

State Police Commission



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October 23, 1996

Transmittal Sheet No. 18

Subject: Renumbering and Revising Rules in Chapters 1, 2 and 3 of the State Police Commission Rules

Issue Date: October 23, 1996

At its October 21, 1996 meeting, the State Police Commission voted to renumber and revise the following rules in Chapters 1, 2 and 3 of the State Police Commission Rules.

Renumbering: 1.3, 2.9 (e), (f), (g), (h) and (i)

Revising: 1.4, 1.5, 1.5.01, 1.5.1, 1.8, 1.9.01, 1.14.1, 1.18, 1.19, 1.20, 1.24.1, 1.29, 1.36, 1.38, 1.39.1, 1.40, 3.1(a), (c), (d), (e), (f), (g), (h), (i), (j).

Attached hereto are complete copies of Chapters 1, 2 and 3, as amended, for inclusion in your rules. Also, please post this notice in a prominent place, accessible to all employees of the Office of State Police. If you have any questions, please feel free to contact me.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachments (3)

CHAPTER 1

DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

1.1 **Abandonment of Position** - means the desertion by a Classified employee of his position.

1.1.1. **Acceptable Rating** - means a performance appraisal rating of either "Achieves Results Expected", "Exceeds Results Expected" or "Outstanding."

1.2 **Allocation** - means the determination of the job to which a position is deemed to pertain.

1.3 Repealed, effective January 1, 1975.

1.3 **Annual Leave** - Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

1.4 **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.

1.5 **Appointment** - The designation, in accordance with Chapter 8 of the State Police Commission Rules, of an employee to a certain office and his acceptance thereof.

1.5.01 **Article or State Police Commission Article** - Article X, Part IV of the Constitution of the State of Louisiana of 1974.

1.5.1 **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.

- 1.5.2 **Career Field** - means any one of a job series or group of positions considered to have 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 that were 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.
- 1.5.2.1 **Certifiable Scores** - means 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.
- 1.5.3 **Change in Position** - for the purpose of 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.
- 1.6 **Class**- for the purpose of these Rules, means the same as 'Job'. (See Rule 1.17.1.1)
- 1.6.1 **Classification Plan** - means the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.
- 1.7 **Classified Position** - means any office or position in the Classified Service.
- 1.8 **Classified Service** - Any person in the State Police Service, except those specifically placed in the Unclassified Service in accordance with these Rules by the Commission or exempt from the Classified Service by the Article.
- 1.9 **Commission** - means the State Police Commission.
- 1.9.01 **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.
- 1.9.02 **Compensation** - means salary, wages, fees, and special pay considerations authorized under Chapter 6 of these Rules earned by or paid to any employee, by reason of service rendered in any position.

- 1.9.1 **Continuing Position** - means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 **Continuous State Service** - means 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.
- 1.11 **Demotion** - means a change of a permanent or probationary employee from a position of one grade level to a position of a lower grade level.
- 1.12 **Department**- mans any legally constituted agency, board or commission whose employees are in the State Service as defined by the Article.
- 1.13 **Department Preferred Reemployment List** - means a list of employees who have been laid off or otherwise affected by a layoff (e.g., displaced and or demoted in lieu of layoff, changed in duty station, reassigned). Employee on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 **Designated Holiday** - means 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.
- 1.13.1 **Detail to Special Duty** - means 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 an to his regular position.
- 1.14 **Director** - means the Director of the State Police Commission.
- 1.14.1 **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.
- 1.14.2 **Efficiency Rating** - means the service rating of an employee on the basis of satisfactory or unsatisfactory.

- 1.15 **Eligible**- means any person who, after receiving a final passing rating in a State Police Commission examination, is currently on an eligible list.
- 1.15.1 **Employee Affected by a Layoff** - means one who has experienced one of the consequences of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.
- 1.15.1.1 **Exempt** - is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.15.2 **Furlough** - means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
- 1.15.2.1 **General Increase** - means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.
- 1.15.2.2 **Hiring Rate** - means the beginning rate at which persons are hired into a job.
- 1.15.2.3 **Individual Pay Rate** - means 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 employee's merit.
- 1.15.3 **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.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
- 1.17.1 Repealed, effective January 1, 1975.
- 1.17.1.1 **Job** - means 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 and which is performed at the same skill/responsibility level. This definition, for the purpose of these Rules, means the same as "Class" (See Rule 1.6).
- 1.17.2 **Job Analysis** - means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of work behaviors and tasks performed.

- 1.18 **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.
- 1.18.1 **Job Evaluation** - means a formal process which determines the relative value to be placed on various jobs within the organization.
- 1.18.2 **Job Specification** - means 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.
- 1.19 **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.
- 1.19.1 **Layoff Avoidance Measures** - mean 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.
- 1.20 **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.
- 1.20.001 **Market Grade Job** - means a job that is assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.
- 1.20.002 **Merit Increase** - means an adjustment to individual pay rate based on performance, or some other individual equity basis.
- 1.20.01 **Military Active Duty** - Full-time duty in the active military service, other than active duty for training.
- 1.20.02 **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).
- 1.20.03 **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.

1.20.04 **Minimum-** means the interim minimum of a pay range, as stipulated in Chapter 19 until such minimum no longer exists.

1.20.1 **Multiple Restricted Appointment** - means 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.

1.20.2 **Official Domicile** - means 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 located 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.

1.20.3 **Official Holiday** - means either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.

1.21 **Organization Unit** - means any administrative agency or part thereof that is designated by rule or regulation hereunder as a unit for purposes of administering these Rules.

1.21.1 **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 that is 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 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.

1.22 **Original Appointment** - means initial appointment of a person to a classified position by provisional, probationary or job appointment.

1.23 Repealed, effective June 29, 1987.

1.24 **Pay Plan** - means 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.

1.24.001 **Pay Range** - means the range of pay rates from minimum to maximum set for a pay grade.

1.24.002 **Pay Structure** - means the organization of pay grades and ranges established for jobs within the classified service.

1.24.003 **Pay Structure Adjustment** - means a change in the range minimum and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.

1.24.01 **Performance Appraisal Rating** - means the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.

1.24.02 **Performance Standard** - means a statement or description of observable conditions that define the levels of performance for each major task or duty area.

1.24.1 **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.

- 1.25 **Position** - means 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.
- 1.25.1 **Preference Employee** - means an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.
- 1.25.2 Repealed, effective July 2, 1986.
- 1.26 **Probationary Appointment** - means appointment of a person to serve a working test period in a position.
- 1.26.1 **Progress Review** - means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.
- 1.27 **Promotion** - means 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.
- 1.28 **Promotional List** - means 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.
- 1.29 **Provisional Appointment** - A temporary appointment of a non-permanent employee to a position in the absence of an adequate eligible list, until such time as the appointed employee demonstrates the required skill level to qualify for the job.
- 1.30 **Public Hearing** - means 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.
- 1.31 Repealed, effective March 15, 1966.
- 1.32 **Reallocation** - means a change in the allocation of a position from one job to another wherein the duties of the position have undergone a change.

- 1.33 **Reassignment** - means 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.
- 1.33.01 **Red Circle Rate** - means an individual pay rate that is above the maximum of a pay range for a grade.
- 1.33.1 **Reemployment** - means the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.
- 1.34 **Regular or Permanent Appointment** - means the status attained by a classified employee upon the successful completion of his probationary period.
- 1.35 Repealed, effective March 15, 1966.
- 1.36 **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.
- 1.37 **Removal or Dismissal** - means the termination of employment of an employee for cause.
- 1.37.1 **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.
- 1.38 **Resignation** - The voluntary termination, including retirement, by an employee of his employment in the Classified Service.
- 1.38.1 **Restricted Appointment** - means 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.
- 1.38.2 **Retitle** - occurs when the revision in the job specifications results in a change in the job title.
- 1.39 **Service Rating** - means the individual rating of an employee, made in accordance with the service rating system established by these rules.
- 1.39.01 **Shift Differentials** - means extra pay allowances made to employees who work nonstandard hours.

1.39.1 **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.

1.39.2 **State Service** - for the purpose of 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 who is 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 the purpose of 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 prior to January 1, 1983.
2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments that were 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 prior to 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.

- 1.40 **Suspension** - The enforced leave without pay of an employee for disciplinary purposes.
- 1.40.1 **Title Change** - means a change in the title of the class to which a position is allocated without change in the position is allocated without change in the position's duty and responsibility content.
- 1.41 **Transfer** - means 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.
- 1.41.1 **Unacceptable Rating** - means a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory".
- 1.42 **Uniform Pay Plan** - means a pay plan wherein the pay structure and administrative rules are uniformly applicable to all agencies for positions of the Classified Service.

CHAPTER 2

ORGANIZATION, RULES, PROCEDURES AND POWERS OF THE STATE POLICE COMMISSION

2.1 Election of the Chairman and Vice-Chairman.

- (a) The members of the Commission shall meet and organize by electing one of its members Chairman and one of its members Vice-Chairman. In case of a vacancy in either office, the Commission shall elect a replacement from among its members.
- (b) The Chairman and Vice-Chairman shall be elected at the first meeting held following December 31 of each year.

2.2 The Commission shall meet at such time and place as may be fixed by the Commission, the Chairman, or the Director. Notice of each meeting shall be given to all members of the Commission.

2.3 Rules of Order.

The Commission shall not be bound by rules of order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish.

2.4 Meetings Open to the Public.

- (a) All meetings and hearings of the Commission shall be open 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 been given pursuant to Rule 2.5. No final or binding action shall be taken during an executive meeting except as provided herein.
- (c) The Commission may hold an executive meeting for one or more of the following reasons:
 - (1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting.

- (2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the Commission.
- (3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
- (4) Investigative proceedings regarding allegations of misconduct.
- (5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances or other matters of similar magnitude.
- (6) Discussion of any matter deemed confidential by these Rules, or State or Federal Law or Regulation.
- (7) Consideration and discussion of the merits of any appeal filed pursuant to these Rules. Final and binding action may be taken during an executive meeting held to discuss and decide such an appeal.

2.5 Notice of Meetings.

- (a) The Commission shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before that meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon 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 not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.
- (b) Written public notice shall include:
 - (1) Posting a copy of the notice at the office of the director no less than 24 hours before the meeting.
 - (2) Mailing a copy of the notice to any member of the news media who requests notice of meetings of the Commission.

2.6 Quorum and Voting.

- (a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.

- (b) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Commission.
- (c) In the event of a tie vote the Commission may, in its discretion,
 - 1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or
 - 2. Continue the matter for consideration at a later meeting.
- (d) Temporary absence during the consideration of an item of business shall not disqualify a member from voting on said item.

2.7 Secretary to the Commission.

The Director shall act as Secretary of the Commission and shall keep adequate records and minutes of its business and official actions.

2.8 Minutes of the Proceedings.

The minutes of the proceedings of the Commission shall be prepared and maintained by the Director on behalf of and subject to the approval of the Commission.

2.9 Powers of the Commission.

The Commission is empowered:

- (a) To represent the public interest in the improvement of personnel administration in the departments whose personnel practices are governed by the Article and the State Police Commission Rules.
- (b) To appoint and remove and otherwise discipline the Director.
- (c) To conduct investigations whenever it has reason to believe the provisions of the State Police Commission Article or Rules are being violated or have been violated by any person or department; and to hold public hearing when charges of such violations have been filed with it. The Commission may issue appropriate orders in any such case, in addition to those orders provided for in Subsections (k) and (l) of this Rule.
- (d) To make, alter, amend and promulgate Rules as authorized by the Article and otherwise to provide for the establishment and maintenance of a Civil Service system in departments of State government.

- (e) To hear appeals from employees and others who claim their rights under these Rules and the State Police Commission Article have been violated and to issue appropriate orders in such cases.
- (f) To perform such other acts as may from time to time be required of it by the Constitution or by Statute.
- (g) To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings consistent with judicial resolution of matters coming before it for consideration.
- (h) To issue orders withholding compensation from any person who, after investigations by public hearings, has been found by the Commission to be employed or paid by the State contrary to the provisions of the Constitution or the Rules adopted thereunder. Such orders may be directed to the officer having authority to approve the payroll or assign the paycheck for such employee; and the officer to whom it is directed and any other person to whom such order is directed shall make no payment of compensation or authorize the making of any such payment to such person until authorized by the Commission upon penalty of personal liability for the sum so paid contrary to the order of the Commission and such other penalties as are otherwise provided by the Constitution and/or the Rules.
- (i) To enforce its rules, regulations, and orders in the courts of this State by mandamus or injunction suits.

2.10 Adoption, Amendment or Repeal of Rules; Emergency Rule Changes.

- (a) Except as provided for herein in Rule 2.10(b), the adoption, amendment or repeal of any rule shall be approved by the Commission only upon thirty (30) days written notice and approval after a public hearing, and such adoption, amendment or repeal of any rule shall become effective upon approval of the Commission, unless the Commission specifically provides for another effective date.
- (b) If the Commission finds that an imminent peril to the public health, safety or welfare or another emergency requires adoption of a rule change without compliance with Rule 2.10(a), the adoption, amendment or repeal of any rule may be approved by the Commission.
- (c) Repealed, November 20, 1995.
- (d) Repealed, November 20, 1995.

- (e) Repealed, November 20, 1995.

2.11 Contempt of the Commission.

A contempt of the Commission or its Referee is an act or omission tending to obstruct or interfere with the orderly discharge of the responsibilities and duties of the Commission or its Referee, or to impair the dignity of the Commission or its Referee or respect for their authority.

A contempt of the Commission includes, but is not limited to, any of the following acts:

- (a) Wilful failure to comply with a subpoena or summons to appear before the Commission or its Referee, proof of service of which appears of record.
- (b) Wilful violation of an order excluding, separating, or sequestering a witness.
- (c) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a nonincriminating question when ordered to do so by the Commission or its Referee.
- (d) Insolent or disorderly behavior toward the Commission or an attorney or other officer or Referee of the Commission, tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.
- (e) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.
- (f) Use of insulting, abusive or discourteous language by an attorney or other person before the Commission or its Referee, or in a motion, plea, brief or other document filed with the Commission or its Referee in irrelevant criticism of the Commission, a Commissioner, an attorney, The Director or his staff, or an officer or Referee of the Commission.
- (g) Action by any person taken or ordered to be taken without approval of the Commission when such approval for the actions is required by either the State Constitution or by State Police Commission Rule.

- (h) Failure of any person to comply with any order or directive of the Commission unless otherwise stayed by a Court of proper jurisdiction or unless within the time limits for such compliance provided by applicable rule or law.
- (i) Wilful failure of an attorney to appear at the time and place set for the hearing in which he is to participate.

2.11.1 Cooperation of Persons Within the State Police Service with the Department of State Civil Service

- (a) Upon request by certified letter from the Director of the Department of State Civil Service, or his representative, all persons within the State Police Service so notified shall fully cooperate with any public investigation being conducted by the Department of State Civil Service, including being interviewed and truthfully answering all questions and/or providing all requested documents.
- (b) Failure of any person within the State Police Service to fully and truthfully cooperate in public investigations being conducted by the Department of State Civil Service shall constitute contempt of the State Police Commission, and such persons shall be punished accordingly.

2.12 Procedure for Punishing for Contempt.

- (a) When a person has committed a contempt of the Commission or a Referee in the presence of the Commission or a Referee, he may be found guilty and punished therefore by the Commission or Referee forthwith, without any trial other affording him an opportunity to be heard orally by way of defense or mitigation.
- (b) When a person is charged with committing a contempt outside of the presence of the Commission or a Referee, he shall be tried by the Commission or the Referee on a Rule to show cause alleging the facts constituting the contempt. The Rule may be issued by the Commission or Referee on its own motion, or on motion of the Director.
- (c) A copy of the motion and of the Rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the Rule.
- (d) If a person charged with contempt is found guilty, the Commission or a Referee shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.

- (e) Should a person served in accordance with this Rule fail to appear at the time, date, and place set for the hearing on the Rule, the Commission or Referee may order any law enforcement officer to apprehend and to bring before the Commission or Referee the person charged with contempt, to proceed with the hearing in the absence of the person charged, or to institute proceedings before the judiciary of this State as the Commission or Referee deems proper.

2.13 Penalties for Contempt.

- (a) In addition to that which is provided for in these rules, the Commission or a Referee may punish a person adjudged guilty of contempt of the Commission or the Referee by a fine of not more than five hundred dollars (\$500.00).

2.14 Commanding Immediate Presence.

In addition to that which is provided for herein, the Commission or a Referee may order any law enforcement officer to locate and bring before the Commission or the Referee any person who fails to appear at a hearing pursuant to a subpoena if proof of service appears of record and if the immediate presence of that person will facilitate the progress of the subject hearing.

CHAPTER 3

DUTIES OF THE DIRECTOR

3.1 Duties of the Director.

It shall be the duty of the Director

- (a) To serve as the executive and administrative head of the State Police Commission and direct and supervise all of the Commission's administrative and technical activities functions.
- (b) To attend all meetings of the Commission and to act as its secretary and keep minutes of its proceedings.
- (c) To establish and maintain a roster of all employees within the State Police Service, which roster shall indicate as to each employee the class title of the position held, the salary or pay, any change in class title, pay or status and any other necessary data.
- (d) To appoint and remove and otherwise discipline, under the provision of the State Police Commission Article and Rules, such employees of the State Police Commission, and such experts and special assistants as may be necessary to carry out effectively the provisions of the State Police Commission Article and Rules.
- (e) Consistent with the Article and the Rules, to formulate and prescribe procedures, and to publish them in a Personnel Manual; conduct examinations; maintain a list of eligibles; and certify qualified persons for appointment within the State Police Service.
- (f) To develop, in cooperation with the appointing authority of the Office of State Police and others, training, educational, and safety programs for all employees governed by the Article.
- (g) To make and publish annual reports regarding the work of the Commission, and such special or other reports to the Commission and the Governor as he considers desirable.
- (h) To perform any other acts or functions which are necessary or desirable to carry out the purposes of the Article or these Rules, or such acts or functions which he may be directed to perform by the Commission or its Chair.

- (i) To serve as referee in employee appeals or to appoint a member of the State Police Commission to serve as referee.
- (j) Subject to review by the Commission, to prepare and submit budget requests covering the estimated costs of administering the Commission.
- (k) To act between meetings of the Commission on routine matters requiring Commission approval. Subject to the provisions of Sub-section (n) of this Rule, any such action of the Director shall be reported to the Commission at its next meeting and unless approved by the Commission at such meeting, shall terminate.
- (l) To make such investigations as may be necessary to enforce the provisions of the State Police Commission Article and Rules and to determine the qualifications and suitability of applicants for employment in the Classified Service.
- (m) To establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or the Commission under the State Police Commission Article.
- (n) To act between meetings on piecemeal Classification and Pay Plan matters requiring Commission approval. Any such action by the Director shall be reported to the Commission at the next public hearing called to consider Classification and Pay Plan matters and unless approved by the Commission following such hearing, shall terminate.
- (o) To review and approve or disapprove all contracts entered into between the Office of State Police and all persons, firms, corporations or other entities rendering personal services to or on behalf of the Office of State Police. Said contracts shall be submitted to the Director by the Office of State Police prior to the effective date of the contract.

Upon receipt of the contract, the Director shall approve or disapprove the contract or, where the Director finds that the contract does not provide for services within the State Police Service, the Director shall return the contract without action. In such case, the Director shall state, in writing, the basis for returning the contract.

When the Director disapproves a contract, the Director shall state in the instrument of disapproval the position to which such services are or may be assigned.

- (p) To develop and propose to the Commission uniform classification and pay plans and amendments thereto.
- (q) To develop and propose to the Commission, rules and amendments thereto governing employment conditions for employees in the Classified Service.
- (r) To require departments and agencies to establish and implement, in accordance with established policy, an affirmative action program to assure equal employment opportunity in the Classified Service of State government.
- (s) To notify the State Police Commission of any proposal which would effect the pay of jobs in the protective services concurrent with the issuance of the State Police Commission monthly agenda and supplemental agenda.

3.2 Amended and re-enacted as Rule 3.1(k) effective March 15, 1966.

3.3 Amended and re-enacted as Rule 3.1(l) effective March 15, 1966.

3.4 Appointment of the Director.

- (a) Subject to the provisions of Sub-section (b) of this Rule, the Director shall be appointed by the Commission following competitive examination administered in a manner prescribed by the Commission.
- (b) The Commission shall have access to other provisions of these Rules for the temporary, interim appointment of an acting director, if such is necessary.

3.5 Status of the Director.

The Director shall be employed within the Classified Service of the State.