

State Police Commission

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Jason Hannaman Executive Director

General Circular No. 234

Date: November 29, 2023

Subject: Proposed Amendments to Chapters 1, 2, 7, 8, 13, and 14 of the State Police Commission Rules.

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on December 14, 2023, to consider proposed amendments to Chapters 1, 2, 7, 8, 13, and 14 of the State Police Commission Rules. The hearing will begin at 9:00 A.M. in the Veterans' Memorial Auditorium, 5825 Florida Blvd., Baton Rouge, LA, 70806.

Summary of Proposal - SPC Chapter 1

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed revisions of definitions in Chapter 1 correlate with previously adopted changes to other State Police Commission Rules.

Current Rule	Proposed Rule
CHAPTER 1	
DEFINITIONS:	DEFINITIONS:
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.	Certifiable Scores - a range of scores on a selection procedure which would likely be in the top five seven grade groups on a certificate of eligibles if one were issued.

Current Rule	Proposed Rule
Certificate of Eligibles - a list	Certificate of Eligibles - a list
that represents the top five grade	that represents the top five seven
groups or rank groups from a	grade groups or rank groups from a
promotional examination.	promotional examination.
Discrimination - consideration in	Discrimination - consideration in
the appointment, removal,	the appointment, removal,
discipline or any other action	discipline or any other action
which adversely affects a	which adversely affects a
probationary or permanent employee	probationary or permanent employee
and is based on any non-merit	and is based on any non-merit
factor relating to the employee's	factor relating to the employee's
religious or political beliefs,	religious or political beliefs,
gender or race.	gender sex, or race.
Unacceptable Rating - a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory".	Unacceptable Rating - a performance appraisal rating of either "Needs Improvement" or <u>"Unsatisfactory"</u> "Unsuccessful".

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed revision of Rules 2.4 and 2.5 aligns with the unanimous vote requirements within Louisiana Open Meeting Law.

Current Rule	Proposed Rule
CHAPTER 2	
2.4 Meetings Open to the Public a) All meetings and hearings of	2.4 Meetings Open to the Public a) All meetings and hearings of
the Commission shall be open to the public except executive	the Commission shall be open to the public except executive
 to the public except executive meetings. b) The Commission may hold an executive meeting upon affirmative vote of two-thirds of its constituent members present, taken at an open meeting for which notice has 	<pre>to the public except executive meetings. b) The Commission may hold an executive meeting upon an affirmative unanimous vote of two-thirds of its constituent members present, taken at an open meeting for which notice</pre>

Current Rule	Proposed Rule
been given pursuant to Rule	has been given pursuant to
2.5. No final or binding	Rule 2.5. No final or binding
action shall be taken during	action shall be taken during
an executive meeting except as	an executive meeting except as
provided herein.	provided herein.
c) The Commission may hold an	c) The Commission may hold an
executive meeting for one or	executive meeting for one or
more of the following reasons:	more of the following reasons:
1. Discussion of the	1. Discussion of the
character, professional	character, professional
competence, or physical	competence, or physical
or mental health of a	or mental health of a
person, provided that	person, provided that
such person may require	such person may require
that such discussion be	that such discussion be
held at an open meeting.	held at an open meeting.
2. Strategy sessions or	2. Strategy sessions or
negotiations with respect	negotiations with respect
to collective bargaining,	to collective bargaining,
prospective litigation	prospective litigation
after formal written	after formal written
demand, or litigation	demand, or litigation
when an open meeting	when an open meeting
would have a detrimental	would have a detrimental
effect on the bargaining	effect on the bargaining
or litigation position of	or litigation position of
the Commission.	the Commission.
3. Discussion regarding the	3. Discussion regarding the
report, development, or	report, development, or
course of action	course of action
regarding security	regarding security
personnel, plans, or	personnel, plans, or
devices.	devices.
4. Investigative proceedings	4. Investigative proceedings
regarding allegations of	regarding allegations of
misconduct.	misconduct.
5. Cases of extraordinary	5. Cases of extraordinary
emergency, which shall be	emergency, which shall be
limited to natural	limited to natural
disaster, threat of	disaster, threat of

Current Rule	Proposed Rule
epidemic, civil	epidemic, civil
disturbances or other	disturbances or other
matters of similar	matters of similar
magnitude.	magnitude.
6. Discussion of any matter	6. Discussion of any matter
deemed confidential by	deemed confidential by
these Rules, or State or	these Rules, or State or
Federal Law or	Federal Law or
Regulation.	Regulation.
7. Consideration and	7. Consideration and
discussion of the merits	discussion of the merits
of any appeal filed	of any appeal filed
pursuant to these Rules.	pursuant to these Rules.
Final and binding action	Final and binding action
may be taken during an	may be taken during an
executive meeting held to	executive meeting held to
discuss and decide such	discuss and decide such
an appeal.	an appeal.
2.5 Notice of Meetings	2.5 Notice of Meetings
a) The Commission shall give	a) The Commission shall give
written public notice of any	written public notice of any
regular, special, or	regular, special, or
rescheduled meeting no later	rescheduled meeting no later
than 24 hours before that	than 24 hours before that
meeting. Such notice shall	meeting. Such notice shall
include the agenda, date,	include the agenda, date,
time, and place of the	time, and place of the
	,
meeting, provided that upon	meeting, provided that upon
meeting, provided that upon the approval of two-thirds of	
	meeting, provided that upon
the approval of two-thirds of	meeting, provided that upon the unanimous approval of two-
the approval of two-thirds of the members present at a	meeting, provided that upon the unanimous approval of two- thirds of the members present
the approval of two-thirds of the members present at a meeting of the Commission, the	meeting, provided that upon the unanimous approval of two- thirds of the members present at a meeting of the
the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a	meeting, provided that upon the unanimous approval of two- thirds of the members present at a meeting of the Commission, the Commission may
the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In	meeting, provided that upon the unanimous approval of two- thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the
the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary	meeting, provided that upon the unanimous approval of two- thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of
the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, such notice shall	meeting, provided that upon the unanimous approval of two- thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, such

Current Rule	Proposed Rule
deems appropriate and	meeting as it deems
circumstances permit.	appropriate and circumstances
	permit.
b) Written public notice shall	b) Written public notice shall
include:	include:
1. Posting a copy of the	1. Posting a copy of the
notice at the office of	notice at the office of
the director no less than	the director no less than
twenty-four (24) hours	twenty-four (24) hours
before the meeting.	before the meeting.
2. Sending a copy of the	2. Sending a copy of the
notice to any member of	notice to any member of
the news media who	the news media who
requests notice of	requests notice of
meetings of the	meetings of the
Commission.	Commission.

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

Revisions to State Police Commission Rules 7.9 and 7.20 would remove non-competitive promotions. Promotions in the classified State Police Service are competitive.

Current Rule	Proposed Rule
CHAPTER 7	
7.9 Promotional Examinations	7.9 Promotional Examinations
 a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided 1. The Director shall issue an appropriate 	 a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided The Director shall issue an appropriate

Current Rule	Proposed Rule
announcement in advance	announcement in advance
of such examination and	of such examination and
it shall be the duty of	it shall be the duty of
the Appointing Authority	the Appointing Authority
to make every effort to	to make every effort to
see that employees are	see that employees are
informed of the	informed of the
announcement;	announcement;
2.	2.
a) Admission to such	a) Admission to such
examination shall	examination shall
be restricted to	be restricted to
permanent employees	permanent employees
who meet the	who meet the
qualifications	qualifications
stated in the class	stated in the class
specifications for	specifications for
the position for	the position for
which the	which the
promotional	promotional
examination is	examination is
announced. An	announced. An
employee currently	employee currently
rated unacceptable	rated unacceptable
(i.e., "needs	(i.e., "needs
improvement" or	improvement" or
"unsatisfactory")	"unsatisfactory"
shall not be	"unsuccessful")
admitted to any	shall not be
competitive test.	admitted to any
	competitive test.
b) Repealed by the	b) Repealed by the
State Civil Service	State Civil Service
Commission	Commission
effective March 15,	effective March 15,
1973.	1973.
c) Whenever minimum	c) Whenever minimum
qualification	qualification
requirements are	requirements are
changed and	changed and
enangea ana	enangea ana

Current Rule	Proposed Rule
incumbents of	incumbents of
positions in	positions in
affected classes do	affected classes do
not meet the new	not meet the new
requirements, such	requirements, such
incumbents will be	incumbents will be
allowed to remain	allowed to remain
in the class of	in the class of
position occupied,	position occupied,
unless a specific	unless a specific
license or	license or
certification is	certification is
required by law,	required by law,
and to continue	and to continue
gaining qualifying	gaining qualifying
experience for the	experience for the
higher levels that	higher levels that
are in the normal	are in the normal
career progression	career progression
for that class.	for that class.
d) Repealed, effective	d) Repealed, effective
January 28, 1992,	January 28, 1992,
and partially	and partially
incorporated in	incorporated in
7.9(a)2c.	7.9(a)2c.
3. Repealed, effective	3. Repealed, effective
January 28, 1992, and	January 28, 1992, and
incorporated in Rule	incorporated in Rule
7.7(a).	7.7(a).
4. The eligible list	4. The eligible list
established from such	established from such
examination shall contain	examination shall contain
the names of all	the names of all
candidates who pass the	candidates who pass the
examination, ranked	examination, ranked
according to their final	according to their final
ratings.	ratings.
5. In assigning a rating	5. In assigning a rating
based on training and	based on training and
experience, credit shall	experience, credit shall

Current Rule	Proposed Rule
not be allowed for	not be allowed for
periods of leave of	periods of leave of
thirty days or more	thirty days or more
absence without pay	absence without pay
granted under the	granted under the
provisions of Rule	provisions of Rule
11.27(a) and (b), unless	11.27(a) and (b), unless
the work performed during	the work performed during
the period of absence is	the period of absence is
creditable under the	creditable under the
examination	examination
specifications.	specifications.
b) Non-competitive promotions may	b) Non-competitive promotions may
be made to non-competitive	be made to non-competitive
classes only in accordance	classes only in accordance
with the provisions of Rule	with the provisions of Rule
7.20.	7.20.
c) The Director may indicate the	c) The Director may indicate the
principal or normal line of	principal or normal line of
promotion from and to each	promotion from and to each
class of position.	class of position.
d) Upon receipt by the Director	d) Upon receipt by the Director
of a request to fill a	of a request to fill a
promotional vacancy, the	promotional vacancy, the
Director shall admit to	Director shall admit to
examination and consider for	examination and consider for
certification all qualified	certification all qualified
applicants whose applications	applicants whose applications
are then on file with the	are then on file with the
Director for the vacancy being	Director for the vacancy being
filled; provided that the	filled; provided that the
Director may restrict the	Director may restrict the
number of times that an	number of times that an
applicant may be admitted to	applicant may be admitted to
the same examination within a	the same examination within a
twelve month period.	twelve month period.
e) Repealed, effective January	e) Repealed, effective January
28, 1992	28, 1992

Current Rule	Proposed Rule
7.20 Noncompetitive Classes	7.20 Noncompetitive Classes
a) Repealed, effective January	a) Repealed, effective January
28, 1992.	28, 1992.
b) Repealed by the State Civil	b) Repealed by the State Civil
Service Commission effective	Service Commission effective
January 1, 1975.	January 1, 1975.
c) Repealed, effective January	c) Repealed, effective January
28, 1992.	28, 1992.
d) Repealed, effective January	d) Repealed, effective January
28, 1992.	28, 1992.
e) When testing for a class is	e) When testing for a class is
impractical because of	impractical because of
situations that require	situations that require
considerable education in a	considerable education in a
formal body of knowledge and	formal body of knowledge and
professional testing prior to	professional testing prior to
legal licensing and practice	legal licensing and practice
of a profession, the Director	of a profession, the Director
may, with approval of the	may, with approval of the
Commission, dispense with	Commission, dispense with
competitive examining	competitive examining
procedures for those classes.	procedures for those classes.

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The purpose of amending State Police Commission Rule 8.13 is to remove the option of the declaration of a non-competitive promotion by the Director. Promotions in the classified State Police Service are competitive.

Current Rule	Proposed Rule	
CHAPTER 8		
8.13 Promotion	8.13 Promotion	

Current Rule	Proposed Rule
a) Subject to the provisions of	a) Subject to the provisions of
Rules 8.7, each promotion	Rules 8.7, each promotion
shall be made by appointing	shall be made by appointing
one of the eligibles within	one of the eligibles within
the seven highest final grade	the seven highest final grade
groups on a promotional	groups on a promotional
certificate issued by the	certificate issued by the
Director following competitive	Director following
examination. If there are	competitive examination. If
seven (7) or fewer qualified	there are seven (7) or fewer
applicants for a vacancy, the	qualified applicants for a
Director may declare a	vacancy, the Director may
noncompetitive situation and	declare a noncompetitive
forego testing for that	situation and forego testing
vacancy. In such case, the	for that vacancy. In such
applicants shall be rated	case, the applicants shall be
"Eligible."	rated "Eligible."
b) The Director shall issue a	b) The Director shall issue a
promotional certificate from a	promotional certificate from
register of eligibles	a register of eligibles
established following a	established following a
competitive promotional	competitive promotional
examination. Candidates shall	examination. Candidates
be certified in grade order.	shall be certified in grade
	order.
c) The Director shall not include	c) The Director shall not
in any promotional	include in any promotional
certification, nor authorize	certification , nor authorize
the non-competitive promotion,	the non-competitive
of the name of an employee	promotion, of the name of an
having a current unacceptable	employee having a current
service rating (i.e., "needs	unacceptable service rating
improvement" or	(i.e., "needs improvement" or
"unsuccessful").	"unsuccessful").

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed amendment of State Police Commission Rule 13.1 complies with Article X, Part IV, Section 46 of the Louisiana Constitution wherein a classified state police officer may only appeal on the basis of discrimination "because of his political or religious beliefs, sex, or race."

Current Rule	Proposed Rule	
CHAPTER 13		
13.1 Appeals to the Commission	13.1 Appeals to the Commission	
<pre>An appeal may be made to this Commission by: a) Any person in the Classified State Police Service who is alleged to have been discriminated against or subjected to any disciplinary action because of his/her political or religious beliefs, sex, or race. b) Any person in the Classified State Police Service who, having gained permanent status, is alleged to have been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these Rules. c) Any person in the Classified State Police Service who is alleged to have been adversely affected by the violation of any provision of the State Police Commission Article or of any State Police Commission Rule other than a rule in Chapter 10.</pre>	<pre>An appeal may be made to this Commission by: a) Any person in the Classified State Police Service who is alleged to have been discriminated against or subjected to any disciplinary action because of his/her political or religious beliefs, sex, or race. b) Any person in the Classified State Police Service who, having gained permanent status, is alleged to have been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these Rules. c) Any person in the Classified State Police Service who is alleged to have been adversely affected by the violation of any provision of the State Police Commission Article or of any State Police Commission Rule other than a rule in Chapter 10.</pre>	

Current Rule	Proposed Rule
d) REPEALED - EFFECTIVE JANUARY	d) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
e) REPEALED - EFFECTIVE JANUARY	e) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
f) REPEALED - EFFECTIVE JANUARY	f) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
g) REPEALED - EFFECTIVE JANUARY	g) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
h) REPEALED - EFFECTIVE JANUARY	h) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
i) REPEALED - EFFECTIVE JANUARY	i) repealed - effective january
10, 2019	10, 2019
j) REPEALED - EFFECTIVE JANUARY	j) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
k) REPEALED - EFFECTIVE JANUARY	k) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019
l) Any applicant for employment	 Any applicant for employment
in the Classified Service and	in the Classified Service and
any employee in the Classified	any employee in the Classified
Service who alleges that he	Service who alleges that he
has been discriminated against	has been discriminated against
because of his membership or	because of his membership or
nonmembership in any private	nonmembership in any private
organization.	organization.
m) REPEALED - EFFECTIVE JANUARY	m) REPEALED - EFFECTIVE JANUARY
10, 2019	10, 2019

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed amendment of State Police Commission Rule 14.3(b) complies with Article X, Part IV, Section 46 of the Louisiana Constitution wherein a classified state police officer may only appeal on the basis of discrimination "because of his political or religious beliefs, sex, or race."

Current Rule	Proposed Rule		
CHAPT	CHAPTER 14		
14.3 Other Prohibited Activity	14.3 Other Prohibited Activity		
a) Discrimination, as defined in Rule 1.14.1, is prohibited.	a) Discrimination, as defined in Rule 1.14.1 Chapter 1, is prohibited.		
b) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified State Police Service, or in any way favored or discriminated against with respect to employment, because of his or her political or religious opinions or affiliations, race, sex, or membership or non- membership in any private organization.	b) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified State Police Service, or in any way favored or discriminated against with respect to employment, because of his or her political or religious opinions or affiliations, race, sex, or membership or non- membership in any private organization the employee's political or religious beliefs, sex, or race.		
 c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in a position in the classified State Police Service. d) No appointing authority, agent, or deputy thereof, or supervisor of any employee shall, directly or indirectly, discipline, influence, coerce or take any other action against any employee in the classified State Police Service for the purpose of influencing his vote, support or 	 c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in a position in the classified State Police Service. d) No appointing authority, agent, or deputy thereof, or supervisor of any employee shall, directly or indirectly, discipline, influence, coerce or take any other action against any employee in the classified State Police Service for the purpose of influencing his vote, support or 		

Current Rule	Proposed Rule
other political activity in any	other political activity in any
general or primary election.	general or primary election.
e) No person elected to public	e) No person elected to public
office shall, while serving in	office shall, while serving in
such elective office, be	such elective office, be
appointed to or hold any position	appointed to or hold any position
in the classified State Police	in the classified State Police
Service.	Service.
f) No person shall be appointed,	f) No person shall be appointed,
promoted, transferred or in any	promoted, transferred or in any
way employed in or to any	way employed in or to any
position in the classified State	position in the classified State
Police Service under any class	Police Service under any class
title which has not been approved	title which has not been approved
by the Director as appropriate to	by the Director as appropriate to
the duties to be performed.	the duties to be performed.
g) No classified member of the State	g) No classified member of the State
Police shall be appointed,	Police shall be appointed,
promoted, transferred or in any	promoted, transferred or in any
way employed in or to any	way employed in or to any
position which is not within the	position which is not within the
State Police Service.	State Police Service.
h) No payment for personal services	h) No payment for personal services
of any classified member of the	of any classified member of the
shall be made until the Director	shall be made until the Director
has approved the appointment.	has approved the appointment.
i) No person shall make any false	i) No person shall make any false
statement, certificate, mark,	statement, certificate, mark,
rating, form or report with	rating, form or report with
regard to any application, test,	regard to any application, test,
certification, personnel	certification, personnel
transaction, appointment or	transaction, appointment or
employment made under any	employment made under any
provision of the Article or Rules	provision of the Article or Rules
of the State Police Commission,	of the State Police Commission,
or in any manner commit or	or in any manner commit or
attempt to commit any fraud	attempt to commit any fraud
preventing the impartial	preventing the impartial
execution of the Article or	execution of the Article or
Rules.	Rules.

Current Rule	Proposed Rule
 j) No person or appointing authority	 j) No person or appointing authority
shall, directly or indirectly,	shall, directly or indirectly,
persuade, induce or coerce or	persuade, induce or coerce or
attempt to persuade, induce or	attempt to persuade, induce or
coerce any prospective applicant	coerce any prospective applicant
or eligible to withhold filing an	or eligible to withhold filing an
application or to withdraw from	application or to withdraw from
competition or eligibility for	competition or eligibility for
positions in the classified State	positions in the classified State
Police Service for the purpose of	Police Service for the purpose of
either improving or diminishing	either improving or diminishing
the prospects for appointment of	the prospects for appointment of
any applicant or eligible or	any applicant or eligible or
prospective applicant or	prospective applicant or
eligible. In addition to other	eligible. In addition to other
penalties which may be imposed by	penalties which may be imposed by
the Commission, the Director	the Commission, the Director
shall cancel any and all	shall cancel any and all
applications or eligibilities of	applications or eligibilities of
any person who violates the	any person who violates the
provisions of subsection (j)	provisions of subsection (j)
(above). k) No action shall be taken or	(above). k) No action shall be taken or
authorized to be taken by any	authorized to be taken by any
person without approval of the	person without approval of the
Commission, a court of proper	Commission, a court of proper
jurisdiction or the provisions of	jurisdiction or the provisions of
the Article, Rules, laws or	the Article, Rules, laws or
constitution, no person shall	constitution, no person shall
fail to comply with any order or	fail to comply with any order or
directive of the Commission.	directive of the Commission.

Questions pertaining to information in this General Circular should be addressed to my attention at Jason.Hannaman@La.gov or via telephone at (225) 925-7057.

s/Jason Hannaman, PHR, SHRM-CP Executive Director