



State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
Executive Director

General Circular No. 218

Date: January 27, 2021

Subject: Public Hearing to Amend Chapters 11 and 21 of State Police Commission Rules

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on February 11, 2021, to consider amendments to Chapters 11 and 21 of the State Police Commission Rules. The hearing will begin at 10:00 A.M. in Veterans Memorial Auditorium, Suite 1247, Dept. of Agriculture and Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana, 70806.

Summary of Proposal

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

Amendments to Chapter 11 would permit the restoration of Enforced Leave in specific situations.

Current Rule	Proposed Rule Change
CHAPTER 11	
NEW RULE	11.30 Restoration of Enforced Leave If an employee in the classified state police service is required by the appointing authority to use annual or compensatory leave while under a criminal and/or administrative investigation, the following shall apply:

Current Rule	Proposed Rule Change
	<p>(a) When as a result of a criminal investigation, there is no conviction of the employee for any criminal charge, and no disciplinary action is imposed whether an administrative investigation is conducted or not, all leave the employee was required to use during the investigation(s) and subsequent proceedings shall be restored.</p> <p>(b) If there is no conviction of the employee of any criminal charge as a result of the criminal investigation, but disciplinary action is imposed on the employee for administrative violations discovered through either the criminal investigation or an administrative investigation, all leave an employee was required to use during either investigation and subsequent proceedings shall be restored by the Commission if, after all appeals are exhausted, there is a final determination that there was no cause for the discipline or that the administrative violations were not substantially related to the criminal allegation(s). The commission may reinstate all or a portion of the leave upon a finding that the required leave was excessive taking into consideration the discipline imposed and the basis of the discipline.</p>

Current Rule	Proposed Rule Change
	<p>(c) If an employee is required to use leave during an administrative investigation and subsequent proceedings only, all leave the employee is required to use shall be restored if there is no disciplinary action taken as a result of the investigation, or after all appeals are exhausted, there is a final determination that there was no cause for discipline.</p> <p>(d) For purposes of this section, "conviction" shall mean any disposition adverse to the employee, including a plea of guilty, deferred adjudication, or adjudication withheld. Conviction shall not include a decision not to prosecute, a dismissal, or an acquittal, except when the acquittal is due to a finding of not guilty by reason of insanity and the employee is committed. A dismissal entered after a period of probation, suspension, or deferral of sentence shall be included in the definition of conviction for purposes of this rule.</p>

Amendments to Chapter 21, specifically Rule 21.2.1, would permit reinstatement of personal leave taken that was directly related to the COVID-19 Health Pandemic. Eligible personal leave taken between the dates listed in the proposed rule could be reinstated and charged against the other applicable special leave provisions of 21.2.1.

Current Rule	Proposed Rule Change
CHAPTER 21	
<p>21.2.1 Special Leave Related to COVID-19 Health Pandemic</p> <p>a) Effective September 14, 2020, the use of special leave under State Police Commission Rule 11.23(d) shall not be granted by the appointing authority for any employee absence related to the COVID-19 health pandemic. The Executive Director is granted the authority to reinstate special paid leave under State Police Commission Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.</p> <p>b) The appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or experiencing COVID-19 symptoms and is seeking medical diagnosis.</p>	<p>21.2.1 Special Leave Related to COVID-19 Health Pandemic</p>

Current Rule	Proposed Rule Change
<p>Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.</p> <p>c) In the event an employee has exhausted the special paid leave entitlement pursuant to section (b) of this rule, the appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.</p> <p>Such special paid leave shall not extend beyond 14 calendar days for each occurrence as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.</p>	<p>d) The appointing authority may submit a request for reinstatement of annual or sick leave charged to an employee between the date of issuance of the Governor's Proclamation Order No. 43 JBE 2020 through September 13,</p>

Current Rule	Proposed Rule Change
	<p>2020. The request for reinstatement must be for hours that would have qualified under sections (b) and/or (c) of this rule. Any hours reinstated will be tracked by the department and count toward the total number of eligible hours possible under sections (b) and/or (c). Under this provision, the Executive Director may review and reinstate up to 80 hours. The Executive Director shall submit a request to the Commission for consideration if the request is found to be questionable or if it exceeds 80 hours.</p>

Questions pertaining to information in this General Circular should be addressed to my attention at Jason.Hannaman@La.gov or via telephone at (225) 925-7057.

s/Jason Hannaman, PHR, SHRM-CP
Executive Director