

## RULE I

### MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, hereinafter referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at East Side Fire Station 90, 15094 Old Hammond Highway, Baton Rouge, LA.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall 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.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, and those statutes that follow.
- 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: Two members of the board must be present to constitute a quorum of the board. Concurring votes of two 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, except by agreement of two-thirds of the board members, other matters may be considered.

**RULE III**

ORDER OF BUSINESS:

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

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

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

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. 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 considering 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 will 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 the Civil Service Act may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant 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 chairperson 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:

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.

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

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$50.00 will be required for any additional subpoena requested after the first two (2).

SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

#### **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: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

#### **RULE IX**

##### OTHER HEARINGS:

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

#### **RULE X**

##### APPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. 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 months, if the Fire Chief so request.

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 and shall be kept as a permanent record of the board in accordance with Civil Service Act.

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 Section 2553 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 chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and 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: One copy of the board rules shall be distributed to each board member, the governing body, the Fire Chief, and the fire station bulletin board.

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: Leaves of Absence

Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay
4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to

conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without approval of the civil service board.

SECTION 2: Sick leave

An employee of the classified service shall be entitled to and shall be given, with full pay, sick leave aggregating 365 calendar days (paid as five eight-hour days for 52 weeks) for any sickness, injury or incapacity not brought about by his own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the forementioned will be "Leave of Absence With Pay."

Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.

When an employee of the classified service is ill and cannot report for duty, it is his/her responsibility to notify the chief or his previously-designated representative not later than one (1) hour prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "Absence Without Leave and Pay" and may also result in disciplinary action.

Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

No cash payment may be made for accumulated sick leave. Should any illness last longer than two (2) consecutive calendar days, the employee is required to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce

a doctor's certificate for any illness over two (2) days, the employee will be classified as "absent without leave and pay." The employee is also required to submit a doctor's certificate for the following:

- A) After two (2) absences which occur in a calendar year.
- B) After time off for an injury which occurred at work.
- C) At the request of the chief.

The department reserves the right to have the employee evaluated by the department's physician, at no expense to the employee. Should there be a conflict between the two physician's statement, the chief will call an emergency meeting of the East Side Fire Protection District No. 5 Board of Commissioners and a decision will be made by the Board of Commissioners as to the acceptability of the claim for sick leave.

Any employee who is unable to report for duty due to illness shall remain at their place of residence during the assigned period of duty or notify the chief of the location and telephone number where they may be reached. The employee may leave their residence to see a physician or to obtain medicine. The employee is subject to visit by the chief or another officer.

### SECTION 3: Funeral Leave

An employee's immediate family is defined to consist of parents, step-parents, spouse, brother or sister, grandparents, children, and step-children.

Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed one (1) day, except in extenuating circumstances endorsed by the employee's chief. Funeral leave is authorized for the specific purpose of attending the funeral of the deceased family member.

If an employee of the classified service has a death in his/her immediate family and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the chief of the department not later than two (2) hours before he is scheduled to report to duty.

## SECTION 4: Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any local municipal fire and police civil service exam, for which there is an opening in the department. Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class that they hold provisionally.

## SECTION 5: Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The department will pay the difference between pay earned for the special duty and the employee's regular pay from the department. The employee shall immediately report to his regular assignment if released prior to the end of his assigned shift.

## SECTION 6: City, District Court or Civil Service Board Attendance

Attendance in city or district court **on departmental business** is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay. Should any employee of the classified service be required to be in attendance in court **on departmental business**, on his/her off time, such time shall be compensated at his/her normal rate of pay.

Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance.

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board

meeting which the employee representative attends, or for any time required to assist with civil service examinations, if occurring during the employee's scheduled work shift. If the employee representative attends a civil service board meeting while not scheduled to work, he/she shall attend on his/her own time.

SECTION 7: Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he shall contact his chief immediately. The department will pay the difference between the pay earned for the military duty and the employee's regular pay from the department.

SECTION 8: Military Leave without Pay

Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the employee have used all leave to which he is entitled (in Section G), he shall be granted military leave without pay.

## SECTION 9: Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

## SECTION 10: Annual Leave

Each full-time employee of the classified service after having served one year, shall be entitled to an annual vacation of eighteen (18) calendar days with full pay. This vacation period shall be increased one day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause, nor may any cash payment be made in lieu of vacation.

It shall be the employee's responsibility to coordinate his vacation schedule with the chief; the chief may regulate the time of the employee's vacation as provided in LA R.S. 33:2557.

## SECTION 11: Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. New Year's Day
2. Memorial Day (Monday)
3. Independence Day (4th of July)
4. Labor Day (Monday)
5. Thanksgiving Day (Thursday)
6. Christmas
7. Good Friday
8. Friday After Thanksgiving
9. Christmas Eve
10. Mardi Gras

Should the above holiday not coincide with the employee's assigned work schedule, the employee will be given a different day off with pay as determined by the chief (typically the observed

holiday). Should a member of the classified service's work assignment be such that he is required to work one of the above legal holidays, the employee will be paid an additional compensation of one (1) times the normal rate of pay.

SECTION 12: Special Leave

Special leave without pay up to thirty (30) days may be granted by the chief when such leave would be in the department's best interest. Any special leave, with or without pay, exceeding thirty (30) days must first be approved by the civil service board. If granted, the board will determine if departmental seniority is to be interrupted or continued.

SECTION 13: Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

SECTION 14: Compensatory Time

Compensatory time shall not be permitted. During every pay period, the employee shall be paid for all time worked and shall therefore never accrue compensatory time.