

# State Police Commission

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Jane Orr, Director

April 10, 1992

General Circular No. 11

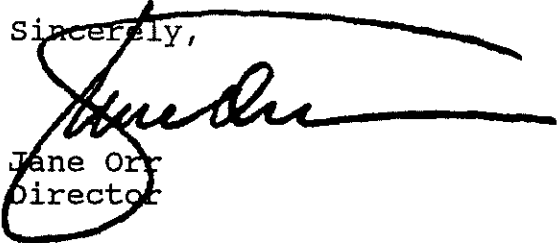
To: State Police Commission Members, Colonel Paul W. Fontenot, Russell J. Culotta, Rosemary Hannie, Walt Smith, James R. Jordan, Jr., Michael W. O'Neal, Wayne D. Winkler, Barry J. Hebert, Michael R. Field, Steven J. Martel, Jimmy B. Odom, James L. Matthews, III, Bernard R. Daigle, Claude O. Alford, James C. McKenzie and Albert D. Pressburg

Subject: Proposed Rule Changes - Rules 6.4, 6.7, 6.10, 6.14

The State Police Commission will hold a public hearing on Monday, April 20, 1992, to consider amending Rules 6.4, 6.7, 6.10 and 6.14 of the State Police Commission Rules. Attached hereto are copies of the proposed Rules. The public hearing will begin at 9:00 a.m. in Classroom 17, 2nd Floor, Dorm Building, State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, Louisiana.

If you have written comments to make concerning the attached Rules please forward them to us no later than close of business Wednesday, April 15, 1992.

Sincerely,



Jane Orr  
Director

Attachments

SPC:JO:jrw

PROPOSED RULES

6.4 Rates in Pay Plan

- (a) The pay range for each job shall consist of a range minimum and maximum, with the range divided into equal increments of 4%, except for the final increment which may be either 4% or less.
- (b) Subject to the provisions of Rule 6.10(c), 6.11, 6.15, and 6.16 each employee in the State Police service shall be paid at a rate within the range for the job to which his position is allocated that corresponds to his/her years of service as a commissioned officer with State Police.

Explanation:

The revision in Rule 6.4 is necessary to correct the inequities that exist due to the method of implementation of the 1987 Civil Service Pay Plan. This revision will correct the problem of officers with less state service making more in a job than officers with more state service. It will also enable the State Police Commission to adopt a new pay plan and implement it in a fair and equitable manner.

6.7 Rate of Pay Upon Promotion

- (a) Repealed effective \_\_\_\_\_.
- (b) When an employee is given a promotion the rate of pay in the new class shall be at the step that corresponds to his/her years of service as a commissioned officer of State Police.
- (c) No change
- (d) No change
- (e) Repealed effective \_\_\_\_\_.

6.10 Rate of Pay upon Demotion

When an employee is demoted for any reason under any circumstances, the pay shall be reduced as follows:

- (a) The rate of pay in the class into which he/she is demoted shall be on the step that corresponds with his/her total years of service as a commissioned officer of State Police.
- (b) Repealed effective \_\_\_\_\_.

(c) Repealed effective \_\_\_\_\_.

(d) No change

#### 6.14 Merit Increase

- (a) When a new employee has been continuously employed, without a break in service of one or more working days for a period of six months, he/she becomes eligible for, and may be granted, a merit increase of one step provided that the appointing authority has determined that the employee's performance merits such an award.
- (b) At the end of an employee's twelfth month of continuous employment, the employee may be granted a merit increase of one step if the appointing authority has determined that his/her performance merits such an award. At the end of each subsequent twelve month period of such continuous employment the employee will be eligible for an additional merit increase until that employee reaches the maximum period. This date of eligibility shall be known as an anniversary date and shall not change with such continuous employment within the classified service.

#### Explanation:

The revision of Rule 6.7, 6.10, and 6.14 is necessary if the revision of Rule 6.4 is adopted. These rules all are impacted by revision of 6.4.

6.4 Rates in Pay Plan.

- (a) The pay range for each job shall consist of a range minimum and maximum.
- (b) Subject to the provisions of Rules 6.10(c), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at a rate within the range for the grade of the job to which his position is allocated.

6.5 Hiring Rate.

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

- (a) Job or Provisional Appointment.

The pay of a job appointee or a provisional appointee shall not be reduced when an employee who has served longer than 6 months, and is earning more than the minimum for the job he occupies is then probationally appointed to a position in the same job in the same department without a break in service of one or more working days.

- (b) Special Entrance 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 applies to any salary up to but not to exceed the amount of the percent difference between the special rate and the current hiring rate. \*\*\*

## 6.6 Market Rate Job Assignments.

- (a) When the pay range for the grade to which a job is currently assigned is either 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.
- (b) Repealed, as of December 4, 1989.

## 6.7 Rate of Pay Upon Promotion.

- (a) Subject to the provisions of subsection (e) of this rule, when an employee is promoted to a position in a higher grade, his pay shall increase by at least 7 percent. \*\*\*
- (b) Subject to the provisions of subsection (e) of this rule, when an employee is given a one grade promotion his pay shall increase by 7 percent. When an employee is given a two grade promotion his pay may be increased in an amount not to exceed 10½ percent. When an employee is given a three or more grade promotion his pay may be increased in an amount not to exceed 14 percent. An employee shall not be paid below the minimum of the higher range. \*\*\*
- (c) Eligibilities gained but not received at the time of promotion may be given prospectively at any time within three years from the effective date of the promotion.
- (d) When an employee has been detailed with pay to a higher job and is promoted to that same job directly from the detail, his pay eligibility on promotion shall not be less than he received on detail.
- (e) When an employee is promoted from a job assigned to one pay schedule to a job assigned to another pay schedule with a higher minimum, his pay shall be adjusted as follows: \*\*\*
1. If the minimum of the job to which he is being promoted is less than 14% above his current minimum, his pay shall be increased by 7%. \*\*\*
  2. If the minimum of the job to which he is being promoted is at least 14% but less than 21% above his current minimum, his pay shall be increased at least by 7% but not to exceed 10.5%. \*\*\*

3. If the minimum of the job to which he is being promoted is equal to or greater than 21% above his current minimum, his pay shall be increased by at least 7% but not to exceed 14%.

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#### 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 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 Transfer or Reassignment.

- (a) When a permanent or probationary employee is transferred without promotion or demotion, his pay shall not be reduced without his permission.
- (b) When a permanent employee is transferred with promotion following certification from a promotional or probational eligible list, or following noncompetitive promotion, Rule 6.7 shall apply.
- (c) When a permanent or probationary employee is transferred with demotion, Rule 6.10 shall apply.
- (d) When an employee is reassigned to another position, his rate of pay shall not be reduced without his permission.
- (e) When an employee is transferred, the department releasing the employee shall be liable for payment for any holidays and/or regular days off intervening between the last day actually worked in the department releasing the employee and the first day to be worked in the department acquiring the employee.

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#### 6.10 Rate of Pay Upon Demotion.

When an employee is demoted for any reason under any circumstances, his pay shall be reduced as follows: \*\*\*

- (a) If the demotion is to a job within the same pay schedule, his pay shall be reduced by a minimum of 7% and may be set at a lower rate in the range provided that it is no less than the minimum. \*\*\*
- (b) If the demotion is from a job in the General Schedule to a job in another pay schedule, his pay shall be reduced by a minimum of 7% and may be set at a lower rate in the range provided that it is no less than the minimum. \*\*\*
- (c) If the demotion is to a job in the General Schedule from a job in another pay schedule, his pay shall be reduced at least 14% and may be reduced to any rate in the range provided that it is no less than the minimum. \*\*\*
- (d) Upon request by an appointing authority, the Commission may grant exceptions to this rule. \*\*\*

#### 6.11 Rate of Pay on Detail to Special Duty.

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

- (a) Any such temporary increase granted him shall not affect his eligibility for pay increases which he would have acquired in his regular position had he not been detailed.
- (b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his 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;
- (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 any department 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 the purpose of this rule.
- (b) In the event that payments are made to an employee that are 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 a new employee has been continuously employed, without a break in service of one or more working days for a period of six months, he becomes eligible for and may be granted a merit increase provided that the appointing authority has determined his performance merits such an award.
- (b) At the end of each subsequent 12 month period of such continuous employment, he may be granted an additional merit increase if the appointing authority has determined that his 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.



- (c) The amount of each merit increase shall be 4 percent of the employee's individual pay rate.
- (d) The appointing authority may, at any time within 3 years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which he has 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 he would receive if he were employed on a full-time basis.
- (e) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job.
- (f) An employee's eligibility for the increases authorized in Subsection (a) and (b) shall not be interrupted by time served in the military service if he is reemployed under the provisions of Rule 8.19.
- (g) 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.
- (h) 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.
- (i) An employee who has a current service rating of unsatisfactory shall not be eligible for any increase under the provisions of this rule.
- (j) 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 (a), (b) and (d) for which he has not been granted an increase. If reemployed from a preferred list after one year, he shall be considered a new employee with regard to the establishment of his anniversary date and merit increase eligibility.
- (k) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on his individual pay rate in the higher job.