function and responsibility that should occur throughout the evaluation period. Counseling may outline the areas of needed improvement as well as areas where the employee is complying with or exceeding acceptable levels of performance.

SECTION 4: Any counseling notations whether oral or written shall only be relevant for a period of 12 months. No employee shall be culpable for any negative counseling past this time period.

- SECTION 5:** Periodically and on a routine basis the Appointing Authority and/or the Chiefs of the respective services shall remove all written counseling documentation from all city files.
- SECTION 6:** Employee performance evaluations may be cited by all parties in any disciplinary case.
- SECTION 7:** Counseling is not appealable to the board, unless a regular employee feels that he has been subjected to corrective or disciplinary action without just cause (R.S. 33:2501 (A)).
- SECTION 8:** Should any events documented in a supervisory file be used for formal disciplinary action the documentation shall then become appealable to the board.
- SECTION 9:** Any counseling which is reduced to writing shall state in clear and concise language that this information is only applicable for a period of one year form the date of incident.

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