

# State Police Commission

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General Circular No. 105

Issue Date: May 10, 2000

Subject: State Police Commission Rule 12.4

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on Monday, June 19, 2000 to consider repealing and reenacting State Police Commission Rule 12.4. The hearing will begin at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. The new/revised portions of this rule are underlined.

## 12.4 Administrative Leave Pending Investigation, Dismissal or Removal

- (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, or an employee's dismissal or removal is proposed in accord with Rule 12.7, 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 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.

This notice and opportunity to verbally respond shall not substitute for the requirements of Rule 12.7.

- (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, and if not previously given, 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, Dismissal of Removal 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.
- (g) The appointing authority may, within his discretion, require an employee placed on Administrative Leave under this rule to immediately surrender his commission card, badge, weapon(s) and all department issued equipment.

Please review this proposal and furnish, in writing, by June 08, 2000, 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 June 08, 2000 of your intention to address the Commission, in order 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