

# State Police Commission



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**February 25, 2005**

**Transmittal Sheet No. 38**

**Subject: State Police Commission Rules 7.24(a), 7.24(d), 11.5 and 11.34**

**Effective Date: February 17, 2005**

At its meeting on February 17, 2005, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rule 7.24(a), adopt State Police Commission Rule 7.24(d), revise State Police Commission Rule 11.5(a) and adopt State Police Commission Rule 11.34. Attached are complete copies of Chapters 7 and 11 for inclusion in your Rules.

Sincerely,  
*Debra L. Johnson*  
Debra L. Johnson  
Director

**Attachments (2)**

## CHAPTER 7

### EXAMINATION AND ELIGIBLE LISTS

#### 7.1 Examinations.

- (a) The Director shall conduct competitive examinations at such times and places as deemed necessary or desirable to the needs of the State Police classified service.
- (b) Unless specifically provided otherwise in examination announcements, applications for admission to examinations shall be accepted on a continuing basis.

#### 7.2 Public Notice of Open Competitive Examinations.

- (a) The Director shall give reasonable public notice of each open competitive examination in advance of the deadline date for filing applications.
- (b) When an examination for State Police Cadet has been announced, the Director shall conduct active recruitment for candidates through all appropriate and reasonable channels. All persons recruited shall be given a reasonable time, established by the Director, to test for the position.
- (c) Notices of open competitive examinations shall be posted on a bulletin board maintained at or near the principal office of the State Police Commission, and at all Troop Headquarters, Regions, and at the Office of Human Resource Management and all other appropriate locations at State Police Headquarters. The Director may also advertise tests in such publications and locations as are deemed appropriate and use any other means considered necessary or desirable to bring the notice of the examinations to the attention of the general public and to those qualified for admission.
- (d) Each official notice shall state the place and manner of making application, and any other information which the Director considers pertinent and appropriate.

#### 7.3 Amended and re-enacted by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

#### 7.4 Admission to Examinations.

- (a) The Director shall, subject to these Rules and the class specifications, determine the qualifications for admission to any examination.
- (b) A person whose employment is prohibited by any law or Rule shall not be admitted to any examination, except that where, the Director finds there exists reason to believe that the prohibition will cease to exist within a reasonable time, an applicant may be admitted to the examination and certified for a position, but such person shall not be appointed as long as his employment is prohibited.
- (c) Whenever age limits are specified in the qualification requirements, such age limits shall not apply to any applicant who has had at least one year of experience in the class of position for which application is made for examination.
- (d) Applicants who take an examination shall not take the same examination again until a period of at least thirty (30) days has elapsed from the date of the last examination, and no applicant shall be admitted to the same examination more than three times in any twelve-month period. The applicant's official grade shall be the one obtained on his most recent examination.
- (e) Repealed by the State Civil Service Commission effective February 10, 1976.

#### 7.5 Rejection of Application.

- (a) Under any of the below circumstances, the Director shall reject the application of any person for admission to examination, refuse to examine any applicant or refuse to reinstate a prior grade or pass status:
  - 1. Whose employment in the State Police Service would be prohibited by law or these Rules;
  - 2. Who lacks the minimum qualifications (and any other qualifications) prescribed as requirements for admission to examination for the class for which he/she has applied or has been examined.
  - 3. Who has been adjudged guilty by a court of competent jurisdiction of any felony; or who has been convicted of any misdemeanor which involves moral turpitude;

4. Who has been dismissed from public employment (as defined by Rule 1.30.1) for cause or has been permitted to resign in lieu thereof;
  5. Who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his/her application for examination for public employment (as defined by Rule 1.30.1), or otherwise in securing or attempting to secure public employment and/or eligibility for appointment for himself/herself or anyone else; or
  6. Whose application was filed after the closing date fixed for receipt of the application. In such case, the application shall be automatically accepted for the next available examination.
- (b) Repealed, effective January 28, 1992, and incorporated as 7.5(a)9.
- (c) A person whose application has been rejected under this Rule shall receive prompt written notification from the Director. Specific reason(s) for such action will be included in the notification.

#### 7.6 Postponement and Cancellation of Tests.

In the event that an insufficient number of qualified candidates apply for a test, the Director may extend the last filing date and postpone the date of test, or cancel the administering of the test and shall, in each such case, give suitable notice thereof.

#### 7.7 Content of Tests.

- (a) Tests for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek promotion. Promotional examinations may consist of a rating of training, education, and experience, a performance test, an objective written test, an oral examination, an assessment center, or any combination thereof.
- (b) Examinations for entrance into the State Police Service shall be open, competitive, practical in nature, and be constructed to reveal the capacity of the applicants for the class of State Police Cadet. Examinations may consist of a rating of training, education and experience, a written objective test, a performance test, an oral examination, a questionnaire, a psychological evaluation, or any combination thereof, with due reference also to ability to develop in such ways as to merit advancement to

positions of higher classes.

7.8 Repealed, effective January 28, 1992, and incorporated as part of Rule 7.7.

7.9 Promotional Examinations.

(a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided

1. The Director shall issue an appropriate announcement in advance of such examination and it shall be the duty of the Appointing Authority to make every effort to see that employees are informed of the announcement;
2.
  - a. Admission to such examination shall be restricted to permanent employees who meet the qualifications stated in the class specifications for the position for which the promotional examination is announced. An employee currently rated unacceptable (i.e., "needs improvement" or "unsatisfactory") shall not be admitted to any competitive test.
  - b. Repealed by the State Civil Service Commission effective March 15, 1973.
  - c. Whenever minimum qualification requirements are changed and incumbents of positions in affected classes do not meet the new requirements, such incumbents will be allowed to remain in the class of position occupied, unless a specific license or certification is required by law, and to continue gaining qualifying experience for the higher levels that are in the normal career progression for that class.
  - d. Repealed, effective January 28, 1992, and partially incorporated in 7.9(a)2c.
3. Repealed, effective January 28, 1992, and incorporated in Rule 7.7(a).
4. The eligible list established from such examination shall contain the names of all candidates who pass the examination, ranked according to their final ratings.
5. In assigning a rating based on training and experience, credit shall not be allowed for periods of leave of thirty days or more absence

without pay granted under the provisions of Rule 11.27(a) and (b), unless the work performed during the period of absence is creditable under the examination specifications.

- (b) Non-competitive promotions may be made to non-competitive classes only in accordance with the provisions of Rule 7.20.
- (c) The Director may indicate the principal or normal line of promotion from and to each class of position.
- (d) Upon receipt by the Director of a request to fill a promotional vacancy, the Director shall admit to examination and consider for certification all qualified applicants whose applications are then on file with the Director for the vacancy being filled; provided that the Director may restrict the number of times that an applicant may be admitted to the same examination within a twelve month period.
- (e) Repealed, effective January 28, 1992.

7.10 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as a part of Rule 7.9.

#### 7.11 Preferential Eligibility Credits.

- (a) Repealed by the State Civil Service Commission effective January 1, 1975.
- (b) Subject to the provisions of Subsection (e) and (g) of this Rule, in original appointments, the appointing authority shall give some consideration and preference to:
  - 1. Persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:
    - (a) In the wartime period July 1, 1958 through May 7, 1975; except the period July 1, 1958 through August 4, 1964 shall apply only to those who served within the area known as the Vietnam Theater; or
    - (b) Prior 7.11(b)2. repealed, effective January 28, 1992.
    - (c) Prior 7.11(b)3. repealed, effective January 28, 1992.
    - (d) Prior 7.11(b)4. repealed, effective January 28, 1992.

- (e) Prior 7.11(b)5. repealed, effective January 28, 1992.
  - (f) In a peacetime campaign or expedition for which campaign badges are authorized.
2. Each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration;
  3. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;
  4. The unremarried widow of each deceased veteran who served in a war period as defined in Subsection (b) 1. (a) of this Rule, or in a peacetime campaign or expedition;
  5. The unremarried widowed parent of any person who dies in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
  6. The divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.
- (c) Prior 7.11(d) 1. and 2. and (e) repealed, by the State Police Commission, effective July 21, 1997.
  - (d) Prior 7.11(f) repealed by the State Civil Service Commission, effective January 7, 1975.
  - (e) Except for Subsection (b) 2. of this Rule, service that is for the purpose of training only shall not be considered as qualifying service.

#### 7.12 Proof of Eligibility for Military Preference.

Proof of eligibility for military preference shall be furnished the Director by the person claiming the preference on the form prescribed by the Director for this purpose, together with such evidence as may be called for on the form.

#### 7.13 Results of Tests.

The rating of each test shall be completed as soon as possible after the test is given, and the Director shall have prepared an eligible list for the class from the results with the names of those persons who have met the eligibility placed in grade order from the highest to the lowest. Persons competing in any test shall be given written notice of their final earned rating, or their failure to attain a

place on the list.

7.14 Repealed, effective January 28, 1992.

7.15 Repealed by the State Civil Service Commission effective April 20, 1981.

7.16 Regrading of Tests.

Upon proper application to the Director, a competitor in an examination shall be entitled to have the test paper and rating reviewed, unless such is prohibited by agreement between the Director and a professional testing service. Any rating errors disclosed shall be corrected but such changes shall not per se invalidate any certification or appointment made from an eligible list.

7.17 Establishment of Eligible Lists.

- (a) The Director shall, subject to these Rules, establish eligible lists from the results of State Police Merit System examinations. Such lists shall contain the names of all candidates who pass the related examinations.
- (b) Eligibles shall be ranked on such lists in the relative order of the rating attained, including preference points, if any.

7.18 Amended and reenacted by the State Civil Service Commission effective December 17, 1957 as parts of Rules 7.1 and 7.17.

7.19 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

7.20 Noncompetitive Classes.

- (a) Repealed, effective January 28, 1992.
- (b) Repealed by the State Civil Service Commission effective January 1, 1975.
- (c) Repealed, effective January 28, 1992.
- (d) Repealed, effective January 28, 1992.



- (e) When testing for a class is impractical because of situations that require considerable education in a formal body of knowledge and professional testing prior to legal licensing and practice of a profession, the Director may, with approval of the Commission, dispense with competitive examining procedures for those classes.

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

#### 7.22 Consolidation of Lists.

When an eligible list is established for a class of position for which an eligible list is already in existence, the existing list may be canceled or merged with the new list, at the discretion of the Director. If the name of any individual appears on both the old and the new list, and the lists are merged, the candidate's standing on the new list shall be determined by the score on the more recent examination.

#### 7.23 Amendment of Lists.

Any eligible list may be amended by the addition of names of other successful applicants who are admitted to subsequent examinations, and their scores shall be merged in rank order with the scores of those on the original list.

#### 7.24 Removal of Name from Eligible List.

- (a) The Director may permanently remove from any list the name of any person who is not qualified, is not available or is not suitable for appointment to the position for which the list was established.
- (b) The Director may remove, at the request of the Appointing Authority, the names of persons who have been considered three times for appointment to State Police Cadet and who have not been offered employment.
- (c) At the expiration of one year from entry on any eligible list, except preferred re-employment lists, an applicant's name may be removed from the list for State Police Cadet only. Such applicant may prevent the removal of his/her name by reestablishing his/her eligibility in accordance with the provisions of these Rules and the regulations on admission to examinations.
- (d) The Director may remove the name of any person who is temporarily not suitable for appointment to the position for which the list was established.

**7.25 Restoration to Eligible Lists After Removal.**

- (a) The Director may restore the name of a person removed from an eligible list upon receipt of written application for restoration and a showing that the causes for removal from the eligible list no longer exist or that an error was made in making the removal from the list.
- (b) The Director may restore the name of a former employee who has acquired permanent or probationary status to the register of eligibles from which he/she was appointed if that employee makes application for such restoration within one year from the last date the employee worked in the position, provided the register is still in use.

**7.26 Duration of Eligible Lists.**

- (a) Each eligible list shall remain in effect until canceled.
- (b) The Director may cancel an eligible list, except a department preferred reemployment list, at such time that the list becomes unsatisfactory or undesirable because of the high percentage of unavailable eligibles on the list, changes in qualification standards, development of new examining procedures, or for such other reasons as may be in the interest of good personnel administration.

**7.27 Repealed, effective January 28, 1992, and incorporated in Rule 7.26 (b).**

**7.28 Repealed and re-enacted by the State Civil Service Commission effective January 1, 1963 as Rule 14.1.1(d).**

## CHAPTER 11

### HOURS OF WORK, ANNUAL, SICK AND OTHER FORMS OF LEAVE

#### 11.1 Full-Time Employees.

- (a) Subject to the provisions of subsections (b) and (c) hereof, the work week for each full-time employee in the classified service shall be forty (40) hours.
- (b) An appointing authority, with the approval of the Commission, may specify a work week exceeding forty (40) hours for employees in specific classes of positions within his agency, or for employees in specific divisions or activities within his agency.
- (c) Subject to the provisions of subsections (a) and (b) of this Rule, the appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each full-time employee.
- (d) Each specification prepared under the provisions of subsection (b) of this Rule shall be filed with the Director.

#### 11.2 Part-Time Employees.

- (a) When the services of an employee are not needed on a full-time basis his appointing authority may establish a regular tour of duty for him on a part-time basis.
- (b) The appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each part-time employee.

#### 11.3 Intermittent Workers.

When the services of an employee are not needed on a regularly scheduled basis, the appointing authority may appoint an employee to serve on a intermittent hourly, daily, weekly or monthly basis.

##### 11.3.1 Authority To Require Performance of Overtime.

An employee in the classified service may be required by his appointing authority to work overtime.

#### 11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1.

## 11.5 Earning of Annual and Sick Leave.

- (a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on restricted appointment or while using leave from an agency leave pool as defined in Rule 11.34.
- (b) The earning of such leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of each calendar month or at the end of each regular pay period in accordance with the following general schedule.
  - 1. Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.
  - 2. Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.
  - 3. Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.
  - 4. Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.
  - 5. Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.
- (c) Repealed, effective July 1, 1973.
- (d) No employee shall be credited with annual or sick leave
  - 1. For any overtime hour.
  - 2. For any hour of leave without pay.
  - 3. While he is on leave with or without pay, until such time as he returns to active working duty, except where inability to return to duty is caused by illness or incapacity as defined by Rule 1.39.1.
  - 4. For any hour in on-call status outside his regular duty hours as defined in Rules 11.1 and 11.2.

5. For any hour of travel or other activity outside his regular duty hours as defined in Rules 11.1 and 11.2.
6. For any hour of a holiday or other non-work day which occurs while he is on leave without pay.

#### 11.6 Carrying Leave Forward.

- (a) Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.
- (b) Repealed, effective March 15, 1973.

#### 11.7 Use of Annual Leave.

- (a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.
- (b) Annual leave shall not be charged for non-work days.
- (c) The minimum charge to annual leave records shall not be less than one-half hour.

#### 11.8 Repealed, effective December 17, 1957.

#### 11.9 Enforced Annual Leave.

- (a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.
- (b) No employee shall be required to reduce his accrued annual leave to less than 240 hours; however, subject to the military leave provisions of Rule 11.26, an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.

#### 11.10 Payment For Annual Leave Upon Separation.

- (a) Subject to Sub-section (b) of this Rule each employee upon separation from the Classified Service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is terminated for theft of agency fund or property. The payment for such

leave shall be computed as follows:

1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.
  2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.
- (b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay at the time of his separation.
  - (c) No payment for annual leave under this Rule shall operate to continue the payee as a Classified employee beyond the last day of active duty.
  - (d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon termination in accord with such rules or regulations.
  - (e) When an employee who has been paid under this Rule for accumulated annual leave is re-employed in a classified position, he shall pay the Department which re-employs him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement.
  - (f) Repealed and reenacted as Sub-section (d)6 of Rule 11.5, effective July 1, 1973.
  - (g) Repealed, effective June 8, 1983.

11.11 Repealed, effective December 17, 1957.

11.12 Repealed, effective December 17, 1957.

11.13 Use of Sick Leave.

- (a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:

1. Illness or injury which prevents him from performing his usual duties.
  2. Medical, dental, or optical consultation or treatment.
  3. Repealed, effective January 1, 1963.
- (b) Sick leave shall not be charged for non-work days.
- (c) The minimum charge for sick leave shall be one-half hour.
- (d) Repealed, effective June 30, 1972.

#### 11.14 Certificate Required When Sick Leave Taken.

An employee who has taken sick leave shall file with his appointing authority a certificate stating the cause of his absence and the amount of time taken. The appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill and unable to report to work.

11.15 Repealed, effective July 11, 1984.

11.16 Repealed, effective December 17, 1957.

11.17 Repealed, effective December 17, 1957.

#### 11.18 Cancellation or Continuance of Annual and Sick Leave.

- (a) All annual leave accrued by an employee whose services are terminated for cause except that for which he must be paid, and all sick leave accrued by him shall be canceled at the time of termination.
- (b) All annual leave accrued by an employee for which he is not paid upon being laid off and all sick leave accumulated by him shall again be credited to him if he is re-employed within five years following his layoff: provided, that this Subsection shall apply only to a laid off employee who is re-employed on or after January 1, 1972.
- (c) Repealed, effective December 17, 1957.
- (d) Subject to the provisions of Rule 11.19(c), all annual leave accrued by an employee for which he is not paid upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is later employed with probationary, or permanent appointment status in the

classified service within a period of five years from date of separation; provided, that the privileges of this Rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

- (e) Subject to the provisions of Rule 11.19 and Subsection (d) hereof, all annual leave for which he is not paid upon resignation and all sick leave accrued by an employee who resigns shall be canceled.

#### 11.19 Transferring Annual and Sick Leave Between Departments.

- (a) Repealed, effective July 1, 1973.
- (b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.
- (c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.
- (d) The annual and sick leave credits of an unclassified employee, earned under the provisions of an Executive Order of the Governor, who enters the Classified Service without a break in service on one or more working days, shall be certified and credited in the same manner as provided in this Rule for classified employees.

#### 11.20 Repealed, effective December 17, 1957.

#### 11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

- (a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.
- (b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's



compensation equal to his regular salary.

- (c) may be granted leave without pay.

#### 11.21.1

- (a) When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the Director, grant such disabled employee a leave of absence with full pay not to exceed six months during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his Department all amounts received by him as Workmen's Compensation benefits. Requests for such leave shall be submitted in writing by the appointing authority and shall include all information necessary to determine whether an employee is covered by this Rule.
- (b) If a request, made in accordance with the provisions of Subsection (a) of this Rule, is found to be questionable or if the leave requested exceeds or later extends beyond six months, the Director shall submit such request to the Commission for its review and approval.

11.22 Repealed, effective December 16, 1957.

#### 11.23 Civil, Emergency, and Special Leave.

An employee shall be given time off without loss of pay, annual leave, or sick leave when

- (a) Performing jury duty.
- (b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this Subsection a plaintiff or defendant shall not be considered a witness, nor shall this Subsection apply to an employee summoned as a witness as a result of employment other than State employees.
- (c) Performing emergency civilian duty in relation to national defense.
- (d) His appointing authority determines that he is prevented by an act of God from performing duty.
- (e) Amended and Re-enacted effective January 11, 1989 as Rule 11.23.2.

- (f) Participating in a State Police Commission examination on a regular work day, or taking a required examination pertinent to the examinee's State employment, before a State licensing board.
- (g) The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.
- (h) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- (i) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace of property of the people.
- (j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.
- (k) The employee is a current member of a Civil Air Patrol and incident to such membership is order to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meeting or training conducted during such meetings.

#### 11.23.1 Funeral Leave.

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed three (3) days on any one occasion.

#### 11.23.2 Voting Leave.

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

#### 11.24 Educational Leave.

- (a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.
- (b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his Department, provided that a permanent employee may be granted such leave for a maximum of ninety calendar days in one calendar year if the Department requires him to take special training.
- (c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

#### 11.25 Repealed, effective June 30, 1972.

#### 11.26 Military Leave.

##### (a) Military Leave with Pay.

1. Provided advance notice is given, employees serving on probationary or permanent status, who are members of a Reserve Component of the Armed Forces of the United States, shall be entitled to military leave with pay. Notice shall be in writing. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is fifteen (15) working days per calendar year, except that it shall be limited to fifteen (15) working days for each tour of active duty.

##### (b) Use of Annual and Compensatory Leave for Military Purposes.

1. Employees serving on probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or

unreasonable.

(c) **Use of Leave Without Pay for Military Purposes.**

Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified service.

(d) **Rights Upon Return.**

Probationary and permanent employees returning to their classified positions under the provisions of this Rule or Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.

(e) **A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay:**

- (1) (a) If paid leave was utilized during the entire period of voluntary service, shall be credited with the value of annual and/or compensatory leave represented by the difference in military base pay and state base pay in the same proportion as that annual leave and/or compensatory time was utilized during the period of involuntary service, and said credit shall be in the form of restoration of such leave; or
- (b) If leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or,
- (c) If leave without pay was utilized for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, part (a) shall apply; and,

Without regard to whether the military base pay was less than the State Police Trooper base pay:

2. shall be allowed fifteen (15) working days per calendar year of military leave with pay;
  3. and shall continue to accrue sick and annual leave for a period not in excess of one year from the beginning date of involuntary service on the same basis as though he had not been activated and be credited such leave and all emoluments upon return from active duty as though he had not been activated;
  4. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;
  5. and shall not be subject to separation for the duration of the resulting involuntary active duty, provided he returns to employment within ninety days after his release from active duty; and
  6. and may repurchase in one payment only all or part of any annual leave utilized during the period of involuntary service within twenty-four months from return to active state service.
- (f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection (e) of this rule.

#### 11.27 Leave of Absence Without Pay.

- (a) An appointing authority may extend leave of absence without pay to an employee for a period not to exceed one year, provided that such leave shall not prolong the period of his appointment.
- (b) After presenting justifiable reasons in writing to the Director and with the approval, an appointing authority may extend to a permanent employee leave of absence without pay for a period or periods in excess of one year.
- (c) The appointing of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

- (d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration.
- (e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier day upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.
- (f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).
- (g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

#### 11.27.1 Leave of Absence to Assume Unclassified Position.

- (a) Notwithstanding the provision of Rule 11.27(a) and/or (b), upon the acceptance by a permanent employee of a position in the unclassified State Police Service, the employee shall be placed on a leave of absence without pay. The leave of absence shall continue until the employee leaves the unclassified position by termination or resignation.

Upon placing the employee on such leave of absence, that employee's position and all vacancies within the chain of command created by the filling of that position may only be filled on a permanent basis.

- (b) An employee, who has been placed on a leave of absence without pay under the provisions of Subsection (a) hereof, shall be restored to duty, in pay status, on the first working day following the effective date of their termination or resignation from their unclassified position.

If, without valid excuse, the employee fails to report for or refuses to be restored to duty in pay status as provided for in the preceding paragraph, he or she shall be considered as having deserted their position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.

- (c) A probationary employee shall not be placed on leave to serve in an unclassified position.
- (d) If, upon the return of an employee from an unclassified position, their classification position is occupied, the employee with the greatest length of total state service shall retain that position. In such case, the employee with the lesser amount of total state service shall be displaced from that position in accordance with the provisions of Chapter 17.

#### 11.28 Holidays.

- (a) An employee who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Rule 6.23(a).
- (b) When a holiday falls on an employee's regular day off, and the appointing authority required the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only of the two days as the employee's official holiday for overtime compensation as provided by Rule 6.23. The other day is to be compensated as regular overtime work.
- (c) Repealed, effective June 7, 1989.

#### 11.29 Compensatory Leave.

- (a) Subject to provision of Subsections (b) and (g) of this Rule, and in accordance with Rule 6.18 through 6.27 and the requirements of Federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the option of the appointing authority, be credited with compensatory leave for the hours he has been required to work.
- (b) Compensatory leave shall not be credited to any employee in the classified service while he is serving on an intermittent basis.
- (c) Subject to the provisions of Subsections (e) and (f) of this Rule, compensatory leave credited to an employee may be used by him, with the approval of his appointing authority.

- (d) An employee who has been credited with compensatory leave may be required, by his appointing authority, to take all or part of such leave at any time.
- (e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:
  - 1. All unused compensatory leave earned at the time and one-half rate and credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at one of the rates below, whichever is higher:
    - (a) The average regular rate received by the employee during the last three years of his employment, or
    - (b) The final regular rate received by the employee.
  - 2. All unused compensatory leave earned hour for hour and credited to an employee may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.
  - 3. All unused compensatory leave earned hour for hour, if not paid to the employee upon separation shall be canceled upon his separation or transfer from the department in which he earned it. Such leave shall not be re-credited to him upon his reemployment in that or any other department.
- (f) Caps on accumulation of compensatory leave are found under the provisions of Rule 6.25. Excess accumulation of compensatory leave earned hour for hour (non-Fair Labor Standards Act) will be canceled at the end of the calendar year.
- (g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people, he may require such employees to perform overtime duty; and the provisions of Rules 11.29(a), 6.20, 6.21, 6.22, and 6.23 shall not apply to such duty unless such overtime is required by Federal rules, statutes, regulations, and judicial decisions.
- (h) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(f).



(i) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).

(j) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).

11.30 Repealed, effective December 17, 1957.

11.31 Forms.

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957.

11.33 Repealed, effective December 17, 1957.

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), the appointing authority may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled work week. The policy must have the approval of the State Police Commission prior to implementation. At minimum, the policy must include the following conditions and elements:

1. The policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per calendar year.
2. The policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.
3. The policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 540 hours during one calendar year.
4. The policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.
5. The policy shall define a procedure for administering the leave pool.
6. The policy shall establish a prohibition against the use of coercion or pressure to donate leave.

7. The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with State Police Commission Rules.
8. The leave pool may be either:
  - (a) a pool consisting of leave hours donated and used; or
  - (b) a pool consisting of the dollar value of the leave donated and used.