

State Police Commission



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December 30, 1999

Transmittal Sheet No. 26

Subject: Repeal and Reenactment of State Police Commission Rules and Pay Plan

Effective Date: January 1, 1999

The State Police Commission voted to repeal and reenact Chapters 1, 6, 8 and Rules 12.3(b), 17.11(c), (d), (e), (f), 17.19(a), (b), (c) and 17.24(d). Enclosed are complete copies of these chapters for inclusion in your rules.

Also enclosed is a copy of the State Police Pay Plan, Transition Guide and Pay Grid.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Enclosures

STATE POLICE SCHEDULE PAY GRID

January 1, 1999

S A L A R Y R A T E																								
PAY Grade	*	**	***	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	25
P-1	1837	1893	1950	2009	2070	2133	2197	2263	2331	2401	2474	2549	2626	2705	2787	2871	2958	3047	3078	3109	3141	3173	3269	3368
P-2	1966	2025	2086	2149	2214	2281	2350	2421	2494	2569	2647	2727	2809	2894	2981	3071	3164	3259	3292	3325	3359	3393	3495	3600
P-3	2104	2168	2234	2302	2372	2444	2518	2594	2672	2753	2836	2922	3010	3101	3195	3291	3390	3492	3527	3563	3599	3635	3745	3858
P-4	2252	2320	2390	2462	2536	2613	2692	2773	2857	2943	3032	3123	3217	3314	3414	3517	3623	3732	3770	3808	3847	3886	4003	4124
P-5	2325	2395	2467	2542	2619	2698	2779	2863	2949	3038	3130	3224	3321	3421	3524	3630	3739	3852	3891	3930	3970	4010	4131	4255
P-6	2488	2563	2640	2720	2802	2887	2974	3064	3156	3251	3349	3450	3554	3661	3771	3885	4002	4123	4165	4207	4250	4293	4422	4555
P-7	2570	2648	2728	2810	2895	2982	3072	3165	3260	3358	3459	3563	3670	3781	3895	4012	4133	4257	4300	4343	4387	4431	4564	4701
P-8	2750	2833	2918	3006	3097	3190	3286	3385	3487	3592	3700	3811	3926	4044	4166	4291	4420	4553	4599	4645	4692	4739	4882	5029
P-9	2840	2926	3014	3105	3199	3295	3394	3496	3601	3710	3822	3937	4056	4188	4304	4434	4568	4706	4754	4802	4851	4900	5047	5199
P-10	3039	3131	3225	3322	3422	3525	3631	3740	3853	3969	4089	4212	4339	4470	4605	4744	4887	5034	5085	5136	5188	5240	5398	5560
P-11	3139	3234	3332	3432	3535	3642	3752	3865	3981	4101	4225	4352	4483	4618	4757	4900	5047	5199	5251	5304	5358	5412	5575	5743
P-12	3359	3460	3564	3671	3782	3896	4013	4134	4259	4387	4519	4655	4795	4939	5088	5241	5399	5561	5617	5674	5731	5789	5963	6142
P-13	3469	3574	3682	3793	3907	4025	4146	4271	4400	4532	4668	4809	4954	5103	5257	5415	5578	5746	5804	5863	5922	5982	6162	6347

Salary Rates #1 through #25 represent Years of State Police Officer Service.

STATE POLICE SCHEDULE PAY GRID

Salary adjustments between each salary rate from * through #15 and for #20 and #25 for all pay ranges are equal to 3%.
Salary adjustments between each salary rate from #15 through #19 are equal to 1%.

- * denotes entrance salary
- ** denotes salary upon graduation from the State Police Training Academy/POST Certification
- *** for P-1 denotes Cadet salary upon successful completion of Field Training Officer Program
- *** for P-2 through P-13 denotes salary upon six (8) months of State Police Service
- P-2 Salary Rate #1 denotes Cadet Salary Upon Reallocation to State Police Trooper
- P-3 Salary Rate #10 denotes State Police Trooper Salary Upon Reallocation to State Police Master Trooper after Ten (10) Years of State Police Service.

STATE POLICE PAY PLAN
EFFECTIVE JANUARY 1, 1999

JOB CODE	JOB TITLE	PAY LEVEL
133380	STATE POLICE CADET	P-1
143120	STATE POLICE TROOPER	P-2
154730	STATE POLICE MASTER TROOPER	P-3
	(No job title(s) assigned to this pay level at the present.)	P-4
143130	STATE POLICE SERGEANT	P-5
	[No job title(s) assigned to this pay level at the present.]	P-6
143140 133990 133550 113610	STATE POLICE LIEUTENANT; STATE POLICE POLYGRAPHIST; STATE POLICE TECHNICAL SUPPORT OFFICER; and STATE POLICE PILOT	P-7
113700 133660	STATE POLICE MASTER PILOT, and STATE POLICE FINANCIAL INVESTIGATOR	P-8
133390	STATE POLICE CAPTAIN	P-9
141210	STATE POLICE DEPUTY COMMAND PILOT	P-10
133460	STATE POLICE MAJOR	P-11
141210	STATE POLICE COMMAND PILOT	P-12
133400	STATE POLICE LIEUTENANT COLONEL	P-13

**TRANSITION GUIDE TO THE JANUARY 1, 1999 PAY PLAN
AND STATE POLICE PAY SCALE SUMMARY**

JOB TITLE	CURRENT PAY LEVEL	PROPOSED PAY LEVEL
STATE POLICE CADET	SPS-13*	P-1
STATE POLICE TROOPER	SPS-14*	P-2
STATE POLICE MASTER TROOPER	SPS-15*	P-3
[No job title(s) assigned to this pay level.]	SPS-16*	P-4
STATE POLICE SERGEANT	SPS-17*	P-5
[No job title(s) assigned to this pay level.]	SPS-18*	P-6
STATE POLICE LIEUTENANT; STATE POLICE POLYGRAPHIST; STATE POLICE TECHNICAL SUPPORT OFFICER; and STATE POLICE PILOT	SPS-19*	P-7
STATE POLICE MASTER PILOT; and STATE POLICE FINANCIAL INVESTIGATOR	SPS-20*	P-8
STATE POLICE CAPTAIN	SPS-21*	P-9
STATE POLICE DEPUTY COMMAND PILOT	SPS-22*	P-10
STATE POLICE MAJOR	SPS-23*	P-11
STATE POLICE COMMAND PILOT	SPS-24*	P-12
STATE POLICE LIEUTENANT COLONEL	SPS-25*	P-13

Current Pay Level reflects previous market grade adjustments (*) above the evaluation level derived from the State Job Evaluation System developed by the Department of State Civil Service for the June 29, 1987 pay plan.

NOTE: Hourly rates are not exact due to rounding up to the whole cent for .005 or greater and down for .004 or less.

CHAPTER 1

DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

Abandonment of Position - the desertion by a Classified employee of his position.

Acceptable Rating - a performance appraisal rating of either "Achieves Results Expected," "Exceeds Results Expected" or "Outstanding."

Allocation - the determination of the job to which a position is deemed to pertain.

Anniversary Date - the date at which an employee is eligible for a merit increase in pay measured from the first date of continuous State Police Service, normally one (1) year from date of hire. All time experienced in the State Police Service is counted as eligible time. If service time has been interrupted by breaks in service, add the composite of all State Police Service experience to the new hire date to determine the employee's anniversary date.

Annual Leave - leave with pay granted an employee for rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

Appointing Authority - the agency, department, board or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to and removals from positions in the State Police Service.

Appointment - the designation, by Chapter 8 of the State Police Commission Rules, of an employee to a certain office and his acceptance thereof.

Article or State Police Commission Article - Article X, Part IV of the Constitution of the State of Louisiana of 1974.

Bona Fide Student - a person enrolled in an accredited high school, college or university in the State, or a person enrolled in a state-operated vocational/technical school, who meets the criteria of such institution to be classified by that institution as a full-time regular student; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose such status because of vacations during the academic year or because of his failure to attend summer school.

Career Field - any one of a job series or group of positions considered having a close occupational relationship and categorized as such by the State Police Commission.

A career field shall include a job series, or series of jobs created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing as updated through the latest Transmittal Sheet dated before the layoff plan is received by the State Police Commission.

Certifiable Scores - a range of scores on a selection procedure which would likely be in the top five grade groups on a certificate of eligibles if one were issued.

Change in Position - for the performance appraisal rating system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.

Class - for these Rules, means the same as 'Job'. (See Rule 1.17.1.1)

Classification Plan - the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.

Classified Position - any office or position in the Classified Service.

Classified Service - any person in the State Police Service, except those specifically placed in the Unclassified Service by these Rules by the Commission or exempt from the Classified Service by the Article.

Commission - the State Police Commission.

Commuting Area - the geographic area in which employees are subject to competition for a layoff, which shall encompass only the parish of the abolished position(s) and all bordering parishes.

Compensation - salary, wages, fees, and special pay considerations authorized under Chapter 6 of these Rules earned by or paid to any employee, because of service rendered in any position.

Continuing Position - an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.

Continuous State Service - uninterrupted status of a Classified employee of a State agency or agencies exclusive of interruption caused by authorized leave of absence, layoff of not more than one year, military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, or separation of not more than thirty (30) calendar days.

Demotion - a change of a permanent or probationary employee from a position of one grade level to a position of a lower grade level.

Department - any legally constituted agency, board or commission whose employees are in the State Service as defined by the Article.

Department Preferred Reemployment List - a list of employees whom we have laid off or otherwise affected off by a layoff (e.g., displaced and/or demoted in lieu of layoff, changed in duty station, reassigned). Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.

Designated Holiday - a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee's regular day off.

Detail to Special Duty - the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.

Director - the Director of the State Police Commission.

Discrimination - consideration in the appointment, removal, discipline or any other action which adversely affects a probationary or permanent employee of any non-merit factor including, but not limited to, religious or political beliefs, gender, sexual orientation, race, personal animosity or favoritism or reprisal for actions lawfully taken by an employee.

Efficiency Rating - the service rating of an employee on the basis of satisfactory or unsatisfactory.

Eligible - any person who, after receiving a final passing rating in a State Police Commission examination, is currently on an eligible list.

Employee Affected by a Layoff - one who has experienced any consequence of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.

Exempt - is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.

Furlough - a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.

General Increase - an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.

Hiring Rate - the beginning rate at which persons are hired into a job.

Individual Pay Rate - the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of service in grade, performance or some other basis for establishing variation in employees' merit.

Initial Military Active Duty for Training - training of not less than three months, which is an obligation for members of the Reserve and National Guard who have not previously served on active duty.

Job - a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature which is performed at the same skill/responsibility level. This definition means the same as "Class".

Job Analysis - a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of work behaviors and tasks performed.

Job Appointment - a temporary appointment of an employee for work of a temporary nature or to substitute for another employee. An employee serving in a third successive job appointment shall be considered to have acquired permanent status.

Job Evaluation - a formal process which determines the relative value to be placed on various jobs within the organization.

Job Specification - a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification focuses on the job itself and not any specific individual who might fill the job.

Layoff - the removal of an employee from a position because of a lack of work or funds or for other non-disciplinary reasons not provided for in Rules 12.6 or 12.10.

Layoff Avoidance Measures - action taken by an appointing authority and approved by the Director and/or the commission to help prevent a layoff. These include withholding of merit increases, reductions in pay, reductions in work hours and furloughs.

Leave Without Pay - leave or time off from work, other than a disciplinary suspension as provided for in Chapter 12, which is granted or ordered by the appointing authority and during which the employee receives no pay.

Market Grade Job - a job assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.

Merit Increase - an adjustment to an individual pay rate based on performance, or some other individual equity basis.

Military Active Duty - full-time duty in the active military service, other than active duty for training.

Military Active Duty for Training - full-time paid duty in the active military service for training purposes. This may be indicated on military orders as "ADT" (Active Duty for Training), "FFTD" (Full-time Training Duty), "AT" (Annual Training), or IADT (Initial Active Duty for Training).

Military Training Duty - includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

Minimum - the starting salary or hiring rate of a pay range for a job.

Multiple Restricted Appointment - more than one restricted appointment of one person during any twelve (12) month period when the person's total accumulated time on such appointments will exceed three (3) calendar months.

Official Domicile - is the following:

- a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.
- b) The official domicile of a person in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.

Official Holiday - either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.

Organization Unit - any administrative agency or part thereof designated by rule or regulation hereunder as a unit for purposes of administering these Rules.

Organizational Unit - for purposes of layoff means the area subject to a layoff, as approved by the Director. It shall normally be one of the following:

- (a) One of the state Departments authorized in the Constitution.

- (b) An office headed by a secretary, assistant secretary, or undersecretary, or an office established by law and headed by a comparable official having appointing authority over that office.
- (c) An institution with an appointing authority and supporting services such as a hospital or school.
- (d) A separate state agency or one housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under a statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.

Original Appointment - initial appointment of a person to a classified position by provisional, probationary or job appointment.

Pay Grade - a pay level at which jobs are assigned by job evaluation and/or market adjustment.

Pay Plan - a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.

Pay Range - the range of pay rates from the lowest salary rate to the highest salary rate set for a pay grade.

Pay Structure - the organization of pay grades and ranges or salary rates established for jobs within the classified service.

Pay Structure Adjustment - a change in the salary rates for all pay grades to maintain a general competitive level with the market for recruitment. Individual pay rates will increase accordingly.

Performance Appraisal Rating - the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.

Performance Standard - a statement or description of observable conditions that define the levels of performance for each major task or duty area.

Political Activity - an effort or activity to support or oppose the election of a candidate for political office or, other than party registration, effort or activity to support or oppose a particular party in an election or otherwise.

Position - any office and any employment in the classified Service. Position for job evaluation and pay purposes means a collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.

Preference Employee - an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.

Probationary Appointment - appointment of a person to serve a working test period in a position.

Progress Review - a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

Promotion - a change of a permanent employee in the Classified Service from a position of one job to a position of another job which is assigned to a higher pay grade.

Promotional List - a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.

Provisional Appointment - a temporary appointment of a nonpermanent employee to a position without an adequate eligible list, until the appointed employee demonstrates the required skill level to qualify for the job.

Public Hearing - a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.

Public Employment - employment in any capacity or status, whether appointed or elected, classified or unclassified, by any branch, agency or program of the United States government or any branch, agency or program of any State government or any political subdivision thereof.

Reallocation - a change in the allocation of a position from one job to another in which the duties of the position have undergone a change.

Reassignment - the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same pay range.

Red Circle Rate - an individual pay rate that does not match an established salary rate of the assigned pay grade for the position occupied.

Reemployment - the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.

Regular or Permanent Appointment - the status attained by a classified employee upon the successful completion of his probationary period.

Reinstatement - the restoration to duty and pay status, under the conditions set forth by the restoring authority, of a former classified employee pursuant to an order by the Commission or a court.

Removal or Dismissal - the termination of employment of an employee for cause.

Reserve Component - consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.

Resignation - the voluntary termination, including retirement, by an employee of his employment in the Classified Service.

Restricted Appointment - a temporary appointment of a person to a temporary position or to a temporarily vacant allocated position for a period up to three (3) calendar months.

Retitle - occurs when the revision in the job specifications results in a change in the job title.

Salary Rate - a preestablished and designated rate of pay within the pay range for each job.

Service Rating - the individual rating of an employee, made in accordance with the service rating system established by these rules.

Shift Differentials - extra pay allowances made to employees who work nonstandard hours.

Sick Leave - leave with pay requested by and granted to an employee who is suffering from an illness, disability or other physical condition which prevents him from performing his usual duties and responsibilities or who requires medical, dental, optical or psychological consultation or treatment.

State Service - for layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months, and days as an employee of a State agency or agencies subject to the following:

- (a) periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:
1. All leave without pay not expressly authorized in Subsection (b)9 of this Rule.
 2. State service earned before retirement in any state retirement system by an employee rehired into state service after such retirement.
 3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.
 4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment.
 5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed - WAE) appointment, if such service was acquired after January 1, 1983.
- (b) Periods of time counted as Classified State Service under this definition for layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a)2:
1. All time spent on any type of Classified and/or Unclassified appointment before January 1, 1983.
 2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments converted to probational or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.
 3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.

4. Any military service that interrupts Classified employment, including military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, subject to the provisions of Rule 17.21(a).
5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.
6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 8.27.
7. Periods of time that the layoff avoidance measures stipulated in Rule 17.5(c), 17.12 and 17.13 are in effect for full-time employees shall count as full-time employment.
8. All authorized leave with pay.
9. Authorized leave without pay under the following conditions:
 - a. Any leave without pay taken before January 1, 1983.
 - b. Any period(s) of leave without pay which does not exceed 30 calendar days, if taken after January 1, 1983. Additionally, if any period of leave without pay taken after January 1, 1983 equals or exceeds a 30-calendar day period, i.e., a reportable action to the State Police Commission, 30 days on one reportable period shall be counted in any calendar year, i.e., January 1, 1983 through December 31, 1983.
 - c. To hold an unclassified office, job or position with the State.
 - d. Leave without pay for military purposes as provided in Rule 11.26.

- e. If authorized for educational purposes and approved by the Director. Such education must be required by the agency, pertinent to the job or needs of the agency, and full-time as defined by the educational institution attended, except that a final semester's work toward a degree need not be full-time.
- (c) All periods of Classified State Service not expressly excluded or included in these Rules shall be submitted to the Director for a ruling.

Suspension - the enforced leave without pay of an employee for disciplinary purposes.

Title Change - a change in the title of the class to which a position is allocated without change in the position is allocated without change in the position's duty and responsibility content.

Transfer - the change of an employee from a position in one department to a position in another department without change in probational or permanent status and without a break in service of one or more working days.

Unacceptable Rating - a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory."

Uniform Pay Plan - a pay plan in which the pay structure and administrative rules are uniformly applicable to all agencies for positions of the Classified Service.

Work Period - 14-consecutive calendar days instead of the workweek for computing overtime pay.

CHAPTER 6

PAY PLAN

6.1 Philosophy.

The pay rates for the State's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employees' performance and level of funding available. The State will not be a market leader, but, for the most part, will follow the market as the value of jobs change.

6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with the appointing authority and the state fiscal officer, and after conducting such research as the Director deems appropriate, shall cause to be prepared for submission to the Commission, a uniform pay plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state, depending upon availability of applicants and other factors impacting compensation.
- (b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

6.3 Adoption of Pay Plan.

- (a) Any Pay Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.
- (b) The State Police Commission, upon adoption of a Pay Plan, shall specify the manner in which the Pay Plan is to be implemented.
- (c) A Pay Plan may include, but not necessarily be limited to, an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.
- (d) A Pay Plan or amendment thereto, when adopted by the Commission after public hearing, shall become effective:
 - 1. After approval in its entirety by the Governor; and

2. Subject to appropriation of sufficient funds by the legislature.

6.4 Rates in Pay Plan.

- (a) The pay range for each job shall consist of established salary rates.
- (b) Subject to the provisions of Rules 6.5(e), 6.8(b), 6.10(c), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at an established salary rate within the range of the job to which the position is allocated.

6.5 Hiring Rate.

Pay upon employment shall be at the lowest salary rate of the range established for the grade of the job to which the position is allocated except:

- (a) Job Appointment.

The pay of a job appointee shall not be reduced when an employee who has been earning more than the hiring rate for the job occupied is then probationally appointed to a position in the same job without a break in service of one or more working days.

- (b) Special Entrance or Retention Rates.

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range for the job in a limited geographical area or for positions in a job where employment conditions are unusual.

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applied to any salary up to but not to exceed the amount of the percent difference between the special rate and the current hiring rate.
2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.

3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be set at any salary rate in the range that does not exceed the highest salary the employee previously earned while serving with permanent status in a classified position other than detail to special duty and does not exceed the salary rate designated for the total number of years of State Police Service by the employee. If the range for the job has been adjusted and the range hiring rate is higher than the employee's former salary, the employee will enter at the hiring rate. If the value of the salary rate column equal to the total number of years of State Police Service acquired by the employee has been raised since the employee's separation, their pay may be set at the higher rate. If the former salary is higher than the range highest salary rate, the employee's pay rate shall be set no higher than the range highest salary rate. The appointing authority may, at any time and to the extent permitted by other provisions of these Rules, grant any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was separated for delinquency, misconduct or unsatisfactory performance, or who resigned to avoid disciplinary action.

(d) Return From Military.

Subject to Rule 8.19, when an employee returns from military service and is restored to duty in their former, equivalent, or lower position, the employee's pay shall be set at the rate earned before leaving the classified State Police Service. If the job or equivalent job had been upgraded or any pay adjustments granted, the employee shall be granted a pay rate reflecting the impact of these adjustments, as though the employee had been in that job at the time of the adjustments. If the employee's rate of pay does not match that of the established salary rate for the total years of State Police Service in the grade assigned to the position the employee will occupy, the employee's salary rate shall be red circled in accordance with the provisions of Rule 6.15.

- (e) The Director, with the approval of the Commission, may establish special hire rates for workers employed by the appointing authority which administers federal funds for use in this state, either directly or indirectly, or as a grant-in-aid or to be matched or otherwise, provided

the appointing authority is required to, by rule or regulation of, or contract with, a participating federal authority to pay such special rates, except that the appointing authority must comply with the minimum wage rate, as prescribed and required by Federal rules, statutes, regulations and judicial decisions, which such minimum rate is more than that provided for in these rules.

6.5.1 Pay Upon Appointment From a Department Preferred Reemployment List.

Subject to Rule 6.14, the pay of a person appointed from a department preferred reemployment list may be set no higher than the employee's rate of pay at the time of the layoff or displacement action, which entitled the employee to placement on the preferred list from which they are appointed, or at the employee's current rate if such rate is higher based on other provisions of these Rules. Never shall the rate of pay be higher than the range highest salary rate for the class to which appointed.

6.6 Market Rate Job Assignment.

- (a) When the pay range for the grade to which a job is currently assigned either is not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Director may, in accordance with Rules 6.1 and 3.1(n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.

6.7 Rate of Pay Upon Promotion.

- (a) When an employee is promoted to a position in a higher grade, their pay shall be the rate of pay established for the corresponding salary rate at the higher grade.
- (b) When an employee has been detailed with pay to a higher job and is promoted to that same job directly from the detail, their pay eligibility on promotion shall not be less than they received on detail.

6.8 Pay Upon Grade Assignment.

When the Director assigns a job to a different grade or reallocates a position from one job to another:

- (a) If the job to which the position is allocated is in a higher grade or if the job is assigned to a higher grade, the affected employee's pay shall be set in accordance with Rule 6.7.

- (b) If the job to which the position is allocated is in a grade lower than the current job or the job is assigned to a lower grade, the affected employee's pay will not change, but shall be subject to the provisions of Rule 6.15.
- (c) If the job to which the position is allocated is in the same grade, or if the job is assigned to the same grade level, the employee's pay shall not change.

6.9 Pay Upon Reassignment.

When an employee is reassigned to another position, their rate of pay shall not be reduced without their permission.

6.10 Rate of Pay Upon Demotion.

- (a) When an employee is demoted for disciplinary reasons or in lieu of layoff required solely by budgetary reasons, the appointing authority may set the employee's pay at any salary rate within the lower pay range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee.
- (b) When an employee takes a voluntary demotion, their rate of pay in the lower grade shall be set at a salary rate within the lower range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee as agreed to by the employee and the appointing authority.
- (c) When an employee is involuntarily demoted for non-disciplinary reasons, their pay shall not be changed except for layoffs required solely by budgetary cuts and Rule 6.15 shall apply.

6.11 Rate of Pay on Detail to Special Duty.

When an employee is detailed to special duty, their pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, their pay shall be increased to the rate they could receive upon promotion to such position, provided:

- (a) Any such temporary increase granted the employee shall not affect their eligibility for pay increases which they would have acquired in their regular position had they not been detailed.
- (b) At the conclusion of the detail, the employee's pay shall revert to their authorized rate of pay in their regular position.

6.12 Compensation for Part-Time Services.

- (a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.
- (b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.
- (c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

6.12.1 Compensation for Holidays.

Employees shall be eligible for compensation on holidays observed, except:

- (a) When the employee's regular work schedule averages less than 20 hours a week;
- (b) When the employee is on restricted appointment;
- (c) When the employee is on leave without pay immediately preceding and following the holiday period; or
- (d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment.

- (a) No payment for personal services shall be made by the appointing authority or fiscal officer thereof to any employee in the classified service until after certification by the Director that such payment, and the amount thereof, is authorized and is in conformity with these rules, unless otherwise provided herein. The Director's approval of forms relating to personnel transactions described in Chapter 15 of these rules shall constitute certification for this rule.
- (b) If payments are made to an employee discovered to be unauthorized or not in conformity with these rules, the Director shall issue appropriate orders concerning restitution to the employee or recovery of overpayment.

6.14 Merit Increases.

- (a) When applying the merit increase, the employee's current pay increases to the rate of pay established for the higher salary rate immediately following the employee's current rate within the pay range for which the employee's job is assigned.
- (b) Upon a new employee's successful completion of the State Police Training Academy, they become eligible for and may be granted a merit increase provided that the appointing authority has determined their performance merits such an award.
- (c) At the end of the new employee's Field Training Officer (FTO) program, or, if the new employee's position does not require participation in the Cadet FTO program and the new employee has been continuously employed without a break in service of one or more working days for eight (8) months, the employee becomes eligible for and may be granted an additional merit increase provided that the appointing authority has determined their performance merits such an award.
- (d) At the end of each one-year period of continuous employment following the employee's original appointment, the employee may be granted an additional merit increase, not exceeding the salary rate designated for 20 years of State Police Service, if the appointing authority has determined that their performance merits such an award. This date of eligibility shall be known as an anniversary date and shall not change through such continuous employment within the classified service. Upon the employee's twenty-fifth year anniversary in the State Police Service, they become eligible for and may be granted a final merit increase, if the appointing authority has determined that their performance merits such an award.
- (e) The appointing authority may, at any time within three (3) years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which they have attained eligibility provided the employee has not received an unsatisfactory service rating for the applicable year(s). A part-time employee shall receive the same credit they would receive if they were employed on a full-time basis.
- (f) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the highest established salary rate for the range to which the position is assigned.

- (g) An employee's eligibility for the increases authorized in Subsections (b), (c), and (d) shall not be interrupted by time served in the military service if they are reemployed under the provisions of Rule 8.19.
- (h) A former employee who is reemployed following a break in service of one or more working days, except those appointed from a department preferred reemployment list and except those who are restored to duty, under the provisions of Rule 8.19, upon return from military service, shall be considered a "new" employee within the meaning of this rule.
- (i) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.
- (j) An employee who has a current service rating of unsatisfactory shall not be eligible for any increase under the provisions of this rule.
- (k) A former employee who is reemployed following certification from a department preferred reemployment list within a year of the layoff date shall retain the anniversary dates and merit increase eligibilities earned under subsections (b), (c), (d), and (e) for which they have not been granted an increase. If reemployed from a preferred list after one year, they shall be considered a new employee with regard to the establishment of their anniversary date and merit increase eligibility.
- (l) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on their individual pay rate in the higher job.

6.15 Red Circle Rates.

- (a) Rates that fall precisely on an established salary rate become the employee's authorized individual pay rate.
- (b) Individual pay rates that fall between established salary rates become temporary red circle rates and remain in effect until the employee becomes eligible for and receives an increase which places their salary on an established salary rate. Individuals whose salary rates are temporarily red circled shall be eligible for any other pay adjustments provided for in the rules.
- (c) Individual pay rates that fall above the highest salary rate established for the grade become red circle rates and remain in effect until the range catches up with the rate. However, eligibility for a red circle rate above

the highest salary rate grade is lost upon separation from State Police Service, demotion, or promotion. Individuals whose salary rates are red circled above the highest salary rate shall not be eligible for any other pay adjustments provided for in the rules.

(d) Red circle rates are assigned under the conditions outlined below:

- (1) When the job to which a position is allocated is assigned to a lower grade.
- (2) When a position is reallocated to a job assigned to a lower pay grade.
- (3) When an adjustment to the pay structure lowers the range for the grade to which a job is assigned.
- (4) When positions are declared to be in the classified service and the employee's current rate of pay falls above the highest salary rate of the range for the grade of the job into which the position(s) are allocated.
- (5) When the employee's pay exceeds the highest salary rate of an approved market grade.
- (6) When an employee has returned from military duty and their pay is set for an amount other than an established salary rate under the provisions of Rule 6.5(e).
- (7) When an employee's pay does not match an established salary rate due to an involuntary demotion for non-disciplinary reasons under the provisions of Rule 6.10(c).

6.16 Special Pay Rates.

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

(a) Shift Differential.

In order to remain competitive with the pay practices of market competitors, additional pay may be authorized for shift work or other non-standard work hours.

(b) Extraordinary Duty.

Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of their regularly assigned duties.

(c) Individual Pay Adjustment.

When the appointing authority requests, and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant a special adjustment in pay for individual employees.

(d) The appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.

(e) Premium Pay.

In order to provide a special pay rate to apply to situations which other rules do not cover, the State Police Commission may authorize premium pay for positions in a job where employment conditions are unusual, to remain competitive with the pay practices of market competitors.

(f) The special pay rates authorized by the Rule shall not be effective until approval by the Commission at a public hearing.

6.17 Pay On Entering the Classified Service

An employee who enters the classified service because their position has been declared to be in the classified service shall have their pay established as follows:

- (a) If the employee's current rate of pay falls on an established salary rate within the range, their rate of pay shall remain the same.
- (b) If the employee's current rate of pay is below the range hiring rate, it shall be brought to the range hiring rate.
- (c) If the employee's current rate of pay is above the range highest salary rate, Rule 6.15 shall apply.
- (d) If the employee's current rate of pay is between salary rates, Rule 6.15 shall apply.

6.18 Definition of Overtime Hour.

An overtime hour is an hour worked by an employee at the direction of the appointing authority:

- (a) On the employee's official holiday; or
- (b) In excess of the regular duty hours in a regularly scheduled workday, as designated under Rule 11.1(c), or 11.2(b); or
- (c) In excess of the regular duty hours in a regularly scheduled workweek, as designated under 11.1(c) or 11.2(b); or
- (d) In excess of forty hours worked during any regularly recurring and continuous seven-day calendar work period, where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked;
- (e) In excess of eighty hours worked during any regularly recurring and continuous bi-weekly calendar work period, where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked;
- (f) In excess of the hours worked in a regularly established, continuous and regularly recurring work period, where hours average forty hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked; or
- (g) A day on which the department, or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provisions of Section B(5) of LSA.R.S. 1:55.

6.19 Methods of Compensation for Overtime Hours Worked.

Compensation for overtime, if applicable, shall be one of the following:

- (a) Cash payment at the time and one-half rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of the employee's wages under the Fair Labor Standards Act may be included in calculating the rate of pay at time and one-half.)
- (b) Cash payment at the regular rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of

goods and/or facilities which are regarded as part of wages under the Fair Labor Standards Act shall not be included in calculating the rate of pay at the regular rate.)

- (c) Compensatory leave earned hour for hour.
- (d) Compensatory leave earned at the time and one-half rate.

6.20 Options for Full-time Employees for Overtime Hours Actually Worked in Excess of Eighty Hours Per Work Period.

As provided by Rule 6.24, the appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 80 hours per work period.

<u>FLSA STATUS</u>	<u>OPTIONS</u>
(a) Nonexempt	(1) Cash payment at time and one-half rate; or (2) Compensatory leave earned at time and one-half rate.
(b) Exempt	(1) Cash payment at regular rate; or (2) Compensatory leave earned hour for hour; or (3) No overtime compensation.

6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Eighty Hours per Work Period Due to Holidays Observed or Leave Taken.

The appointing authority shall select and use one of the applicable options listed below for those overtime hours not actually worked in excess of eighty hours per work period due to holidays observed or leave taken.

<u>FLSA STATUS</u>	<u>OPTIONS</u>
(a) Nonexempt	(1) Cash payment at regular rate; or (2) Compensatory leave earned hour for hour.

- (b) Exempt
 - (1) Cash payment at regular rate; or
 - (2) Compensatory leave earned hour for hour; or
 - (3) No overtime compensation.

6.22 Overtime Options for Part-Time Employees.

The appointing authority shall select and use one of the applicable options for:

- (a) A regular part-time employee who works in excess of their scheduled workday or work period, but does not work in excess of eighty hours in a work period:
 - 1. Cash payment at regular rate; or
 - 2. Compensatory leave earned hour for hour.
- (b) A regular part-time employee who works in excess of eighty hours per work period and is nonexempt shall be compensated in accordance with Rule 6.20.
- (c) A regular part-time employee who works in excess of eighty hours per work period and is exempt:
 - 1. Cash payment at regular rate; or
 - 2. Compensatory leave earned hour for hour.
- (d) An intermittent employee:
 - 1. Overtime for work in excess of eighty hours per work period by nonexempt employees shall be compensated in accordance with Rule 6.20; or
 - 2. Overtime for work in excess of eighty hours per work period by exempt employees shall be compensated by cash payment at the regular rate; or
 - 3. Work not in excess of eighty hours per work period is not considered overtime.

6.23 Overtime Options for Work on Holidays.

- (a) The appointing authority shall select and use one of the applicable options for overtime work not in excess of eighty hours per work period performed on holidays.

FLSA STATUS

OPTIONS

1. Nonexempt

- (a) Cash payment at time and one-half rate; or
(b) Cash payment at regular rate; or
(c) Compensatory time earned hour for hour.

2. Exempt

- (a) Cash payment at regular rate; or
(b) Compensatory time earned hour for hour; or
(c) No overtime compensation.

- (b) Work performed in excess of eighty hours per work period shall receive overtime compensation in accordance with Rule 6.20, whether or not work is performed on a holiday.

6.24 Special Overtime Pay Provisions (Fair Labor Standards Act, Section 7)

The appointing authority may use any of the special overtime pay provisions permitted by the Fair Labor Standards Act; however, if an employee actually works in excess of full-time hours during the pay period, but less than the number of hours required to be treated as overtime under FLSA, Rule 6.20 shall only apply for such overtime hours.

6.25 Caps on Accumulation of Compensatory Leave.

- (a) Employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.
(b) Once the maximum balance of compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of forty hours per week must be paid to an eligible employee in cash at the time and one-half rate.

- (c) Compensatory leave earned hour for hour may be accrued up to a maximum of 360 hours in any calendar year. Transfer, cancellation and crediting of compensatory leave is provided for under the provisions of Rule 11.29.

6.26 State Police Commission Review of Nonexempt Positions.

- (a) It is the responsibility of the appointing authority on an ongoing basis to determine whether an employee occupying a position should be considered nonexempt under the Fair Labor Standards Act. Such employees must be paid in accordance with the Fair Labor Standards Act, and prior approval from the Director is unnecessary. Following such determination, the appointing authority shall provide the Director with a listing of such job titles and number of positions.
- (b) Such listing will be reviewed by the Director in order to serve as a check to insure an understanding of the FLSA exemptions and to compare with information provided for classification purposes.

6.27 Exceptions to the Overtime Rules.

Exceptions to the Rules on overtime compensation are as follows:

- (a) For positions which are exempt under the Fair Labor Standards Act, the Commission may grant authority to use any of the options for overtime compensation when:
 - 1. The appointing authority petitions the Commission for this authority. The Commission, may, with such restrictions as it deems appropriate, permit the use of time and one-half compensation to employees who occupy exempt positions.
 - 2. The Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs. Such authorizations, when approved, shall be published in a General Circular.
- (b) Unless otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions, cash payment at time and one-half rate, cash payment at the regular rate, and compensatory leave earned at time and one-half rate do not apply for employees:
 - 1. While performing civilian duty, under the administrative supervision of one other than the appointing authority, during an officially declared national, regional or a local emergency.

2. While "on call" away from their duty post.
 3. While attending or traveling to and from conventions, workshops, training courses, study groups and related activities.
 4. While performing duties pursuant to a determination made by the appointing authority under the provisions of Rule 11.29(g).
- (c) All payable compensatory leave earned by an employee, before April 15, 1986, who later separated from the classified service to enter the military, shall be paid for such leave at the time and one-half rate upon restoration to duty in accordance with State Police Commission Rules 8.19, 11.26(a), or 11.26(b). This shall apply only to payable leave for which the employee received no payment and which they did not take before separation.

6.28 On-Call Pay.

- (a) The Director may authorize payment of on-call pay through policy directives which establish guidelines for on-call pay and which establish maximum authorized rates. The Commission may authorize on-call pay at a higher rate than established by the Director.
- (b) Such on-call pay is compensation for hours in excess of the employee's regularly scheduled hours of duty, when they are available for call back to their duty station, work-ready, within a specified period, at the direction of the appointing authority. On-call pay is in addition to the employee's regular pay and is not to be included in computation of overtime payments or terminal leave payments allowed under the provisions of other Sections of the Rules. On-call pay shall not be granted to an employee for their regularly scheduled hours of duty. Further, when an employee is called back they shall be considered in duty status and eligible for applicable overtime compensation.

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 decide those persons eligible for appointment.

8.3 Anticipation of Need.

As far 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) 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 qualification.
- (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 Determination of Availability for Appointment.

- (a) The appointing authority or its 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.

8.7 Appointment of Eligibles from Certificates.

- (a) Except as provided in subsection (b) 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 Director extends the time. In each case of appointment, such appointment shall become effective on the day the appointee begins duty.
- (b) 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, they 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.

8.8 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 twelve (12) months.

8.9 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.

8.10 (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 hiring 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 all 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, before 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 higher position within the department, other than the position to which the employee 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.
2. If the detail exceeds thirty (30) calendar days, within five (5) business days after that, the employee shall be officially detailed into the position, with the approval of the Director. The notice of the official detail shall state the position and class to which the employee has been temporarily assigned, and briefly describe the duties such employee is then performing in the detail, and the anticipated duration of the detail.
3. When an employee is officially detailed to special duty, the employee shall be retroactively paid at the rate they could receive upon promotion to such position, all in accordance with Rule 6.11.
4. 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 or lower 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 title, status or pay.
2. When a temporary duty assignment exceeds thirty (30) calendar days, the appointing authority shall, within five (5) business days after that, report such temporary duty assignment to the Director in writing. The notification shall briefly describe the assigned temporary duties to be performed, and the anticipated duration of the temporary assignment.
3. 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.

8.11 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 State Police 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 hiring rate for the job in which the employee 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 their former position changed in title, provided the former employee meets the minimum qualification requirements.
- (b) No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, unsatisfactory performance or by resignation to escape possible disciplinary action shall be eligible for noncompetitive reemployment under the provisions of this Rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which they were separated or demoted for delinquency, misconduct or unsatisfactory performance.

8.12 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, applies for reemployment within ninety (90) days following discharge or within ninety (90) 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 the appointing authority 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 because of disability sustained during such service, but qualified to perform duties of any other position in the department be restored to such other position, as will provide the employee like seniority, status or pay or other nearest approximation thereof, consistent with the circumstances in the employee's case.

8.13 Promotion.

- (a) Subject to the provisions of Rules 8.7, 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 noncompetitive 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) 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").

8.14 Demotion.

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

8.15 Fingerprinting of Employees.

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

8.16 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.

8.17 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 appointing authority shall terminate the employee from State Police within five (5) days of receipt of such notice.

Chapter 12

Disciplinary Actions, Removals and Resignations

12.1 Appointing Authority.

Disciplinary and other actions authorized by this chapter may be taken only by the appointing authority or his or her designee.

12.2 Cause; Disciplinary Actions.

- (a) A permanent employee may only be disciplined for cause.
- (b) Disciplinary actions include only the following: dismissals, suspensions without pay, reductions in pay, involuntary demotions and written reprimands.

12.3 Restrictions On Suspensions Without Pay and Reductions in Pay.

- (a) Except as provided by Rule 12.5 or as ordered by the Commission or agreed to under Chapter 13 or Chapter 16, a suspension without pay may not exceed 720 working hours.
- (b) No disciplinary reduction in pay may bring an employee's pay below the hiring rate of the employee's range or below minimum wage.

12.4 Administrative Leave Pending Investigation.

- (a) Where, in the judgment of the appointing authority, there is reason to suspect that an employee has engaged in conduct which would warrant disciplinary action, but the appointing authority does not then possess sufficient facts to support a disciplinary action, and the employee's continued presence on the job or performance of his duties reasonably poses a significant hazard or danger to the general health or safety or the efficiency of the public service, the employee may, either verbally or in writing, be placed on Administrative Leave with pay. Such leave shall not reduce the employee's annual or compensatory leave.
- (b) When an employee is placed on Administrative Leave under the provisions of this rule, if feasible, the employee shall first be informed of the intended action and the reasons therefor and the employee shall be given an opportunity to respond verbally at that time. If such is not feasible, or will reasonably significantly endanger the general health or

safety or the efficiency of the public service, such shall not be required and, in that case, the employee shall merely be informed of the action.

- (c) Within fifteen (15) calendar days after the action provided for by this rule, the appointing authority shall provide the employee with such facts which support the action as are then available and which will not violate any confidence between the appointing authority and the investigating, arresting and/or prosecuting authority.
- (d) An action taken under this rule shall not exceed thirty (30) calendar days without the prior approval of the Director. Upon sufficient reasons provided to her by the appointing authority, the Director may allow an extension of the Administrative Leave for an additional thirty (30) calendar days.
- (e) Upon completion of the investigation, the Director and the employee shall be notified in writing of the outcome of the investigation. Should the appointing authority find that cause does not exist for further action against the employee, the employee shall immediately be returned to duty. Should, however, the employee then be disciplined, the employee shall then be given all notices required by Rule 12.7 and/or Rule 12.8.
- (f) Notwithstanding any other provision of these Rules, an Administrative Leave Pending Investigation is not a disciplinary action and may not be appealed to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.

12.5 Suspension or Administrative Leave Pending Criminal Proceedings.

- (a) Upon the arrest or indictment of, or the issuance of a criminal summons to an employee, at the request of the appointing authority, the Commission may allow the suspension of the employee during the pendency of the criminal proceedings. This suspension may be for such duration and under such conditions as the Commission may allow.
- (b) In such cases, the request of the appointing authority shall contain all the details required by Rule 12.8 as are then available to the appointing authority and which will not violate any confidence between the appointing authority and the investigating, arresting and/or prosecuting authority. Such request shall be furnished to the employee at or prior to the time it is furnished to the Commission.

- (c) Prior to approving a suspension under this rule, the Commission shall allow the employee or his attorney a reasonable opportunity to appear before the Commission and respond.
- (d) At the time it considers such request, the Commission may decline the request for the suspension and, instead, place the employee on Administrative Leave with pay during the pendency of the criminal proceedings. Should the Commission do so, such action shall not be appealable to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.

12.6 Non-disciplinary Removals.

- (a) An employee may be removed under the following conditions:
 - 1. When he or she holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided an opportunity to do so, the employee has refused to resign from one of the positions; or
 - 2. When the reason for the dismissal is not the employee's fault or conduct, or when the employee fails to obtain or loses, as a result of conduct that was not work related, a license, commission, certificate or other accreditation that is legally required for his job.
- (b) An employee removed under this rule shall be furnished with the same notice required for dismissals under Rule 12.8, and he or she shall have the same right to appeal such as if it were a disciplinary dismissal.
- (c) When an employee is removed under this rule, the appointing authority shall designate the dismissal as non-disciplinary on all forms used to report such dismissal, and the adverse consequence of Rules 6.5(c), 7.5(a)4, 8.9(c), 7.24(a), 8.18(d), 11.18(b), and 17.24 shall not apply.

12.7 Pre-dismissal, Removal Or Discipline Procedure.

- (a) A permanent employee may not be dismissed or removed or subjected to any discipline, other than a letter of reprimand until he has been given written notice of the proposed action and the reasons therefor, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto.

- (b) In the case of a suspension pending the outcome of criminal proceedings, the notice provided to the employee under the provisions of Rule 12.5(b) shall satisfy the requirements of paragraph (a) of this rule.

12.8 Written Notice.

- (a) Except as provided by Rule 12.5, a permanent employee who is disciplined shall be given prior written notice of the action which:

1. States the action which is being taken and the effective date and time thereof;
2. Contains such information as will fully inform the employee of the conduct on which the action is based and which will enable him or her to prepare a defense, including, where pertinent, the date, time and place of such conduct and the names of persons directly involved in or affected by such conduct (unless their identities are protected by law, in which case, identification shall be made as permitted by law);
3. Contains the following notification: "You have the right to appeal this action to the State Police Commission. The time limits and procedure for appealing are contained in Chapter 13 of the State Police Commission Rules."; and
4. Advises the employee that a copy of Chapter 13 of the State Police Commission Rules can be obtained from the State Police Commission and provides the Commission's current mailing address and telephone and fax numbers.

- (b) Written notice is considered given:

1. Upon delivery to the employee or a person of suitable age and discretion who resides with the employee; or
2. On the 7th calendar day after it is mailed to the employee, with correct postage, at the most recent address furnished by the employee in writing to the Human Resources Office.

12.9 Letters Of Counseling and/or Warning; Responses.

- (a) A letter of counseling or warning is not a disciplinary action. Such letters may be maintained in a supervisory or investigatory file,

however, they shall not be included in any record which is accessible to the public.

Such a letter is not appealable to the Commission except on the basis of discrimination or a violation of the Article or these Rules.

- (b) The employee may submit a written response to any letter of counseling or warning issued to him or her, and such response shall be attached to each copy of the letter of counseling or warning that is maintained by the employing agency.

12.10 Removal Of Sick Or Disabled Employees.

- (a) Upon exhaustion of their sick leave and upon their request, an employee absent from duty because of a physical and/or mental disability or condition which prevents performance of the usual duties shall thereafter be placed on any type of paid leave then available to them and, upon the exhaustion of such paid leave, the employee shall then be placed on unpaid leave.

The period of leave provided for by this rule shall be until the exhaustion of the employee's sick leave or the leave provided for by the Family Medical Leave Act (FMLA) or one(1) year, whichever is longer.

- (b) After such employee has been absent from duty because of such physical and/or mental disability or condition for the period provided for by Rule 12.10(a), and the employee has exhausted all of his or her sick leave or leave available under FMLA and the employee's job must be performed without further interruption, the appointing authority, may, for these reasons, remove such employee. Such removal shall not disqualify the former employee from non-competitive reemployment, as provided for by Rule 8.18.
- (c) Notice of the removal of an employee under the provisions of subsection (b) shall be given pursuant to the provisions of Rule 12.8.
- (d) An employee removed under this rule shall have a right of appeal only based upon discrimination and/or the violation of the Article or these Rules.

12.11 Resignations.

- (a) Upon the termination of the services of a permanent or probationary employee by voluntary resignation, the appointing authority shall request that the employee submit a letter of resignation or complete other appropriate agency "exit" forms. Where it is not possible to secure the letter or form, the appointing authority shall prepare and maintain a written explanation of the reason(s) for the resignation, if known, and the reason that a letter of resignation or exit form was not obtained.
- (b) The resignation of an employee, submitted orally or in writing, shall become an accomplished fact upon:
 - 1. Its acceptance by the appointing authority or his or her designee, notwithstanding that it may include a prospective effective date; or
 - 2. The occurrence of the effective date and time specified by him in his statement of intention to resign.
- (c) When signed by the appointing authority or his or her designee, a personnel status change form which reports to the Director the resignation of an employee shall constitute one type of acceptance of the resignation.
- (d) An employee may not rescind or withdraw his resignation subsequent to:
 - 1. Its acceptance by the appointing authority unless the appointing authority agrees thereto;
 - 2. The effective date and time specified in the resignation; or
 - 3. The terminal date and hour specified in the personnel status change form mentioned in sub-section (c) hereof.
- (e) By mutual agreement between an employee and the appointing authority, an accepted resignation may be withdrawn and rescinded at any time prior to the effective date and time specified by the employee in the resignation.
- (f) When an employee resigns after receiving the notice required under Rule 12.7 that his dismissal has been proposed, the SF-1 form

reporting the resignation shall so indicate. At the time the SF-1 form reporting the resignation is mailed or delivered to the Director, a copy thereof shall be mailed to the employee at the last known address furnished by the employee to the Human Resources Office.

With written justification to the Director, the appointing authority may request that the organizational unit(s), subject to layoff avoidance measures or layoffs, be broadened or confined to one institution or activity of the agency,

Measures and Layoffs.

17.4 Restrictions and Expansion of Areas for Layoff Avoidance

(c) The director may give approval to any furlough, for a period not to exceed 45 calendar days, when such furlough is needed to develop and work a layoff plan and prevent a deficit or further deficit in an agency's budget.

(b) The Director may give interim approval to further exceptions to these Rules. Such interim approvals are granted subject to ratification by the Commission at the next regularly scheduled meeting. The Director may, if he so desires, refer exceptions to the Commission for approval without giving interim approval.

(a) Exceptions to provisions in these Rules may include employees who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health or welfare of the public. The Director must approve such exceptions.

17.3 Exceptions to Layoff Avoidance and Layoff Rules.

(b) Once a layoff plan or layoff avoidance plan is approved by the Director it shall be made generally available to employees in that agency.

(a) The appointing authority shall, as soon as it is determined that a layoff or a layoff avoidance measure is necessary, make a reasonable attempt to notify all employees in the area(s) to be affected. If it is known that a layoff or layoff avoidance measure will be required, but the area(s) to be affected has not been determined, then a reason able attempt to notify all employees that they may be affected shall be made.

17.2 Notification of Layoff Avoidance Measures or Layoff.

Whenever an agency submits a plan to use layoff avoidance measures or conduct a layoff, the Director may order a review of all contracts.

17.1 Layoffs and Professional Contracts.

LAYOFF AVOIDANCE MEASURES, LAYOFFS, AND EMPLOYMENT RIGHTS AFTER LAYOFF

office, or department. Requests by the appointing authority for restrictions of layoff avoidance measures and/or layoffs involving career fields, classes, organizational units and geographic areas, may receive interim approval by the Director, but shall be subject to Commission approval at its next regularly scheduled meeting. The Director may, on his own initiative, expand layoffs or layoff avoidance measures to include the expansion of a career field(s), other career fields, classes, organizational units, and geographic areas. If the appointing authority does not agree to the expansion, the expansion shall be submitted to the Commission for determination at its next regularly scheduled meeting.

17.5 Layoff Avoidance Measures.

- (a) Layoff avoidance measures shall consist of withholding of merit increases, reduction in work hours, reduction in rates of pay, and furloughs without pay.
- (b) Layoff avoidance measures may only be taken and utilized in accordance with the provisions of these Rules.
- (c) Nothing in these Rules shall prevent an appointing authority from issuing a general request for volunteers for voluntary layoff avoidance measures. Such volunteers shall be reported as such on the personnel action and shall be entitled to the same protection and rights granted employees under forced layoff avoidance measures.

17.6 Combinations or Successive Use of Layoff Avoidance Measures.

Whenever two or more layoff avoidance measures are used in combination or successively and the total time period of the combination or successive use will exceed three calendar months, approval of the Commission must be obtained.

17.7 Salary Increases When Utilizing Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures, no optional pay increases in that affected organizational unit may be given without first obtaining Commission approval for the organizational units, activities, or classes that will be excepted from this provision.
- (b) Exceptions to Rule 17.7(a) shall be the following:
 - 1. No pay restrictions are imposed when only the work week is reduced for every employee, excluding those exempted under Rule 17.3(a), in the organizational unit affected.
 - 2. An appointing authority may restore an employee to the previous pay he held prior to a reduction in

pay, then effect a personnel transaction; after such a transaction is made, the employee must be reduced in pay as uniformly as possible and in accordance with other pay reductions in effect for other employees.

- (c) Nothing elsewhere in the Rules shall prevent an employee from prospectively obtaining the maximum pay benefits from any personnel transaction after layoff avoidance measures are terminated.

17.8 Leave and Temporary Transfers.

Employees on leave and temporary interdepartmental transfers shall be subject to the same avoidance measures as other employees.

17.9 Order of Implementation in Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures, that do not under these Rules affect all employees in an organizational unit as uniformly as possible, length of State service shall be a primary determining factor in effecting these measures. Employees with the least State service in the affected classes and organizational units shall be, uniformly as possible under these Rules, reduced in pay, uniformly reduced in work hours, or furloughed, first.
- (b) Recall from furlough, or restoration of work hours and pay shall be on the basis of length of State service in the classification affected. Employees with the most State service shall be recalled from furlough, or restored to their previous pay and work hours, first.
- (c) Recalls not involving all State employees affected by layoff avoidance measures shall constitute modification to the layoff avoidance plan and shall be reported to the Director for approval.

17.10 Appointments Under Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures he must first terminate restricted and job appointments in the affected organizational unit(s), and; if such appointments must later be made by the appointing authority, they must be given interim approval by the Director within fourteen calendar days of the appointment, subject to ratification by the Commission within sixty calendar days of the appointment, or terminated.
- (b) Probational and provisional appointments may be made, but employees in such appointments shall be subject to the

same layoff avoidance measures as permanent employees in that classification.

17.10.1 Withholding of Merit Increases to Avoid Layoff.

When an appointing authority determines that it is necessary to withhold merit increases after June 30, 1989, of all employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any withholding of merit increases must receive approval of the Director, no later than fourteen calendar days after the effective date, based on written certification from the appointing authority that his department does not have sufficient funds to give such increases to all employees. This justification shall include the reasons for the withholding of merit increases, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the proposed effective dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, the employees included in the plan or portion of the plan not approved must be paid their merit increase for that period of time between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.
- (b) Authority for such withholding of merit increases shall not exceed one twelve consecutive month period, subject to Rule 17.6.
- (c) Employees whose merit increases are withheld according to the provisions of this Rule shall retain their eligibility for such increases.

17.11 Reductions in Pay to Avoid Layoff.

When an appointing authority determines that it is necessary to reduce the salaries of employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any pay reduction must receive approval of the Director, no later than fourteen calendar days after the effective date, based on a written request and Justification from the appointing authority. This justification shall include the reasons for the pay reduction, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the percent of pay reduced for each employee, the proposed effective dates and periods of time involved, and the organizational unit(s)

(a) Any reduction in work hours must receive approval of the Director, no later than fourteen (14) calendar days after the effective date, based on a written request and

When an appointing authority determines that it is necessary to reduce the work hours of employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

17.12 Reduction in Work Hours to Avoid Layoff.

(h) An employee shall be restored to the pay rate he held when the reduction was effected, and may be given a higher pay for which he is eligible, at the end of the period of pay reduction or upon an intervening personnel transaction which ends the period of pay reduction for that employee.

(g) Employees so reduced in pay shall retain their eligibility for all pay increases.

(f) Special entrance rates are not considered the hiring rate of the pay range in applying these rules.

(e) Employees who are being paid 12% or less above the hiring rate for their pay range may be reduced below the hiring rate by no more than 12%. The appointing authority does not have to reduce an employee's pay below the hiring rate of their pay range to satisfy the uniformity provisions of these rules.

(d) Employees having red circle rates under Rule 6.15, may be reduced to their true eligibilities, plus an additional number of salary rates not to exceed a total value of 12%, without approval of the Commission.

(c) An employee's pay may be reduced a number of salary rates not to exceed a total value of 12% without approval of the Commission. An employee's pay shall not be reduced a number of salary rates which exceed a total value of 24%.

(b) Authority for such pay reductions shall not exceed one twelve consecutive month period, subject to Rule 17.6.

and geographic area(s) affected. If the request or any part thereof is not approved by the Director, the employees included in the plan or portion of the plan not approved must be paid their regular salary for that period of time between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.

(a) Any furlough without pay must receive approval of the Director, no later than fourteen calendar days after the effective date, based on a written request and justification from the appointing authority. This justification shall include reasons for the furlough, the names and classifications of those employees to be excluded and reasons for their exclusion, the total hours or days of furlough for each employee, the proposed dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, then the employees included in the plan or portion of the plan

When an appointing authority determines that it is necessary to furlough employees without pay under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

17.13 Furlough to Avoid Layoff.

(e) An employee shall be restored to the same number of hours he worked at the end of the period of work reduction or upon an intervening personnel transaction which ends the period of work hour reduction for that employee.

(d) An employee so reduced in work hours shall be subject to the same leave and overtime Rule provisions as apply to employees on regular part-time status. Any hours worked over the employees' reduced work week shall be compensated with non-payable compensatory time, except for those hours which exceed a forty hour workweek.

(c) The number of work hours reduced for an employee shall not exceed sixteen (16) hours per bi-weekly payroll period.

(b) Authority for such pay reductions shall not exceed one twelve consecutive month period, subject to Rule 17.6.

Justification from the appointing authority. This justification shall include the reasons for the reduction, the names and classifications of any employees to be excluded and reasons for their exclusion, the number of work hours reduced for each employee, the proposed effective dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, then the employees included in the plan or portion of the plan not approved, must be paid for all hours reduced between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification at its next regularly scheduled meeting.

not approved, must be paid for all hours furloughed between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.

- (b) An employee shall not be furloughed for more than a total of 240 work hour in any twelve calendar month period without approval of the Commission. With approval of the Commission, an employee may be furloughed for a total of 450 work hours in a twelve calendar month period.
- (c) Any employee furloughed shall be subject to the provisions of Rules 11.27(c) and (f) and Rule 17.6.

17.14 Notification and Authority for Layoff.

When an appointing authority determines that it is necessary to reduce force, and when such decision affects any permanent employee(s), the necessary number of employees shall be laid off subject to the following procedures:

- (a) Except as provided for in the second paragraph of this subsection, the appointing authority shall select the organizational unit(s), the geographic area(s), the career field(s) and class level or class(es) where the layoff shall begin. In the event a career field is not established the layoff shall take place in a class or classes selected by the appointing authority and approved by the Director.

A layoff caused by a displacement occurring pursuant to Rule 11.27.1(d), shall be limited to the geographic area of the domicile of the employee's classified position.

- (b) The appointing authority shall submit to the Director for his approval, a formal written plan for the proposed layoff of at least two (2) calendar weeks prior to the effective date of the layoff. With justification the Director may waive the two week advance notice for a lesser reasonable time but such notice shall always be prior to the effective date. This plan shall include, but not necessarily be limited to, the following:

1. Reasons why the layoff is being proposed.
2. Layoff avoidance measures used, or statement of why none was used.
3. The budgetary measures, other than layoff avoidance, that have been taken to avoid the layoff.

4. Proposed effective date of the layoff.
 5. The affected organizational unit(s).
 6. Geographic area(s) affected.
 7. The classes, the number of positions within each class, and the career fields selected for the layoff.
 8. Names and classifications of employees, if any, who require exemption from layoff and the extenuating reasons for exemption. Exemptions include employees who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health, or welfare of the public.
 9. Names and pay of employees with unclassified authority under Rule 4.1(d)1 or 4.1(d)2.
 10. Contracts either signed, effective, or anticipated that may be causative factors or related to the layoff.
- (c) Once such a plan is approved by the Director the plan shall be made generally available to employees in that agency.
- (d) There shall be at least five (5) calendar days between notification to employees whose positions are proposed for abolishment and approval of the layoff plan by the Director.
- (e) There shall be at least ten (10) calendar days between the last displacement offer, or layoff notification if there is no offer to make, and the effective date of layoff.

17.14.1 Notification and Authority for a Layoff of Probational Employees Only.

When an appointing authority determines that it is necessary to reduce force by the layoff of probational employees only, he shall notify the Director by submission of the applicable Standard Form(s) 1 prior to the effective date of the layoff.

17.15 Employees Subject to Layoff.

- (a) Subject to the provisions of Rule 17.21, all employees, including those absent from duty on approved leave with or without pay, in the class(es) affected by the layoff, or on detail or temporary interdepartmental assignment from such class or classes, who work in the

organizational unit(s) as approved by the Director in Rule 17.14, shall be subject to the layoff and shall be in competition for the purpose of determining which employee(s) will be laid off.

- (b) A reasonable attempt by the appointing authority, to notify permanent employees affected by a layoff action of their eligibility to be placed on the department preferred reemployment list shall be made no later than two weeks after the effective action

17.16 Order of Layoff by Appointment and Status.

The order of layoff in the affected class(es), career fields, organizational unit(s), and commuting area(s) shall be by the type of appointment as follows: restricted, job, provisional, probational, part-time permanent employees, full-time permanent employees.

- (a) Within each permanent appointment status, layoff shall be according to length of State service; those with the least service shall be laid off first, subject to Rule 17.16.1.
- (b) Permanent employees, including those specified in Rule 7.11, who have veterans preference and whose length of State service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees.

17.16.1 Employees with Unsatisfactory Service Ratings.

- (a) Within the affected class, commuting area and organization unit affected by a layoff, permanent employees whose two most recent service ratings were unsatisfactory shall be laid off before any other permanent employee is laid off.
- (b) In the event that the number of permanent employees whose two most recent service ratings were unsatisfactory exceeds the number of positions to be abolished, the least senior employees with such unsatisfactory service ratings shall be laid off first.
- (c) Within each class, commuting area and organizational unit impacted by a layoff, permanent employees whose two most recent service ratings were unsatisfactory shall be displaced before any other permanent employee is displaced.
- (d) In the event that the number of permanent employees whose two most recent service ratings were unsatisfactory exceeds the number of persons to be displaced, the least senior employees with such unsatisfactory service ratings

2. Preference in making offers shall be given by length of state service with first preference being

1. All offers shall be made with a minimum reduction in pay range.

(c) Offers of displacement to occupied positions for which the employee qualifies shall be made by the appointing authority in the following manner and order:

(b) Within each affected job, employees with the least total state service shall be displaced first.

(a) A permanent employee affected by a layoff shall have the right to displace, subject to subsection (c) of this rule, permanent employees with less state service. Regardless of length of state service, a permanent employee who meets the job qualifications shall always have the right to displace a provisional or probationary employee.

Only permanent employees have the right to displace other employees. An employee does not have displacement rights to a higher position than the one he occupies at the time of the layoff action which affects him. Subject to the following provisions, a permanent employee who is affected by a layoff has the right to displace another employee who occupies the same, an equivalent, or lower job in the same career field, organizational unit and applicable commuting area affected by his layoff, subject to the provisions of Rules 17.16 and 17.16.1. An employee who displaces another, must meet the job qualifications for the position involved. A part-time permanent employee shall not displace a full-time permanent employee.

17.17 Displacement Rights of Permanent Employees.

(g) Exceptions to this rule may be granted in accordance with Rule 17.3(b) upon adequate written justification presented by the appointing authority.

(f) For purposes of this rule, an employee is considered as having two unsatisfactory service ratings when the delays for appealing both ratings have expired and the employee has not appealed the ratings or, if the ratings have been appealed, when final decisions of the Commission have been rendered on the appeals.

(e) Subject to the provisions of subsection (d) of this Rule, permanent employees whose two most recent service ratings were unsatisfactory may only displace employees who do not have permanent status.

shall be displaced first.

given to those affected employees with the most State service.

3. Offers to displaced employees may cease when the first available offer listed above is accepted or declined by that employee.
4. If the employee declines or if no offers are available, the employee(s) is subject to layoff.
5. Vacancies may be offered in lieu of occupied positions, except in layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), vacancies shall be offered in lieu of occupied positions.
6. The first offer shall be to a position in the same job title and parish, if such a position is available.
7. The second offer shall be to a position in an equivalent job in the same career field and the same parish, if such a position is available.
8. The third offer shall allow the employee to make a choice of one of the following, if available:
 - a. A position in the next available lower level job within the employee's career field and parish, or
 - b. A position in the same job title and in the same commuting area, or if no such position exists, to a position in an equivalent Job within the career field and the commuting area.
 - c. A position in the next lower job in the career field and within the commuting area which is higher in pay range than the offer available within the parish.
9. The fourth offer shall allow the employee to make a choice of one of the following if available:
 - a. A position in the highest job outside the career field, as long as it is higher than the offer in the career field, occupied by a probationary or provisional employee, in the same parish and organization unit, or
 - b. The highest such position available in the commuting area as long as it is higher than

the job in the employee's parish.

- (d) Employees whose official domicile is "Statewide" shall, for the purpose of offers of displacement, be considered domiciled in the parish in which they officially reside.
- (e) Employees who live and work outside of Louisiana shall, for the purpose of offers of displacement, be considered domiciled either in the parish in which they have an official residence, or at their department's central headquarters. The employee must use the parish of his official residence, if he has one.

17.18 Repealed, effective August 7, 1985.

17.19 Pay Reductions.

- (a) Layoffs Not Required Solely By Budgetary Cuts

No pay reductions shall occur when employees are placed in lower pay ranges in layoffs not required solely by budgetary cuts. This includes those employees whose pay rates fall in between salary rates or above the highest salary rate of the range for the position to which they are moved, as provided for in Rule 6.15(d)(7).

- (b) Layoffs Required Solely By Budgetary Cuts

In layoffs required solely by budgetary cuts, the appointing authority may set the employee's pay at any salary rate within the lower pay range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee. The percentage of pay reductions resulting from employees being placed in lower pay ranges shall be uniform, unless a written request with justification is approved by the Director. Such reductions shall not result in an employee's being paid above the highest established salary rate or below the hiring date of the range for the position to which they are moved as a result of layoff.

- (c) In layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), no classified pay reductions shall occur. This provision includes employees whose pay rates fall between salary rates or above the highest salary rate of the range for the position to which the employee is moved, as provided for in Rule 6.15(d)(7).

17.20 Use of Annual Leave in Layoff Avoidance Not Requiring Submission of a Plan.

17.23.1 Layoff-Related Appointments.

The appointing authority shall report to the Director in writing within fifteen (15) calendar days from the effective date of the layoff, all personnel actions taken relative to the layoff. The report shall include the names and most current mailing address on file with the affected agency of all employees affected by the layoff, the nature of personnel actions taken, including jobs and offers made, accepted, or declined, and positions involved for ever affected employee.

17.23 Reporting Requirements After Layoff.

Rule 17.16(b) shall be used, if applicable, in breaking ties among employees who have the same length of state service. Below are listed other methods by which ties may be broken. The method or methods of breaking ties must be applied uniformly. Subject to Rule 17.21 ties may be broken by: (a) length of service in the position, or (b) length of service in the department, or (c) use of leave without pay, or (d) efficiency ratings as defined in Chapter 1.

17.22 Ties.

(b) An employee being restored to duty under the provisions of Rule 8.19 of these Rules shall not be required to compete with other employees in a layoff conducted to permit his restoration to duty.

(a) A veteran who has been restored to duty under the provisions of Rule 8.19 of these Rules and who thereafter competes in a layoff shall be granted prior service credit for the period of time served as a member of the armed forces of the United States on which the restoration was based.

17.21 Special Provisions for Veterans in Layoffs.

1. Employees needed to maintain the buildings may be excepted.
2. Employees who have less than thirty days of annual leave may be required to take annual leave under this provision.
3. Employees, who have exhausted annual leave, shall be placed on leave without pay, but not for more than ten days per calendar year.

A department or agency, when the efficiency of operations dictates a temporary closure, may require employees to utilize up to a maximum of ten days of annual leave per calendar year:

- (a) The appointing authority shall submit appropriate Standard Forms 1 on all affected employees as soon as all layoff actions are concluded.
- (b) No appointment shall be made in the affected organizational unit or department to the job(s) affected by the layoff or to equivalent or lower levels of positions in the applicable career fields beginning on the date the Director approves the formal layoff plan for the proposed layoff and ending thirty (30) days after the layoff report as stipulated by Rule 17.23 is received at the State Police Commission or upon establishment of the department preferred reemployment list, whichever comes first. Exceptions to this provision include reinstatement, restricted appointment, detail to special duty not to extend three (3) months beyond the effective date of layoff, job appointment not to extend three (3) months beyond the effective date of layoff, internal demotion, or restoration of a former employee entitled to the position who has returned from military service in accordance with Rule 8.19.

17.24 Department Preferred Reemployment Lists.

A person should apply in writing to his personnel officer or to the State Police Commission no later than thirty (30) calendar days following his layoff in order to insure eligibility for the department preferred reemployment list. This time limit can be extended only with the approval of the Director. Except as provided in Rule 17.16.1(f), eligibility for the department preferred reemployment list does not extend to an employee whose two most recent service ratings were unsatisfactory when he was affected by a layoff action. Also, eligibility for the department preferred reemployment list does not extend to any person who, after being affected by a layoff action, is terminated for disciplinary reasons, or resigns to avoid disciplinary action, except that a person terminated for disciplinary reasons and who is later reinstated will have his eligibility for the department preferred reemployment list restored. Also, a person who retires from state service shall not be eligible for such a list.

An employee's name will be removed from such applicable lists when he declines an offer or fails to respond to an offer. Also, his name will be removed from the list(s) in accordance with subsections (d), (e), (f), (g), and (h), of this Rule. If an employee declines an offer to the same job from which he was laid off, he shall be removed from all preferred lists for which he is eligible. If he declines, fails to respond, or accepts, an equivalent job, he shall stay on the list only for the job from which he was laid off.

- (a) A permanent employee who, under the provisions of Rule 17.15, 17.16 and 17.17 is laid off or officially moved out of his regularly assigned position to another position in a different job title or the same job but in a different parish as the result of a layoff action shall, in accordance with his stated conditions of availability, and after receipt by the State Police Commission of the layoff report as stipulated in Rule 17.23, have his name entered on the department preferred reemployment list for:
1. the job he held in the affected agency or department at the time of such layoff or movement into another position; however, if an employee is displaced to the same job title, he is eligible only for the parish from which he was displaced.
 2. equivalent or lower levels of jobs for which he qualifies in his career field, subject to Subsection (d) of this Rule; however, an employee who is displaced, as opposed to actually laid off, shall be eligible to be placed on such list only for the jobs down to but not including the GS level to which he was displaced, but shall be eligible for the same job title in the parish from which he was displaced.
- (b) During the time a former or otherwise affected employee's name remains on a department preferred reemployment list, the Director may, upon his own initiative, place such employee's name on one or more such lists for other equivalent or lower classes of positions for which he qualifies in his career field and other substantially similar classes.
- (c) The names of laid off or displaced permanent employees on the department preferred reemployment lists shall be ranked in the order of length of State service they had at the time of the layoff. Among those whose length of State service is identical, all shall be considered to have the same ranking. The employee with the most State service for a given class and availability shall be given the first offer.
- (d) If a permanent employee was laid off or officially moved because of a layoff action from a position in a job that has undergone a change in the qualification requirements or title, such employee shall be entitled, on proper request, to have their name placed on the preferred reemployment list for the newly revised job title, equivalent, and lower level jobs in the same career field for which they are required to meet the

new minimum qualification requirements if sufficient evidence is presented to the Director to show, as determined by the Director, that they are returning to a job having essentially the same duties and responsibilities they were performing when they were affected by layoff, unless the qualification lacking is one required by law or under a recognized accreditation program. If the hiring rate of the pay range for the job or position they occupied at the time of the layoff action has changed upward, they shall have eligibility for such position. This eligibility shall not be limited by a change in the job title or general increase, as defined in Chapter 1 of these Rules, or a market grade job assignment as defined by Rule 6.6, or an allocation adjustment effective January 1, 1987.

- (e) When a former or otherwise affected employee is offered reemployment to a permanent position following certification from a department preferred reemployment list, his name shall be removed from the list from which certified and from all other such lists applicable to equivalent or lower level positions in the career field of the position offered, but shall remain on such lists applicable to higher level positions.
- (f) The name of an employee who attains permanent classified status in any position in any State Department other than from a department preferred reemployment list shall be removed from all such lists applicable to the same, equivalent or lower level positions in the same career field from which the employee was laid off or otherwise affected.
- (g) The Director may remove from any department preferred reemployment list the name of any person who is not qualified, is not available, or, upon investigation, is not found suitable for appointment to the position for which the list was established.
- (h) The maximum period during which a former or otherwise affected employee's name may remain on a department preferred reemployment list(s) shall be three years from the effective date of the applicable layoff. The Director shall remove the employee's name from all such lists at the expiration of that period if it has not been previously removed.

17.25 Noncompetitive Reemployment from a Department Preferred Reemployment List.

When there is a department preferred reemployment list for an agency or department affected by a layoff containing the name of one or more qualified employees available for

appointment to a vacant position in the affected agency or department. the vacancy shall be filled only by a reinstatement, restricted appointment, detail to special duty not to extend three (3) months beyond the effective date of layoff, job appointment not to extend three (3) months beyond the effective date of layoff, internal demotion, restoration of a former employee entitled to the position who has returned from military service in accordance with Rule 8.19, or appointment of an eligible from such preferred list. Other details to special duty may be used before appointment from a preferred list, if such details are given prior approval by the Director. Except as provided in this Rule, appointment from a department preferred reemployment list shall take priority over all other methods of filling vacancies.

17.25.1 Open Preferred Reemployment Lists.

The Director shall establish open preferred reemployment lists, consisting of former permanent classified employees separated from state service as the result of a layoff action, and shall determine the eligibility criteria for such lists.

17.25.2 Noncompetitive Reemployment from an Open Preferred Reemployment List.

When an appointing authority determines that it is necessary to fill a position through probational appointment, noncompetitive reemployment of a former employee other than one laid off from and having department preferred reemployment rights in that department, or job appointment in excess of three months, before hiring a person from outside state classified service, he first must hire available eligibles on the open preferred reemployment list. Exceptions to this Rule can be made with the approval of the Director.

17.26 State of Employee Appointed from Department Preferred Reemployment List.

An employee who is reemployed in a permanent position following certification from a department preferred reemployment list shall have permanent status in his position.

17.26.1 State of Employee Appointed from an Open Preferred Reemployment List.

An employee who is reemployed, other than on a temporary basis, from an open preferred reemployment list shall serve a probationary period as provided for in Chapter 9.

17.27 Movement of Employees After Layoff.

An appointing authority may, upon submitting written justification and getting prior approval of the Director, move an employee from one position to another position for which he qualifies in the same pay grade, career field and commuting area after a layoff, if the efficiency of agency operations requires it. Such movement of employees shall not be used to circumvent rehiring from the department preferred reemployment list.

17.28 Changes in Allocations.

Any approval to changes in allocations made subsequent to the submission of a layoff plan shall not affect such layoff.