

State Police Commission



Post Office Box 66555
Baton Rouge, La. 70896-6555
Phone (504) 925-7057
Fax (504) 925-7058

General Circular No. 84

Issue Date: December 09, 1997

In Re: State Police Commission Rules

The State Police Commission will hold a public hearing to consider repealing and reenacting Chapters 1, 6 and 8 of the State Police Commission Rules, and amendment of State Police Commission Rules 12.3(b) and 17.11, 17.19 and 17.24 on Monday, January 26, 1998, at 9:00 a.m. The meeting will be held in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. The material to be considered is attached hereto.

These rule changes are necessary to accompany the new pay plan. The effective date will be the same as the effective date of the pay plan.

Please review these proposals and furnish, in writing, by Thursday, January 15, 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 January 15, 1998 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 meeting date.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachments

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's 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 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 on 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 Commissioner 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

...

12.3 Restrictions On Suspensions Without Pay and Reductions in Pay.

...

- (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.

CHAPTER 17

LAYOFF AVOIDANCE MEASURES, LAYOFFS, AND, EMPLOYMENT RIGHTS AFTER LAYOFF

...

17.11 Reduction In Pay To Avoid Layoff.

...

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

...

17.19 Pay Reductions In Layoffs.

- (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 rate of the range for the position to which they are moved as the result of layoff.

...

17.24 Department Preferred Reemployment Lists

...

- (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.

...