

**BATON ROUGE MUNICIPAL
FIRE AND POLICE
CIVIL SERVICE BOARD RULES**

RULE I

MEETING OF THE BOARD:

SECTION 1: The board shall hold one regular monthly meeting. The board shall hold such special meetings as may be called by the chair or as provided in Revised Statute 33:2471, et seq.

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held in the Chambers of the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the East Baton Rouge Parish Governmental Building, 222 St. Louis Street, Baton Rouge, LA, or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.

Notice shall be mailed to the Chief of Police, Fire Chief, President of the Police Union, President of the Fire Union, and the Parish Attorney's Office. If notice is less than five days before the date fixed for the meeting, the Chief of Police, Fire Chief, President of the Police Union, President of the Fire Union, and the Parish Attorney's Office shall be notified by telephone of the date, time, and place of the meeting and furnished with the agenda via fax to the number provided by them to the Board.

SECTION 4: Special meetings of the board will be held only upon call of the chair, or in his absence the vice-chair, or as provided by Revised Statute 33:2471, et seq.

SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1, et seq.

SECTION 6: All board members must be notified not less than five (5) days preceding all regular board

meetings. Special meetings may be held upon
twenty-four hour notice, as provided by law.

SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called unless the agenda is amended as provided by law.

RULE III

ORDER OF BUSINESS:

SECTION 1: At regular meetings the order of business shall be as follows:

1. Roll Call
2. Reading of the minutes
3. Special and general reports
4. Decisions and orders on matters considered at previous hearings and meetings.
5. New business

SECTION 2: At special meetings the order of business shall be as follows:

1. Roll Call
2. Reading of minutes
3. Decisions and orders on matters considered at previous hearings and meetings.
4. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS:

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when concerning those matters which may be discussed under

provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions shall be conducted only upon return to public meeting.

RULE V

APPLICATION FOR APPEALS AND HEARINGS:

SECTION 1: Any person authorized to appeal to the board under the provisions of Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, and the relief sought. Application for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law shall be made only by regular employees in the classified service. All applications for appeals and other hearings must be signed by the appellant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chair of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI

PROCEDURE ON APPEALS: (Revised Statute 33:2501)

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. (The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race).

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses. (The Board may wish to have the appellant go first if the basis of appeal is allegation(s) of discrimination.)

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of sequestration and thus exclude them from the hearing room.

SECTION 6: SUBPOENAS

The Appellant and the appointing authority are each entitled to the following number of subpoenas:

- (A) Two subpoenas when a Firefighter or Police Officer is appealing an action which does not involve a suspension entailing time off without pay, a demotion or a permanent removal;
- (B) Three subpoenas when a Firefighter or Police Officer is appealing an action which involves a suspension entailing time off without pay and
- (C) Five subpoenas when a Firefighter or Police Officer is contesting an action which involves a demotion or a permanent removal.

Additional subpoenas must be requested in writing giving the name, address, and a brief statement as to the substance of the witness' testimony and its necessity to the requesting party's case. The chair shall determine if the witness'

testimony is essential to the party's case and if it is, shall cause the additional subpoenas to issue no later than nine (9) days prior to the hearing date. All parties shall be notified in writing of Board's decision on additional subpoenas no later than five (5) days prior to the hearing.

A request for a subpoena for witnesses or for records must be in writing and signed by the party or the party's attorney. It must be received in the Board's office no later than 15 calendar days prior to the hearing. All requests for a subpoena or a subpoena for records shall contain a brief statement as to the relevance of the person's testimony or the records to the requesting party's case.

A motion to quash a subpoena or a subpoena for records shall be received in the Board's office no later than 10 days prior to the hearing. The motion shall be in writing and signed by the party or his/her attorney.

The party requesting the subpoena or subpoena for records may file an opposition to the motion to quash which must be received in the Board's office no later than 5 days prior to the hearing.

A request for a subpoena or a subpoena for records, a motion to quash a request for a subpoena or a subpoena for records, and a response to any motion to quash shall include a statement that a copy of the document has been delivered to the opposing party in the same manner (e.g. by U.S. Mail, postage prepaid and properly addressed to the opposing party or the opposing party's counsel if the opposing party is represented; by fax, by hand; etc.) as it was delivered to the Board.

SECTION 7: When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501, and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed fifteen hundred dollars in any one appeal.

SECTION 8: The Board may grant continuances for good cause

shown in writing. A written request for a continuance must be submitted to the Board no less than 14 calendar days (2 weeks) prior to the date the hearing is scheduled. The Board may grant a request for a continuance if it is presented with written reasons which the Board determines constitutes an emergency. No continuances shall be granted to any party if the sole basis for the request is that only four members of the Board are present when the Board convenes to hear the appeal of a disciplinary action. If at the conclusion of the hearing of the appeal of a disciplinary action when only four Board members are present there is no motion resolving the appeal that receives three votes, the absent Board member shall listen to the tapes of the hearing before the next regularly scheduled meeting of the Board. At the next regularly scheduled meeting of the Board, the Board shall vote to resolve the appeal.

RULE VII

DISMISSAL OF APPEALS:

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII

TRANSCRIPTS OF HEARINGS:

SECTION 1: The Board shall maintain a tape of all of its meetings and hearings for a period of five years. If any person requests a transcript of a meeting or a hearing, the Board shall provide the tape to a certified court reporter selected by and at the expense of the party requesting the transcript for transcription.

RULE IX

OTHER HEARINGS:

SECTION 1: All other hearings of the board shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE XAPPLICATION FOR ADMISSION TO TEST:

- SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S. 33:2492 of Civil Service Law. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen (18) months.
- SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary which shall be kept as a permanent record of the board in accordance with Civil Service Law.
- SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.
- SECTION 4: Admission to tests shall be governed by provisions of Revised Statute 33:2493 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.
- SECTION 5: When results of any examination are furnished to the board by the State Examiner, the Chair shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body, Police Chief, Fire Chief, Police Union, Fire Union, and shall be posted on the bulletin boards of all precincts, stations, headquarters and all other facilities of the police and fire departments.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII

LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:

SECTION 1:

- A. Leaves of absence, including but not limited to sick leave; funeral leave; jury duty; city, district court, or civil service board attendance; military leave with pay; military leave without pay; annual leave; and holidays; and will be governed by the provisions of Louisiana Law, as they may be amended from time to time, and the provisions of any collective bargaining agreement the City of Baton Rouge and the collective bargaining representatives of the employees of the Baton Rouge Police Department and the Baton Rouge Fire Department.

Members of the classified service who have been elected pursuant to Louisiana law to serve as members of the Board shall be allowed leaves of absence with pay to attend all duties they have by virtue of their election of the Board, including but not limited to attendance at Board regular and special meetings.

- B. Examination

Each employee of the classified service shall be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take any local municipal fire and police civil service examination for the

class which they hold provisionally.

C. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained volunteer of the American Red Cross may be granted leave from his regular work assignments with pay and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

**RULE XIII
FAMILY/MEDICAL LEAVE POLICY**

Section 1. FAMILY/MEDICAL LEAVE

An eligible employee shall be entitled to a total of twelve (12) workweeks of leave during any calendar year for one or more of the following:

- A. because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- B. because of the placement of a son or daughter with the employee for adoption or foster care.
- C. in order to care for the employee's "immediate family" with a "serious health condition" or in order to care for the employee's "extended family" member of the employee if the employee is the party responsible for the day to day care.
- D. because of a serious health condition that makes the

employee unable to perform the functions of the position of such employee.

For implementation purposes, all employees will receive a balance of twelve workweeks to be used prior to December 31, 1993, and each year a total of twelve workweeks will be provided to the employee commencing on January 1st of each year and terminating December 31st of each year.

SECTION 2. SPECIAL PROVISIONS

The entitlement to leave under Section 1 (A) and (B) above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement. Leave under Section 1 (C) and (D) above may be taken intermittently or on a reduced leave schedule when medically necessary.

Family/medical leave shall be taken and/or exhausted in proportion to the eligible employee's "workweek" and in accordance with the table set forth in Attachment 1.

SECTION 3. USE OF PAID LEAVE

- A. An eligible employee may apply for and exhaust all accrued vacation leave, sick leave, or compensatory leave prior to taking leave without pay under Section 1, Subsections (A), (B) and (C). If paid leave is to be used it must be requested on his or her Family/Medical Leave Request Form.
- B. Any vacation leave, sick leave in excess of a "workweek," or compensatory time exhausted in accordance with Section A above shall reduce the amount of family/medical leave available to an employee as well as the applicable leave balance.
- C. Leave requested under Section 1, Subsection (D) shall not be considered Family/Medical Leave unless all of the employees' paid leave available in accordance with departmental policies and state laws is exhausted. At such time, Family/Medical Leave without pay will be available to the employee in accordance with these rules.

SECTION 4. REQUEST FORM

An eligible employee shall complete a FAMILY/MEDICAL LEAVE REQUEST FORM stating the reason for said request. If possible, the request form shall be completed thirty (30) days in advance for an eligible employee who is requesting leave under Section 1 (A) or (B) or under Section 1 (C) or (D) if the leave is based on planned medical treatment.

SECTION 5. CERTIFICATION AND RELEASE TO WORK

- A. An eligible employee requesting or taking leave under Sections 1 (C) or (D) shall be required to provide a certification from the treating health care provider regarding the serious health condition, its duration , or the necessity for intermittent or reduced leave.
- B. Re-certification every thirty (30) days may also be required during the leave period. Additional recertification may be required for a shorter period of time with approval by the appointing authority.
- C. If the City has reason to doubt the validity of the certification provided by the treating health care provider, the City may require, at the City's expense, the opinion of a second health care provider approved by the City and who is not employed on a regular basis by the City.
- D. In any case in which the second opinion differs from the initial opinion of the treating health care provider, the City may require, a the City's expense, the opinion of a third health care provider designed or approved jointly by the City and the eligible employee, which opinion shall be considered final and binding on all parties.
- E. A certification by a health care provider indicating that the employee is physically able to return to his or her duties may be required if the appointing authority deems necessary.

SECTION 6. HEALTH INSURANCE BENEFITS

During family/medical leave the employer shall maintain coverage under its group health plan in the same manner as provided during employment for as long as the employee's contributions to the premium are received on a timely basis.

DEFINITIONS

"son" or "daughter" shall mean a biological, adopted or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis.

"spouse" shall mean legal husband or wife under the laws of the State of Louisiana.

"parent" shall mean a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. The term does not include parents "in law."

"in loco parentis" shall mean a person who is responsible for day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

"immediate family" shall mean an employee's son, daughter, spouse and parent (this includes a person standing in loco parentis as a parent, son or daughter).

"extended family" shall mean an employee's current mother-in-law or father-in-law, brother or sister, current brother-in-law or sister-in-law, grandmother, or grandfather, aunt or uncle.

"serious health condition" shall mean an illness, injury, impairment, or physical or mental condition that involves;

- a. any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;
- b. any period of incapacity requiring absence from work, school, or regular daily activities, of more than three calendar days, that also involved continuing treatment by or supervision of a health care provider; or
- c. continuing treatment by or under the supervision of a health care provider for a chronic or long-term condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

"eligible employee" shall mean an employee who has been employed for at least twelve (12) months and has at least one thousand, two hundred and fifty (1,250) hours of service with said employer during the previous twelve month period.

"health care provider" shall mean a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the State in which the doctor practices, or any other person determined by the Secretary to be capable of providing health care services.

"workweek" shall mean the normal average weekly scheduled hours of work.

"certification" shall mean the "Certification of Physician or Practitioner" provided by the U.S. Department of Labor or any similar certification deemed acceptable by the Administrator.

SECTION 7. Any leave granted pursuant to the provisions of this rule shall be deducted from the 52 weeks of sick leave provided to police officers and firefighters by Louisiana law.

APPENDIX A

POLICE DEPARTMENT

YEARS OF SERVICE	ACCRUAL
1 - 3 years	8 HOURS
3 - 5 years	10 HOURS
5 - 10 years	12 HOURS
10 - 15 years	14 HOURS
15 +	16 HOURS - MAX

APPENDIX B

FIRE DEPARTMENT

A. Vacation allowances shall be earned under the following schedule.

Years of Services	40 Hours/WK Employees 2080 HR/YR	42 Hours/WK Employees 2184 HR/YR	56 Hours/WK Employees 2912 HR/YR
1-3	18 Days	18 Days	18 Days
3-5	18	18	18
5-10	18	19	20
10-14	21	22	26
14-15	22	22	26
15-17	24	25	34
17	25	25	34
18	26	26	34
19	27	27	34
20	28	28	34
21	29	29	34
22+	30	30	34

BR	01-15-51	10-21-93
Rev	08-15-51	12-16-93
	01-24-56	05-26-94
	06-05-56	03-16-95
	08-09-57	05-18-95
	02-24-60	05-21-98
	11-20-62	11-19-98
	06-09-65	07-15-99
	05-01-79	08-17-00
		09-21-00