

# State Police Commission



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Transmittal Sheet No. 16

To: State Police Commission Members, Colonel William R. Whittington, Personnel, Legal, Retirement, LSTA, LSTA Affiliate Presidents, Floyd Falcon, Walter L. Smith, III, Court of Appeal, First Circuit Judges

From: Debra L. Johnson

Re: Adoption of State Police Commission Rule 8.16(e)

At its May 20, 1996 meeting, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission adopted State Police Commission Rule 8.16(e), effective the same date.

Attached hereto is a complete copy of Chapter 8 of the State Police Commission Rules. If you have any questions, please contact me.

Sincerely,

*Debra L. Johnson*

Debra L. Johnson  
Director

Attachment

## CHAPTER 8

### CERTIFICATION AND APPOINTMENT

#### 8.1 Methods of Filling Vacancies.

Vacancies in the State Police Service may be filled by original appointment or by promotion, reassignment, demotion, transfer, reinstatement following an appeal, restoration to duty following military service, or noncompetitive reemployment.

#### 8.2 When proposing to fill a vacancy by original appointment, the Appointing Authority shall request the Director to certify the names of persons eligible for appointment, furnishing such information about the vacancy as may be necessary for the Director to make a determination as to those persons eligible for appointment.

##### 8.2.1 Repealed, effective January 28, 1992.

#### 8.3 Anticipation of Need.

Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to issue an announcement, if necessary, and to establish a list of eligibles.

#### 8.4 Certification of Eligibles.

- (a) The Director, in issuing certificates, shall certify to the Appointing Authority the names of the highest ranking eligibles from the appropriate list for the class of the vacant position.
- (b) Repealed, effective January 28, 1992.
- (c) Repealed by the State Civil Service Commission effective November 14, 1990.
- (d) The Director may establish a range of certifiable scores for any job class, and may permit competitive employment of applicants who have attained scores within that range.

#### 8.5 Selective Certification.

- (a) When requested and adequately justified by the Appointing Authority, the Director may selectively certify from an eligible list the names of eligibles who possess particular qualifications.
- (b) In specific instances, and pursuant to and in conformity with an order of the State Police Commission, a court, or other commission, or agency of competent jurisdiction,

the Director may make, or permit the Appointing Authority to make, selective certification.

8.6 Repealed by the State Civil Service Commission effective November 14, 1990.

8.7 Amended and re-enacted effective December 18, 1957 as part of Rule 7.24.

8.8 Determination of Availability for Appointment.

(a) The Appointing Authority or his/her agent shall determine the availability of the eligibles certified for appointment and shall submit to the Director written evidence of unavailability or failure to reply unless a selection is made from one of the eligibles within the five highest final grade groups or the certifiable band of scores, whichever is applicable.

(b) If a certified eligible indicates unavailability for appointment, or fails to reply to an availability inquiry within ten (10) calendar days after mailing of notification, the appointing authority may consider that individual as having been removed from the certificate.

8.9 Appointment of Eligibles from Certificates.

(a) Except as provided in subsection (c) hereof, appointment from certificates must be made from one of the eligibles within the five highest final grade groups or certifiable band of scores, except in making appointments from a department preferred reemployment list, in which case the highest ranking eligible shall be appointed. All candidates having the same final grade will be considered as "a grade group". When processing a certificate of eligibles, if five or more candidates whose names are among the five highest final grade groups express availability for a vacancy, appointment will be restricted to such candidates. If one or more of the five top grade groups is eliminated in accord with the Rules, the Appointing Authority may proceed to the next final grade group or groups until there are at least five grade groups from which to choose. Certificates showing action taken thereon must be returned by the expiration date specified on the certificate, unless the time is extended by the Director. In each case of appointment, such appointment shall become effective on the day the appointee begins duty.

(b) Repealed by the State Civil Service Commission effective October 7, 1987.

(c) If a certificate contains the name of an eligible who has previously been subjected to removal or dismissal by the

Appointing Authority or who has resigned to escape possible disciplinary action, he/she may be removed from consideration, and if there are fewer than five final grade groups remaining, the appointing authority may proceed to the next group or groups until there are at least five final grade groups.

8.10 Repealed, effective January 28, 1992.

8.10.1 Probationary Appointment.

When a vacancy in a position is filled by an original appointment of an eligible, such appointment shall be for a probationary period of no less than six (6) nor more than twelve (12) months.

8.11 Repealed, effective January 28, 1992.

8.12 Repealed, effective January 28, 1992.

8.13 Repealed and amended and incorporated as Rule 8.29, effective January 28, 1992.

8.14 Job Appointment.

(a) Temporary appointments for specified periods not exceeding twelve (12) months may be made when an employee is needed for temporary work or to substitute for a permanent or probationary employee.

(b) The Director may authorize the appointment of any person who possesses the minimum qualifications stated in the class specifications.

8.15 Repealed, effective January 28, 1992.

8.15.1 Repealed, effective January 28, 1992.

8.16 (a) Reassignment.

The Appointing Authority may, with the approval of the Director, reassign any probationary or permanent employee from one position in a class to another position in a different class for which the employee is qualified and which has the same minimum entrance rate of pay.

(b) Change in Hours of Work.

The Appointing Authority may in the best interest of the State Police program change the hours of work of any employee if no change in the employee's class of position is affected.

(c) Change in Duty Station.

1. The Appointing Authority may change the duty station of a permanent or probationary employee from one geographical area to another with or without the consent of the employee for a period not to exceed ninety (90) days, provided that the employer shall pay or provide all related expenses to the employee in accordance with State Travel Regulations.
2. The Appointing Authority may permanently change the duty station of a permanent employee from one geographical area to another with the consent of the employee, in which case the employer may, at the employer's option, pay related moving and housing expenses. Such change shall be reported to the Director.
3. The Appointing Authority may permanently change the duty station of a permanent or probationary employee from one geographical area to another without the consent of the employee, provided that the change is necessary to accomplish the department's mission, is, prior to such change, approved by the Commission at a public hearing, and provided that the employer shall pay all related moving and housing expenses.

(d) Detail to Special Duty.

1. When, in the discretion of the Appointing Authority, the services of an employee are temporarily needed in a position within the department other than the position to which he/she is regularly assigned, the employee may be detailed to perform the duties of such position for a period not to exceed thirty (30) calendar days without change in title, status or pay. If the detail exceeds thirty (30) calendar days, the employee shall be officially detailed into the position, with the approval of the Director, and shall be retroactively paid according to Rule 6.11.
2. An employee detailed into a position must meet the minimum qualifications for the detailed job.

(e) Temporary Duty Assignment (TDY).

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the same class, an employee may be assigned to such temporary duty for a period not to exceed one

hundred eighty (180) days. Such assignment to temporary duty shall not affect the employee's status or pay.

2. When the assignment to temporary duty requires a change in the employee's duty station from one geographical area to another, the appointing authority shall pay all related expenses of such temporary assignment in accordance with State Travel Regulations.

8.17 Amended and re-enacted effective April 1, 1954 as parts of Rules 6.22 and 8.16.

8.18 Noncompetitive Reemployment Based on Prior State Service.

- (a) Subject to the provision of Subsection (d) hereof and with the approval of the Director, a former permanent employee who has been separated from the classified service may, within five (5) years from separation, be noncompetitively reemployed in any job for which the former employee is qualified and which has the same or lower entrance salary as the current minimum for the job in which he/she had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in minimum qualification requirements, the former employee shall not lose this reemployment eligibility for such position or lower position in the same job series, if such exists, except where the qualification lacking is one required by law or under a recognized accreditation program. In this case eligibility remains, even if the entrance pay has moved upward. Further, the employee shall be eligible to be reemployed in any other job at the same or lower current entrance pay as the job to which his/her former position changed in title, provided the former employee meets the minimum qualification requirements.
- (b) Repealed by the State Civil Service Commission effective March 15, 1966.
- (c) Repealed by the State Civil Service Commission effective February 10, 1976.
- (d) No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, or unsatisfactory performance, or by resignation to escape possible disciplinary action shall be eligible for noncompetitive reemployment under provisions of this Rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which he/she was separated or

demoted for delinquency, misconduct or unsatisfactory performance.

(e) Repealed, effective January 28, 1992.

(f) Repealed, effective January 28, 1992.

#### 8.19 Restoration of Duty Upon Return from Military Service.

Any employee, who subsequent to January 1, 1991 has left or leaves a probationary or permanent classified position, for active duty in the armed forces of the United States for an indefinite period of involuntary service or not more than six years of voluntary service and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for reemployment within ninety days following discharge or within ninety days after release from hospitalization continuing after discharge for a period of not more than one year shall:

(a) If still qualified to perform the duties of such position, be restored by his/her department to such position or to a position of like seniority, status and pay; or

(b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the department where he/she formerly worked be restored to such other position as will provide him/her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his/her case.

#### 8.20 Promotion.

(a) Subject to the provision of Rules 8.9 (a) and 8.9 (c), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director following competitive examination. If there are five (5) or fewer qualified applicants for a vacancy, the Director may declare a non-competitive situation and forego testing for that vacancy. In such case, the applicants shall be rated "Eligible".

(b) The Director shall issue a promotional certificate from a register of eligibles established following a competitive promotional examination. Candidates shall be certified in grade order.

(c) Repealed, effective January 28, 1992.

- (d) The Director shall not include in any promotional certification nor authorize the non-competitive promotion of the name of an employee having a current unacceptable service rating (i.e., "needs improvement" or "unsatisfactory").
- (e) Repealed by the State Civil Service Commission effective March 15, 1973.
- (f) Repealed by the State Civil Service Commission effective March 15, 1973.

#### 8.21 Demotion.

A permanent or probationary employee may be demoted for cause, or at his/her request, to any position for which he/she possesses the qualifications specified in the appropriate standards of requirements for such position.

8.22 Repealed by the State Civil Service Commission effective January 14, 1983, and incorporated into Chapter 17.

8.23 Repealed by the State Civil Service Commission effective January 14, 1983, and incorporated into Chapter 17.

8.24 Repealed in its entirety by the State Civil Service Commission effective September 1, 1981.

#### 8.25 Fingerprinting of Employees.

All applicants for the State Police classified service shall be required to provide a classifiable set of fingerprints.

8.27 Repealed, effective January 28, 1992.

#### 8.28 Substance Abuse Testing.

The Office of State Police may establish and implement a policy of substance abuse testing of candidates and employees, pursuant to State law.

#### 8.29 Cancellation of Eligibility for Appointment.

- (a) The Director shall cancel the employment eligibility of any applicants, or of any probational or temporary employees following certification or employment if:
  1. Their employment in the State Police service would be prohibited by law; or
  2. They are prohibited from employment for any of the reasons listed in Rule 7.5(a).



- (b) An applicant whose employment eligibility has been canceled under this Rule shall be notified promptly by the Director.
- (c) The Director shall notify the employee and the appointing authority immediately when an employee's eligibility has been canceled in accordance with this Rule, and the Superintendent shall terminate the employee from State Police within five (5) days of receipt of such notice.