

State Police Commission



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General Circular No. 88

Issue Date: March 10, 1998

In Re: Rule Change Hearing

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing to consider repealing and reenacting State Police Commission Rules 12.3(a) and 12.7(a) of the State Police Commission Rules. The hearing will begin at 9:00 a.m. on Monday, April 20, 1998, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana.

Please review these proposals and furnish, in writing, by Thursday, April 09, 1998, any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by April 09, 1998 of your intention to address the Commission, to be placed on the agenda.

Please post this General Circular prominently so that all employees will receive notice of this hearing. If any special accommodations are needed, please notify us prior to the hearing date.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

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.

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 they have been given written notice of the proposed action and the reasons therefore, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto.

Explanation

12.3(a) -- This rule originally provided for a limitation on suspensions of 90 days. However, because some employees work a twelve-hour shift, while others work an eight-hour shift, at the request of the Department, this rule was amended to express this limitation in working hours. The revision of this rule was not intended to effect a change in the maximum allowable period of suspension.

Apparently, through miscalculation or typographical error, the limitation became sixty-five eight-hour days, rather than ninety eight-hour days, as was intended. Seven hundred twenty working hours equals ninety eight-hour days.

12.7(a) -- All permanent employees enjoy a "property" right in their employment, which gives them a due process right to be heard prior to being terminated or disciplined.

Although "discipline" under the present rule encompasses dismissals, for the sake of clarity or certainty, the word "dismissed" has been added to the rule.

Due process, which mandates a pre-discipline opportunity to be heard, applies as well to permanent employees who are removed for non-disciplinary reasons.