



## State Police Commission

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Transmittal Sheet No. 62

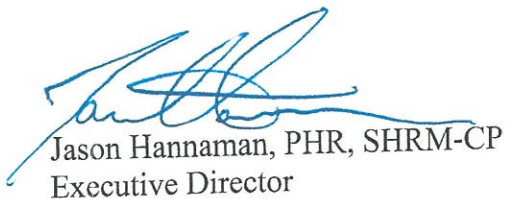
Subject: Revision of State Police Commission Rules 4.1, 8.10(d), and 8.10(e).

Effective Date: July 13, 2017

At its meeting on July 13, 2017, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rules 4.1, 8.10(d), and 8.10(e).

Attached is a complete copy of Chapters 4 and 8 for inclusion in your rules.

Sincerely,



Jason Hannaman, PHR, SHRM-CP  
Executive Director

Attachment

## CHAPTER 4

### PERSONS GOVERNED BY THESE RULES

#### 4.1 Classified and Unclassified Positions

- (a) All persons subject to the State Police Service Article are governed by these Rules. The State Police Service is divided into the classified and unclassified service. Persons not included in the unclassified service are in the classified service. The State Police Commission shall determine those positions which shall be in the unclassified service and may provide that any such position shall become classified.
- (b) Subject to the provisions of Sub-sections (c) and (d) of this Rule, the following persons are employed in the classified service: all regularly commissioned full-time law enforcement officers employed by the Department of Public Safety and Corrections, Office of State Police, or its successor, who are graduates of the state police training academy course of instruction and are vested with full state police powers, as provided by law, and persons in training to become such officers and employees of the State of Louisiana.
- (c) Subject to the provisions of Sub-section (d) of this Rule, the following employees shall be in the unclassified service:
  - (1) The Director of the State Police Commission
  - (2) The Superintendent of the Department of Public Safety and Corrections, Office of State Police
  - (3) State Police Commission personnel
  - (4) Members of the State Police Commission
  - (5) Repealed, effective September 10, 2015
  - (6) Repealed, effective September 10, 2015
  - (7) Repealed, effective September 10, 2015

- (8) Repealed, effective September 10, 2015
  - (9) Repealed, effective September 10, 2015
  - (10) Repealed, effective September 10, 2015
  - (11) Repealed, effective September 10, 2015
  - (12) Repealed, effective September 10, 2015
- (d)
- 1. The Director, upon receipt of written justification by the Superintendent of the Office of State Police, may add the following positions to the unclassified service: positions involving duty assignments which are seasonal, temporary, intermittent, part-time or full-time.
  - 2. The Commission, may add positions to the unclassified service and may, revoke any position added to the unclassified service under the provisions of this Sub-section.
  - 3. The Director may not revoke any position added to the unclassified service by the Commission, but may revoke those positions added by the Director.
  - 4. Deleted, effective September 10, 2015
  - 5. Positions added to the unclassified service under this Sub-section shall be submitted for reauthorization in accordance with policy and/or guidelines adopted by the State Police Commission.
- (e) Repealed, effective November 15, 1993.

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 re-employment 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 appointee shall serve a probationary period. The probationary period shall be from the date of appointment to the State Police service, and extending through twelve (12) months from the date of graduation from the State Police Training Academy. For employees who are non-competitively re-employed, such probationary period shall be twelve (12) months from the date of re-employment.

## 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 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.
5. An appointing authority may end a detail at any time.

6. The Director may issue policy standards for use of details to special duty upon approval by the Commission.
7. The Commission may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to detail employees for longer than one month.

(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.
4. When an appointing authority determines that a temporary duty period lasting beyond one hundred eighty (180) days is in the immediate best interest of public safety, the appointing authority shall submit a request to the Commission for consideration of an extension to the temporary duty period.

8.11 Noncompetitive Re-employment Based on Prior State Service

- (a) 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 re-employed 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 re-employment 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 re-employed 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 re-employment under the provisions of this Rule; nor shall any person acquire eligibility for noncompetitive re-employment 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 June 24, 1948, has left or leaves a classified position in which he was or is serving with provisional, probationary or permanent status, for 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 and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for re-employment within ninety days thereof or within ninety days after he is released from hospitalization continuing after discharge for a period of not more than one year shall:

- (1) If still qualified to perform the duties of such position, be restored by the department to such position or to a position of like seniority, status and pay; or
- (2) If not qualified to perform the duties of such position by reason of disability sustained during such service but

qualified to perform duties of any other position in the department where he formerly worked be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his 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.

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