

## State Police Commission

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Jason Hannaman Executive Director

General Circular No. 220

Date: May 26, 2021

Subject: Public Hearing to Amend State Police Commission Rules 11.13, 11.26, and 12.19

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on June 10, 2021, to consider amendments to State Police Commission Rules 11.13, 11.26, and 12.19. The hearing will begin at 10:00 A.M. in Veterans Memorial Auditorium, Suite 1247, Dept. of Agriculture and Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana, 70806.

## Summary of Proposal - SPC Rules 11.13 and 11.26

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 to State Police Commission Rule 11.13 will incorporate verbiage for the care of a child during a declared pandemic. Placement of this verbiage within Chapter 11 will ensure its availability for use if/when a future need arises and no longer relies on Emergency Rule 21.1 which is set to expire on August 15, 2021.

The proposed amendments to State Police Commission Rule 11.26 will ensure that a classified employee's military leave is reported timely by the Department to the Louisiana State Police Retirement System. Additionally, the amended rule would ensure that a classified employee is made aware of certain rights to purchase military service credit following the return to work.

Current Rule	Proposed Rule
CHAPT	ER 11
11.13 Use of Sick Leave.	11.13 Use of Sick Leave.
<ul> <li>(a) Sick leave may be utilized by an employee who has sufficient leave credit for necessary absence from duty because of:</li> <li>1. Illness or injury which prevents the performance of usual duties.</li> <li>2. Medical, dental, or optical consultation or treatment.</li> <li>3. (Intentionally left blank)</li> <li>4. Assertion, supported by medical certification, of the employee's own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor and who has been diagnosed with a condition that is generally recognized to put that individual in a high-risk category for contraction and/or reaction to the health risk giving rise to the declaration.</li> </ul>	<ul> <li>(a) Sick leave may be utilized by an employee who has sufficient leave credit for necessary absence from duty because of:</li> <li>1. Illness or injury which prevents the performance of usual duties.</li> <li>2. Medical, dental, or optical consultation or treatment.</li> <li>3. (Intentionally left blank)</li> <li>4. Assertion, supported by medical certification, of the employee's own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor and who has been diagnosed with a condition that is generally recognized to put that individual in a high-risk category for contraction and/or reaction to the health risk giving rise to the declaration.</li> <li>5. The need to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the covernor, and there is no other suitable person available to care for the son or daughter because his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.</li> </ul>

Current Rule	Proposed Rule
11.26 Military Leave.	11.26 Military Leave.
(a) Military Leave with Pay.	(a) Military Leave with Pay.
1. Provided advance notice is	1. Provided advance notice is
given, employees serving on	given, employees serving on
probationary or permanent	probationary or permanent
status, who are members of a	status, who are members of a
Reserve Component of the Armed	Reserve Component of the Armed
Forces of the United States,	Forces of the United States,
shall be entitled to military	shall be entitled to military
leave with pay. Notice shall	leave with pay. Notice shall
be in writing. It may be	be in writing. It may be
provided by the employee or by	provided by the employee or by
an appropriate officer of the	an appropriate officer of the
branch of the military in	branch of the military in
which the employee will be	which the employee will be
serving.	serving.
<ol> <li>No advance notice is required</li></ol>	<ol> <li>No advance notice is required</li></ol>
when such notice is either	when such notice is either
precluded by military	precluded by military
necessity, or otherwise	necessity, or otherwise
impossible or unreasonable.	impossible or unreasonable.
3. Maximum military leave with	3. The Department shall notify
pay for military purposes is	the Louisiana State Police
fifteen (15) working days per	Retirement System within
calendar year, except that it	fourteen (14) days of an
shall be limited to fifteen	employee giving notice of
(15) working days for each	intent to use leave for
tour of active duty.	military purposes.
	34.Maximum military leave with pay for military purposes is fifteen (15) working days per calendar year, except that it shall be limited to fifteen (15) working days for each tour of active duty.
(b) Use of Annual and Compensatory	(b) Use of Annual and Compensatory
Leave for Military Purposes.	Leave for Military Purposes.
<ol> <li>Employees serving on</li></ol>	<ol> <li>Employees serving on</li></ol>
probationary or permanent	probationary or permanent

	Current Rule	Proposed Rule
	status, who give advance	status, who give advance
2.	notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave. No advance notice is required	notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave. 2. No advance notice is required
	when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.	when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
(c)	Use of Leave Without Pay for Military Purposes.	(c) Use of Leave Without Pay for Military Purposes.
	Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified state police service.	1. Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified state police service.
		2. The Department shall notify the Louisiana State Police Retirement System within fourteen (14) days of an employee being placed on leave without pay for military purposes.
(d)	Rights Upon Return.	(d) Rights Upon Return.
	Probationary and permanent employees returning to their classified positions under the provisions of this Rule or	<ol> <li>Probationary and permanent employees returning to their classified positions under the provisions of this Rule or</li> </ol>

Current Rule	Proposed Rule
Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.	Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.
	2. The Department shall notify the Louisiana State Police Retirement System within fourteen (14) days of an employee returning to their classified position under the provisions of this Rule or Rule 8.12 after a period of time on leave without pay for military purposes. Such employee shall have certain rights to purchase additional military service credit in accordance with the Louisiana State Police Retirement System's policies and governing statutes.
<ul> <li>(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay:</li> </ul>	<ul> <li>(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay: 1.</li> </ul>
1.	1.

Current Rule			Proposed Rule
(a) If paid leave was during the entire voluntary service credited with the annual and/or com leave represented difference in mil pay and state bas the same proporti annual leave and/ compensatory time utilized during t of involuntary se said credit shall form of restorati leave;	utilized period of , shall be value of pensatory by the itary base e pay in on as that or was he period rvice, and be in the		If paid leave was utilized during the entire period of voluntary service, shall be credited with the value of annual and/or compensatory leave represented by the difference in military base pay and state base pay in the same proportion as that annual leave and/or compensatory time was utilized during the period of involuntary service, and said credit shall be in the form of restoration of such leave;
(b) If leave without utilized for the period of involun service, shall be difference betwee military base pay state base pay; c	entire tary paid the n the and the		If leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or,
<pre>(c) If leave without utilized for a po the period of inv service, shall be portion of the di military base pay base pay that is the portion that without pay is of of all leave take remaining portion difference, part apply; and,</pre>	rtion of oluntary paid a fference in and state the same as leave the total n. For the of the pay		If leave without pay was utilized for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, part (a) shall apply; and,
Without regard to wheth military base pay was l the State Police Troope	ess than	milita	t regard to whether the ry base pay was less than ate Police Trooper base pay:
2. shall be allowed fi working days per ca			nall be allowed fifteen (15) orking days per calendar

Current Rule	Proposed Rule
year of military leave with pay;	year of military leave with pay;
3. and shall continue to accrue	3. and shall continue to accrue
sick and annual leave for a	sick and annual leave for a
period not in excess of one	period not in excess of one
year from the beginning date	year from the beginning date
of involuntary service on the	of involuntary service on the
same basis as though he had	same basis as though he had
not been activated and be	not been activated and be
credited such leave and all	credited such leave and all
emoluments upon return from	emoluments upon return from
active duty as though he had	active duty as though he had
not been activated;	not been activated;
4. and shall be retained in	4. and shall be retained in
either leave with pay or	either leave with pay or
leave without pay status for	leave without pay status for
the duration of the	the duration of the
involuntary active duty;	involuntary active duty;
5. and shall not be subject to	5. and shall not be subject to
separation for the duration	separation for the duration
of the resulting involuntary	of the resulting involuntary
active duty, provided he	active duty, provided he
returns to employment within	returns to employment within
ninety days after his release	ninety days after his release
from active duty;	from active duty;
6. and may repurchase in one	6. and may repurchase in one
payment only all or part of	payment only all or part of
any annual leave utilized	any annual leave utilized
during the period of	during the period of
involuntary service within	involuntary service within
twenty-four months from	twenty-four months from
return to active state	return to active state
service.	service.
(f) A probationary or permanent	(f) A probationary or permanent
employee, who was called to	employee, who was called to
involuntary active duty as a	involuntary active duty as a
result of the August 1990	result of the August 1990
Persian Gulf Crisis, and	Persian Gulf Crisis, and
resigned from state service,	resigned from state service,
may, at his request, and	may, at his request, and
within 90 days of his release	within 90 days of his release

Current Rule	Proposed Rule
from active duty, have his	from active duty, have his
resignation rescinded and	resignation rescinded and
become eligible for the	become eligible for the
benefits of subsection (e) of	benefits of subsection (e) of
this rule.	this rule.

## Summary of Proposal - SPC Rule 12.19

The proposed amendment to State Police Commission Rule 12.19(f) corrects a typographical error. The rule references "the predeprivation notice required by Rule 12.8"; however, Rule 12.7 is the correct reference for the *Pre-dismissal*, *Removal or Discipline Procedure*.

Proposed additions appear in **blue** and omissions appear in **red**.

Current Rule	Proposed Rule
CHAPT	ER 12
Rule 12.19 Time to complete	Rule 12.19 Time to complete
investigation and extensions	investigation and extensions
of time	of time
(a) Except as otherwise provided in	(a) Except as otherwise provided in
this Rule, each investigation	this Rule, each investigation
of a Louisiana State Police	of a Louisiana State Police
Trooper which is conducted	Trooper which is conducted
under the provisions of this	under the provisions of this
rule shall be completed within	rule shall be completed within
sixty days of the date the	sixty days of the date the
investigation was initiated.	investigation was initiated.
(b) The appointing authority or his	(b) The appointing authority or his
designee may petition the State	designee may petition the State
Police Commission, or its	Police Commission, or its
Executive Director, for an	Executive Director, for an
extension of the time within	extension of the time within
which to complete the	which to complete the
investigation. The executive	investigation. The executive
Director shall have the	Director shall have the
authority to grant up to one	authority to grant up to one
fifteen (15) calendar day	fifteen (15) calendar day
extension without the necessity	extension without the necessity

Current Rule	Proposed Rule
of a hearing but the Trooper	of a hearing but the Trooper
shall be notified of the	shall be notified of the
request for extension of time.	request for extension of time.
(c) The State Police Commission	(c) The State Police Commission
shall have the authority to	shall have the authority to
grant up to a sixty (60) day	grant up to a sixty (60) day
extension, in addition to that	extension, in addition to that
set forth in subparagraph (b)	set forth in subparagraph (b)
above, upon a showing of good	above, upon a showing of good
cause at a hearing conducted by	cause at a hearing conducted by
the Commission. The Commission	the Commission. The Commission
shall set the matter for	shall set the matter for
hearing and shall provide	hearing and shall provide
notice of the hearing to the	notice of the hearing to the
Louisiana State Police Trooper	Louisiana State Police Trooper
who is under investigation. The	who is under investigation. The
Louisiana State Police Trooper	Louisiana State Police Trooper
who is under investigation	who is under investigation
shall have the right to attend	shall have the right to attend
the hearing and to present	the hearing and to present
evidence and arguments against	evidence and arguments against
the extension. Any hearing	the extension. Any hearing
conducted regarding this Rule	conducted regarding this Rule
may be conducted either by the	may be conducted either by the
full Commission or a referee	full Commission or a referee
and may be conducted in person	and may be conducted in person
or by telephone or other	or by telephone or other
electronic means, as deemed	electronic means, as deemed
necessary and appropriate by	necessary and appropriate by
the Commission.	the Commission.
(d) Nothing contained in this	(d) Nothing contained in this
Paragraph shall be construed to	Paragraph shall be construed to
prohibit the Louisiana State	prohibit the Louisiana State
Police Trooper under	Police Trooper under
investigation and the	investigation and the
appointing authority from	appointing authority from
entering into a written	entering into a written
agreement extending the	agreement extending the
investigation for up to an	investigation for up to an
additional sixty (60) days.	additional sixty (60) days.

(e) The investigation shall be

considered complete upon

(e) The investigation shall be considered complete upon determination of the appointing determination of the appointing

Current Rule	Proposed Rule
authority to institute	authority to institute
disciplinary action against the	disciplinary action against the
Louisiana State Trooper or a	Louisiana State Trooper or a
determination of an exonerated,	determination of an exonerated,
unfounded or not-sustained	unfounded or not-sustained
complaint.	complaint.
<pre>(f) Written notice shall be given to the Trooper within seven (7) calendar days from the completion of the investigation, as described in (e) above, that the investigation is complete, the findings of the investigation (Sustained, Not Sustained, Exonerated or Unfounded), the proposed discipline and that the pre-deprivation notice required by Rule 12.8 shall be given within 45 calendar days.</pre>	<pre>(f) Written notice shall be given to the Trooper within seven (7) calendar days from the completion of the investigation, as described in (e) above, that the investigation is complete, the findings of the investigation (Sustained, Not Sustained, Exonerated or Unfounded), the proposed discipline and that the pre-deprivation notice required by Rule 12.8 12.7 shall be given within 45 calendar days.</pre>
(g) Nothing in this paragraph shall	(g) Nothing in this paragraph shall
limit an investigation of	limit an investigation of
alleged criminal activity.	alleged criminal activity.
<ul> <li>(h) The investigation of criminal</li></ul>	<ul> <li>(h) The investigation of criminal</li></ul>
activity may suspend the sixty	activity may suspend the sixty
(60) day period for completing	(60) day period for completing
the administrative	the administrative
investigation.	investigation.
(i) If the Appointing Authority or	(i) If the Appointing Authority or
his designee requires an	his designee requires an
extension of time within which	extension of time within which
to complete the investigation	to complete the investigation
or if an extension of time is	or if an extension of time is
jointly requested, and the	jointly requested, and the
Trooper has been placed on	Trooper has been placed on
leave pending investigation	leave pending investigation
under Rule 12.4, the Trooper	under Rule 12.4, the Trooper
shall be continued on paid	shall be continued on paid
administrative leave pending	administrative leave pending
investigation until the	investigation until the
completion of the investigation	completion of the investigation

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Current Rule	Proposed Rule
if the Appointing Authority	if the Appointing Authority
finds that continued leave is	finds that continued leave is
warranted under Rule 12.4.	warranted under Rule 12.4.

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