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General Circular No. 175

Date: August 26, 2015

Subject: Announcement of Public Hearing Regarding Revision of State Police Commission Rule Chapter 3: Duties of the Director and Chapter 4: Persons governed by these Rules. - This General Circular Supersedes Previous General Circular No. 172

Pursuant to the provisions of State Police Commission Rule 2.10 (a), the State Police Commission will hold a public hearing at 9:00 a.m. on September 10, 2015, to consider the revision of State Police Commission Rule Chapter 3: Duties of the Director and Chapter 4: Agencies and persons governed by these Rules.

CHAPTER 3

DUTIES OF THE DIRECTOR

3.1 Duties of the Director

It shall be the duty of the Director

- (a) To serve as the executive and administrative head of the State Police Commission and direct and supervise all of ~~the Commissions~~ **its** administrative ~~and technical activities~~ functions.
- (b) To attend all meetings of the Commission and to act as its secretary and keep minutes of its proceedings.

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- (c) To establish and maintain a roster of all employees within the State Police Service, which roster shall indicate as to each employee the class title of the position held, the salary or pay, any change in class title, pay or status and any other necessary data.
- (d) To appoint, ~~and review,~~ remove and otherwise discipline, ~~unclassified State Police Commission personnel, under the provisions of the State Police Service Commission Article and Rules, such employees of the State Police Commission, such personnel~~ and such experts and special assistants as may be necessary to carry out effectively the provisions of the State Police ~~Service Commission~~ Article and Rules, ~~and exercise powers and duties to the extent prescribed by the Commission appointing him.~~
- (e) Consistent with the ~~State Police Service~~ Article and the Rules, to formulate and prescribe procedures, and to publish them in a Personnel Manual; conduct examinations; maintain a list of eligibles; and to certify qualified persons for appointment within the State Police Service. ~~Permanent appointments and promotions in the classified State Police Service shall be made only after certification by the Director under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive.~~
- (f) To develop, in cooperation with the appointing authority of the Office of State Police ~~and others,~~ training, educational, and safety programs for all employees governed by the ~~State Police Service~~ Article.
- (g) ~~Implement policies as well as create a strategic plan with annual goals and objectives to include the financial and administrative management of the agency. To make and publish annual reports regarding the work of the Commission, and such special or other reports upon request by the Commission. to the Commission and the Governor as he considers desirable.~~

- (h) To perform any other acts or functions which are necessary or desirable to carry out the purposes of the ~~Article or these Rules, or such acts or functions which he may be directed to perform by the Commission or its Chair.~~ State Police Service Article, or which he may be directed to perform by the Commission or the Chairman.
- (i) To serve as referee in employee appeals or to appoint ~~a member of the State Police Commission,~~ the Commission's Attorney to serve as referee when needed.
- (j) Subject to review by the Commission, to prepare and submit budget requests covering the estimated costs of administering the Commission.
- (k) To act between meetings of the Commission on routine matters requiring Commission approval. Subject to the provisions of Sub-section (n) of this Rule, any such action of the Director shall be reported to the Commission at its next meeting and unless approved by the Commission at such meeting, shall ~~terminate.~~ be rendered invalid.
- (l) To make such investigations as may be necessary to enforce the provisions of the State Police ~~Commis-~~sion Service Article and Rules and to determine the qualifications and suitability of applicants for employment in the Classified Service.
- (m) To establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or the Commission under the State Police ~~Commission~~ Service Article.
- (n) To act between meetings on piecemeal Classification and Pay Plan matters requiring Commission approval. Any such action by the Director shall be reported to the Commission at the next public hearing called to consider Classification and Pay Plan matters and unless approved by the Commission following such hearing, shall terminate.

- (o) To review and approve or disapprove ~~all contracts entered into between the Office of State Police~~ State contracts for personal services, prior to their effective date, between State Police Commission and any instrumentality thereof, or between the State Police Commission and ~~all~~ any persons, firms, corporations or other entities rendering personal services to or on behalf of the ~~Office of State Police~~ State Police Commission. ~~Said contracts shall be submitted to the Director by the Office of State Police prior to the effective date of the contract.~~

~~Upon receipt of the contract, the Director shall approve or disapprove the contract or, where the Director finds that the contract does not provide for services within the State Police Service, the Director shall return the contract without action. In such case, the Director shall state, in writing, the basis for returning the contract. When the Director disapproves a contract, the Director shall state in the instrument of disapproval the position to which such services are or may be assigned.~~

- (p) To develop and propose to the Commission uniform classification and pay plans and amendments thereto.
- (q) To develop and propose to the Commission, rules and amendments thereto governing employment conditions for employees in State Police Service within the Classified Service.
- (r) ~~To require departments and agencies~~ To establish and implement, in accordance with established policy, an affirmative action program to assure equal employment opportunity in the Classified Service of State government.
- (s) To notify the State Police Commission of any proposal which would ~~effect~~ affect the pay of jobs in the protective services, concurrent with the issuance of the State Police Commission monthly agenda and supplemental agenda.

- (t) Present a monthly report to the Commission detailing all expenditures for the previous month. The Director shall also provide, if requested by any commission member, documentation in support of this report.

~~3.2 Amended and re-enacted as Rule 3.1(k) effective March 15, 1966.~~

3.2 Repealed effective September 10, 2015

~~3.3 Amended and re-enacted as Rule 3.1(l) effective March 15, 1966.~~

3.3 Repealed effective September 10, 2015

3.4 Appointment of the Director

- (a) Subject to the provisions of Sub-section (b) of this Rule, the Director shall be appointed by the Commission following competitive examination administered in a manner prescribed by the Commission.

- (b) The Commission ~~shall have access to other provisions of these Rules for the temporary,~~ may appoint a temporary interim ~~appointment of an~~ acting director, if such ~~is~~ becomes necessary, without administering a competitive examination.

(c) The salary of the Director shall be established by the State Police Commission.

3.5 Status of the Director

- (a) The Director shall be employed within the ~~Classified Service of the State~~ Unclassified Service of the State.

CHAPTER 4

~~AGENCIES AND~~ PERSONS GOVERNED BY THESE RULES

4.1 Classified and Unclassified Positions

- (a) All ~~departments and~~ persons subject to the State Police ~~Service Commission~~ Article are governed by these Rules. The State Police Service is divided into the classified and unclassified service. Persons not included in the unclassified service are in the classified service. The State Police Commission shall determine those positions which shall be in the unclassified service and may provide that any such position shall become classified.
- (b) Subject to the provisions of Sub-sections (c) and (d) of this Rule, ~~all officers~~ the following persons are employed in the classified service: all regularly commissioned full-time law enforcement officers employed by the Department of Public Safety and Corrections, Office of State Police, or its successor, who are graduates of the state police training academy course of instruction and are vested with full state police powers, as provided by law, and persons in training to become such officers and employees of the State of Louisiana. ~~are in the Classified Service.~~
- (c) Subject to the provisions of Sub-section (d) of this Rule, the following employees shall be in the unclassified service: ~~the following officers and employees of the State of Louisiana shall be in the Unclassified Service.~~
- (1) ~~Elected officials and persons appointed to fill vacancies in elective offices.~~ The Director of the State Police Commission.
 - (2) ~~The head of each principal executive department appointed by the Governor;~~ The Superintendent of the Department of Public Safety and Corrections, Office of State Police.
 - (3) ~~Registrars of voters.~~ State Police Commission personnel.
 - (4) ~~Members of State boards, authorities and commission.~~
Members of the State Police Commission

- (5) ~~One private Secretary to the president of each college or university.~~

Repealed, effective September 10, 2015

- (6) ~~One person holding a confidential position and one principal assistance or deputy to any officer, board, commission, or authority mentioned in (1), (2), (3), or (4), above, except the State Police Commission.~~

Repealed, effective September 10, 2015

- (7) ~~Members of the military or naval forces.~~

Repealed, effective September 10, 2015

- (8) ~~The teaching and professional staffs, and administrative officers of schools, colleges, and universities of the State, and bona fide students of those institutions employed by any State agency.~~

Repealed, effective September 10, 2015

- (9) ~~Employees, deputies, and officers of the legislature and of the offices of the Governor, Lieutenant Governor, and Attorney General; and of police juries, school boards, and assessors; and of all offices provided for in Constitutional Article V.~~

Repealed, effective September 10, 2015

- (10) ~~Commissioners of elections, watchers, and custodians and deputy custodians of voting machines.~~

Repealed, effective September 10, 2015

- (11) ~~Railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.~~

Repealed, effective September 10, 2015

- (12) ~~Notaries Public~~

Repealed, effective September 10, 2015

- (d) 1. The Director, upon receipt of written justification by the ~~submission by an employing agency the Department of Public Safety and Corrections,~~ the Superintendent of the Office of State Police, may add the following positions to the unclassified

~~service: of written justification deemed adequate by him, may add the following positions to the unclassified service:~~ positions involving duty assignments which are seasonal, temporary, intermittent, part-time or full-time.

2. The Commission, ~~upon submission or adequate justification by the employing agencies and upon considering the recommendations of the Director,~~ may add positions to the unclassified service and may, revoke any position added to the unclassified service under the provisions of this Subsection.
3. The Director may not revoke any position added to the unclassified service by the Commission, but may revoke those positions added by him.

~~4. Repealed, effective April 6, 1978.~~
Deleted, effective September 10, 2015

(e) Repealed, effective November 15, 1993.

The hearing will be held in the Louisiana State Police Commission Suite 208, Office of Management and Finance and OMV Building, 7979 Independence Boulevard, Baton Rouge, Louisiana.

Individuals who wish to comment on this proposal may do so at the public hearing, by writing to the Director of State Police Commission at Post Office Box 66555, Baton Rouge, Louisiana, 708996-6555, or by emailing at cathy.derbonne@la.gov If any accommodations are needed, please notify the Department at (225) 925-4996 prior to the meeting.

Sincerely,

s/Cathy Derbonne
Executive Director