

PERSONNEL RULES
OF THE
EAST BANK CONSOLIDATED FIRE PROTECTION DISTRICT
PARISH OF JEFFERSON

ISSUED TO: _____

DATE: _____

EMPLOYEE NUMBER: _____

EMPLOYEE SIGNATURE: _____

JEFFERSON PARISH, LOUISIANA

Personnel Rules to carry out the policies, procedures, and administration of paid firefighters of the Parish of Jefferson in the classified civil service under the provisions of LSA-R.8. 33:2531 et seq. (Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts)

Ordinance 18226
March 13, 1991

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RULE I DEFINITIONS

Section 1. HOURLY RATE

The applicable average monthly salary reduced to an hourly rate utilizing hours of work, per work week as provided in Rule X, Section 1.

Section 2. BASE SALARY

A Fireman's (as defined below) Base Salary shall include each of the following: (i) the starting salary for the classification that a Fireman holds; (ii) all merit raises awarded throughout the Fireman's tenure of service; (iii) all longevity pay granted throughout the Fireman's tenure of service; and the Fireman's State Supplemental Pay.

Section 3. APPOINTING AUTHORITY

The Parish President or his designee.

Section 4. SUPERINTENDENT/DIRECTOR

Whenever the capitalized term "Superintendent" and/or "Director" is used in this Ordinance, it shall mean the Fire Chief for the East Bank Consolidated Special Service Fire Protection District.

Section 5. Repealed

Section 6. IMMEDIATE FAMILY

Immediate family shall include the following persons: mother, father, sisters, brothers, spouse, step-parents, grandparents, children, step-children, and grandchildren, who are related by either blood or through adoption, including other blood relatives whose permanent residence is the same as the employee.

Section 7. GENDER

Gender references in these Rules shall be deemed to include the masculine, feminine and neuter, as the context may require.

Ordinance No. 18226 adopted on March 13, 1991
amended by Ordinance No. 23486 adopted on February 18, 2009
amended by Ordinance No. 25286 adopted on January 11, 2017

RULE II PREAMBLE:

Section 1. PREAMBLE

The Parish of Jefferson, hereinafter referred to as the “Parish”, and the Jefferson Parish Fire Fighters Association, Local 1374, International Association of Fire Fighters, on behalf of all employees, excluding managerial, clerical and confidential employees, and all ranks above the grade of Captain, covered hereunder and hereinafter referred to as the “Union”.

It is understood by the parties that the best interests of the Parish are served if there is a basis for the Parish and the Union to meet and confer in order to achieve and maintain harmonious relations between the Parish and the Union, to provide for equitable and peaceful adjustment of differences which may arise, not under the jurisdiction of the Parish Council, provided that funds are available, to protect and serve the public interest.

Section 2. NON-DISCRIMINATION

The Parish of Jefferson is an equal opportunity employer and all applicable Federal and State Laws be applied equally to all employees without regard to sex, marital status, race, color, creed, National origin, or political affiliation.

Section 3. GENDER

Whenever a male gender is used in this Ordinance it shall be construed to include male and female employees.

**RULE III ORGANIZATION, RULES AND PROCEDURES FOR PAID
FIREMEN OF THE EAST BANK CONSOLIDATED FIRE
DEPARTMENT**

Section 1. ORGANIZATION OF FIRE CIVIL SERVICE

1.1 The organization, rules and procedures of the Fire and Police Civil Service Board as provided for by LSA-RS33:2531 et seq. are hereby recognized.

2531 Mandatory civil service in certain municipalities, parishes and districts.

2532 Short Title.

2533 Definitions.

2534 Effective date of provisions.

2535 System of classified civil service.

2536 Fire and police civil service boards.

2537 Duties of the board.

2538 Rules.

2539 State examiner and deputy state examiner.

2540 Appropriations; facilities for board.

2541 Classified and unclassified service.

2542 Right of employee who entered armed forces to be reinstated.

2543 Classification plan.

2544 Allocation of positions to classes.

2545 Use of class titles.

2546 Status of incumbent of position when allocated.

2547 Methods of filling vacancies.

2548 Demotion.

2549 Transfer.

2550 Reinstatement and re-employment.

2551 Establishment and maintenance of employment lists.

2552 Tests.

2553 Admission to tests.

2554 Certification and appointment.

2555 Working tests.

2556 Temporary appointments.

2557 Leaves of absence.

2558 Abolition of positions in the classified service.

2559 Lay-offs.

2560 Corrective and disciplinary action for maintaining standards of service.

2561 Appeals by employees to the board.

2562 Oaths, testimony, production of records; refusal to testify.

2563 Duties of Officers and employees.

RULE III- ORGANIZATION, RULES & PROCEDURES

1.1 Continued:

- 2564 Political activities prohibited.
- 2565 Other prohibited acts.
- 2566 Legal Services.
- 2567 Penalties.
- 2568 Effect of other laws.

Section 2. RULES

- 2.1 Adoption or Amendment: These Rules shall be adopted or amended only after a public hearing by the Council.
- 2.2 Effective Date of Amendments: Unless otherwise specifically provided, any amendment to these Rules shall become effective ten (10) days after final adoption by the Parish Council.
- 2.3 Prior to any proposed amendments to these Rules, the Superintendent will submit the proposals to the Jefferson Parish Fire Fighters Association, Local 1374 of the International Association of Fire Fighters. In the event the amendments are not signed upon, the Superintendent will provide the Jefferson Parish Fire Fighters Association forty-five (45) days in which to respond. However, such disagreement will not prevent the Superintendent or the Administration from presenting the proposed amendments to the Jefferson Parish Council at the end of the forty-five (45) day period.

RULE IV CLASSIFICATION PLAN

Section 1. CREATING CLASSES AND ALLOCATION POSITIONS

Section 2. FORCE AND EFFECT OF CLASSES

Section 3. STATUS OF INCUMBENT WHEN POSITION IS REALLOCATED

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection District, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized as controlling for the subject matter of Section 1 through 3, Rule III.

RULE V PAY PLAN

Section 1. APPLICABILITY

- 1.1 The pay of all positions in the classified service for the East Bank Consolidated Fire Department (“**Fire Department**”) shall be determined in accordance with the Pay Plan in effect and in accordance with Rule V, provided that funds are available. No person employed in a classified position shall be paid at less than the minimum rate except as specifically permitted elsewhere in this Rule, or as specifically provided in the Pay Plan.

- 1.2 Pay Plan for Fire Department personnel of Jefferson Parish (adopted by Ordinance No. #22894, as amended).

All appointments in the classified service shall be made at the minimum rate or such other starting rate specifically authorized by the Appointing Authority.

The starting salary in each classification shall be as follows:

	<u>Code</u>	<u>Range</u>	<u>Yearly</u>	<u>Class</u>
Firefighter	9225	35	26,287	C
Equipment Operator	9230	37	29,324	C
Fire Lieutenant	9235	38	30,843	C
Fire Captain	9236	40	33,881	C
District Chief	9237	42	38,439	C
Assistant Chief	9218	44	41,477	C
Fire Prevention Inspector I	9203	40	33,881	A
Fire Prevention Inspector II	9204	41	35,236	A
Arson Investigator I	9219	40	33,881	A
Arson Investigator II	9219	41	35,236	A
Fire Education Officer I	9216	40	33,881	A

Ordinance No. 18226 adopted on March 13, 1991
 amended by Ordinance No. 18734 adopted on April 14, 1993
 amended by Ordinance No. 20626 adopted on March 24, 1999
 amended by Ordinance No. 20900 adopted on February 23, 2000
 amended by Ordinance No. 21143 adopted on November 15, 2000
 amended by Ordinance No. 21472 adopted on December 12, 2001
 amended by Ordinance No. 23485 adopted on February 18, 2009
 amended by Ordinance No. 23669 adopted on October 14, 2009
 amended by Ordinance No. 24973 adopted on June 10, 2015
 amended by Ordinance No. 25286 adopted on January 11, 2017
 amended by Ordinance No. 25374 adopted on May 24, 2017
 amended by Ordinance No. 25447 adopted on October 4, 2017
 amended by Ordinance No. 25613 adopted on July 25, 2018
 amended by Ordinance No. 26693 adopted on October 18, 2023

Fire Education Officer II	9222	41	35,236	A
Fire Prevention Chief	9209	44	41,477	A
Training Officer I	9240	40	33,881	A
Training Officer II	9241	41	35,236	A
Communications Officer I	9212	40	33,881	B
Communications Officer II	9220	41	35,236	B
Communications Supervisor	9213	42	38,439	B
Fire Technician I	9215	34	25,064	B
Fire Technician II	9221	36	27,782	B
Records Clerk	9214	30	22,486	A
Safety Officer	9251	44	41,477	A
Fire Chief	9255	48	68,423	A
Secretary to the Fire Chief	9256	39	32,060	A
Administrative Assistant to the Fire Chief	9257	46	55,624	A
Chief of Administration	9258	47	62,024	A

- 1.3 Whenever part-time services is rendered, the appropriate pay rate shall be determined in accordance with base hourly rate set for the classes of work.

Section 2. SALARY INCREASES

- 2.1 The term “fireman” as used in this Rule V, shall have the same meaning as set forth in La. R.S. 33:1991(A), as amended (hereinafter “**Fireman**” or “**Firemen**”) and shall receive an annual increase in Base Salary as defined in subsection 2.3.
- 2.2 Fire Department employees not included in the definition of Fireman (“**Regular Fire Personnel**”) authorized for a particular position, shall receive an annual increase in Base Salary as defined in subsection 2.3.

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2.3 An employee shall receive an annual longevity increase as per the following schedule:

1. A five (5) percent annual increase in base salary upon completion of one (1) year of continuous service through year fourteen (14) of continuous service; and
2. Those employees thereafter shall receive a two (2) percent increase in Base Salary upon completion of continuous service of years fifteen (15) through twenty-two (22).
3. Eligibility for the aforementioned longevity increase is granted upon continuous years of service and determined by using the employee's anniversary date of employment.

2.4 Fire Department employees shall not be eligible for any annual merit or COLA raises awarded to Jefferson Parish employees.

2.5 Promotion Increases

An employee promoted within the Classified Civil Service System will be reallocated to the position to which the employee is promoted, but will remain in their current step.

2.6 Red Circle Rates

Individual pay rates that fall above the maximum rate established for the grade become "red circle rates". Such "red circle rates" remain in effect until the grade for the position catches up with the rate; however, eligibility for a "red circle rate" is lost upon demotion or separation from Fire Department service. Individuals whose salary rates are "red circle" shall be eligible for longevity raises established in RS 33:1992.

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Section 3. OVERTIME PROVISIONS

Based on the needs of the service, Fire Department employees may be required to work at any time when they would not normally be scheduled for duty. Whenever such work is required the employee shall be compensated for all such work by monetary payment as hereinafter set forth.

Overtime pay shall be computed to the nearest one-quarter (1/4) hour, and shall be paid at the rate of one and one-half (1 1/2) times the employee's regular rate of pay.

Should unscheduled overtime be required, unscheduled overtime shall be assigned, by position, by the use of a rotation list kept by the Fire Department. Only those Fire Department employees indicating a desire to work unscheduled overtime, in advance, may have their name placed on such rotation list according to their seniority on their respective platoons.

Any Fire Department employee shall have the right to inspect the rotation list, and the Fire Department shall update the list as it progresses, and shall include an explanation why any employee is passed over.

3.1 Relieved Late

Overtime pay shall be paid to an employee relieved at the scene of an incident for time spent at the scene beyond relieving time and an additional time spent in returning to the fire station. One-half (1/2) hour shall be devoted to personal clean-up, with an additional one-half (1/2) hour for filling out reports, if necessary.

Section 4. STAND-BY AND CALL BACK PAY

4.1 Certain employees may be required during non-working hours, to "stand-by" (i.e. be available for service) for extra duty, and when placed on

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“stand-by” shall be compensated at a straight-time rate of one (1) hour’s pay for each six (6) hours of assigned non-working stand-by time; in addition to any pay for work actually performed as a result of being called for extra duty. An employee who is on stand-by and who is called for extra duty and reports to work shall be guaranteed a minimum of two (2) hours pay, but any pay for work not actually performed shall not be credited for overtime compensation.

- 4.2 Within the context of this rule, the term “stand-by” shall mean the employee must be available for ready communication and duty assignment, but otherwise is reasonably free for personal pursuits.
- 4.3 A landline telephone number is preferred as the means of contact for ready communication and duty assignment; however, cell phone numbers are acceptable provided that they put the employee within dependable ready communication with the Director or his designee. If an employee’s contact telephone number is a cell phone, it is the responsibility of the employee to ensure that the phone and system are working and that they can be reached by the Director or his designee. Beepers are **not** acceptable. Employees are required to maintain valid and current telephone contact numbers at all times.
- 4.4 If an employee on stand-by is unavailable for extra duty or fails to respond within thirty (30) minutes to a call for extra duty, the employee shall forfeit all stand-by pay for the stand-by period assigned and, may be subject to disciplinary action up to and including termination.
- 4.5 An employee who is placed on stand-by duty shall be notified in writing that he is being placed on stand-by duty and the notice shall include the specific stand-by period(s) required. “Stand-by” time is not “actual working” time, overtime or otherwise: it is not to be considered as working time in determining the point at which “overtime” shall start.

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- 4.6 An employee who is not on stand-by duty, but is called back for extra duty (“**Call Back Duty**”) shall be guaranteed a minimum of four (4) hours pay, but any pay for work not actually performed shall not be credited for overtime compensation. Time for Call Back Duty shall start upon notification thereof, provided the employee reports within one (1) hour after such notification.

Section 5. HOLIDAYS

The following days shall be observed as holidays:

New Years Day
Mardi Gras
Good Friday
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

In addition to the aforementioned holidays, any and all holidays which may be declared by the Parish President or the Parish Council shall be observed by such employees and under such conditions as might be specified in the declaration of such holiday.

Employees scheduled to work a firefighting tour of duty or other rotating schedule cannot, because of the necessity for continuous service, enjoy benefits as do other employees. To compensate for this, such personnel shall be paid twelve (12) hours of holiday pay at the rate of one (1) times their Base Salary for each holiday enumerated in this Ordinance.

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Section 6. TENURE AWARD

In addition to the pay rates heretofore provided in this Ordinance, each employee in the classified service having two (2) or more years of continuous service shall be paid twenty-five dollars (\$25.00) for each full calendar year of such service (“**Tenure Award**”). For purposes of this computation, years of continuous service shall be computed as of December 31 of the year in which payment is to be made. This payment shall be termed a Tenure Award, shall be intended to encourage and recognize career service, and shall be payable to employees in a lump sum, annually, on December 1. No payment shall be made for any service of less than one (1) full year; except that, an employee (or their heirs) who dies or retires within the last calendar quarter of their final year of service shall be eligible for the Tenure Award that they otherwise would have received.

Regulations for administration of Tenure Award payments will be as follows: the Tenure Award information supplied by the Payroll Office must be checked by each department and/or district; the Director must certify the accuracy of the dates of employment and the amounts to be paid; certifications must be returned to the Payroll Office not later than November 15.

Employees regularly employed on a part-time basis shall be entitled to a prorated Tenure Award on a basis equivalent to their regular basis of employment; except that no one working less than half time and no persons paid on an hourly, daily, or project basis shall be entitled to Tenure Award. C.O.E. and similar school-project employment shall not count for tenure purposes.

Any employee who is separated from Parish service before December 1 by reason of resignation, dismissal or layoff is not eligible for the Tenure Award. If an employee retires within the last quarter of a year, he shall be

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entitled to receive Tenure Award just as if he had completed the full year. If an employee dies within the last quarter of a year, Tenure Award shall be made to his heirs in the amount that would have been paid to the employee had he completed the year. If an employee is laid off and re-employed in accord with these rules within thirty (30) calendar days of the effective date of the layoff, he shall be construed to have uninterrupted service.

If re-employment occurs more than thirty (30) days following the effective date of the layoff, the employee shall be given credit for service rendered prior and subsequent to layoff, but not for the interval of absence from duty.

Tenure Awards are payable on December 1; checks will be available for distribution to employees on that date, or the nearest working day prior thereto. Persons employed on or after January 6 are not eligible for a Tenure Award for the first year of their employment.

Any employee who is on suspension without pay or leave without pay, except Military Leave Without Pay, for an aggregate period of thirty (30) or more working days in any calendar year shall have deducted from their Tenure Award check for that year the amount of one full year's award of twenty-five dollars (\$25.00); except that this penalty period shall be extended up to ninety (90) working days in cases resulting from on-the-job injuries. Any employee who is suspended without pay or carried on leave without pay, except Military Leave Without Pay, for an aggregate of sixty (60) working days or more in any one (1) calendar year shall permanently forfeit Tenure Award (\$25.00) eligibility for that year only. Employees who are separated to enter active duty with the Armed Forces of the United States and are re-employed under the provisions of USERRA shall, upon their re-employment, be credited for time served in the military and paid any back Tenure Award(s) previously forfeited because of military service on the same basis as they would have been paid had they remained

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continually employed on Military Leave Without Pay during their period of service.

Section 7. BASIC RATE OF PAY FOR OVERTIME COMPUTATION

Repealed

Section 8. BASE SALARY FOR COMPUTATION OF PAY RAISES AND OVERTIME COMPENSATION

Pay raises and overtime compensation for a Fireman shall be computed based on his Base Salary, as defined in RULE I, Section 2.

Section 9. MILEAGE ALLOWANCE

Employees required to use their personal vehicles for authorized Fire Department business or to attend training sessions shall be compensated at the rate established by the Jefferson Parish Council.

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RULE VI- RETIREMENT AND PENSION SYSTEM

RULE VI RETIREMENT AND PENSION SYSTEM

The retirement rights and benefits of fire department employees provided by Louisiana State Law are hereby recognized. According to Louisiana State Law, all employees shall contribute a percentage of their salary to the Firefighter's Retirement System (FRS) of Louisiana.

East Bank Consolidated Parish Fire Department employee contributions to the Fighter's Retirement System shall be subject to the following criteria:

Employees hired prior to April 26, 1986 shall contribute 2.0% of their annual salary to the Firefighter's Retirement System and the Parish shall contribute the balance of the employee's mandated percentage of employee contributions according to Louisiana State Law. Upon completion of thirty-three (33) consecutive years of service (not to include service time in the Deferred Retirement Option Plan- DROP), all employees hired prior to April 26, 1986 shall contribute the total mandated percentage of their annual salary to the Firefighter's Retirement System according to Louisiana State Law.

Relative to employees hired after April 26, 1986, the Parish shall contribute .25% of their annual salary to the Firefighter's Retirement System and the employee shall contribute the balance of the mandated percentage of contributions according to Louisiana State Law. Upon completion of thirty (30) consecutive years of active service (not to include service time in the Deferred Retirement Option Plan- DROP) all employees hired April 26, 1986 shall contribute the total mandated percentage of their annual salary to the Firefighter's Retirement System according to Louisiana State Law.

When an employee is eligible for a retirement benefit and subsequently retires from service, the Parish will pay for a life insurance policy on the retiree and a portion of the premium for hospitalization coverage. Jefferson Parish reserves the right to modify or cancel these benefits for all retirees at any time.

RULE VII EXAMINATIONS

Section 1. EXAMINATIONS

Section 2. APPOINTMENT OF EXAMINERS

Section 3. ADMISSION TO EXAMINATIONS

Section 4. CONTINUOUS EXAMINATIONS

Section 5. RESULTS OF EXAMINATIONS

Section 6. ESTABLISHMENT OF PROMOTION LISTS AND EMPLOYMENT LISTS

According to Fire Civil Service names are to placed on promotional lists according to seniority, but in the event of equal seniority, test score shall be used. If employees cannot be separated by this means then in current rank seniority shall be used. Finally if the employees are equal than random drawing shall be used to break the tie.

Section 7. POSTPONEMENT AND CANCELLATION OF TESTS

Section 8. REMOVAL OF NAMES FROM LISTS

Section 9. NON-COMPETITIVE EXAMINATIONS

Section 10. SENIORITY

Seniority will be consistent with Civil Service under the provisions of LSA-R.S. 33:2531 et seq; (Fire and Police Civil Services Law for Small Municipalities and for Parishes and Fire Protection Districts).

The Fire and Police Civil Service law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1 through 9, RULE VII.

If any of the above is in conflict with existing laws and/or LSA 33:2531 et seq, Act 282 of 1964, Title 33, Municipalities and Parish, Chapter 5, Part III, Fire and Police Civil Service Law for small Municipalities and for Parishes and Fire Protection Districts, then this section will become invalid.

RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

RULE VII-A DRUG AND ALCOHOL TESTING PROGRAM

Section 1. DRUG TESTING

In order to ensure a drug and alcohol free work place, for the East Bank Consolidated Special Service Fire Protection District (“District”), the Parish of Jefferson (the "Parish") shall require urine specimens from all prospective employees, and may require a breath sample from all prospective employees, in order to test for the presence of Prohibited Substances (defined below). The Parish shall also require urine specimens and/or breath samples from employees under those circumstances as set forth in this Rule, in order to test for the presence of Prohibited Substances (“Drug and Alcohol Testing Program”)

The Department of Human Resource Management shall be responsible for the management of the Drug and Alcohol Testing Program, and shall be responsible for Parish compliance with this Rule, as well as applicable state and federal laws regarding drug testing programs.

The Department of Human Resource Management shall have the responsibility for adopting SAMHSA Guidelines (defined below) and any subsequent revisions/replacements of the SAMHSA Guidelines for the purpose of management of the Drug and Alcohol Testing Program.

Section 1.1 Definitions

As used in this Rule, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

1. “Accident” means an unforeseen and unplanned event or circumstance resulting in bodily injury that requires the attention of a physician or property damage at or above twenty-five dollars (\$25.00) when the employee’s action or inaction may have caused or contributed to the cause of the accident.
2. “Adulterated specimen” means a urine specimen containing a substance that is not a normal constituent or containing any endogenous substance at a concentration that is not a normal physiological concentration.
3. "Aliquot" means a portion of a specimen used for testing.
4. "CAP-FUDT Certified Laboratory" means a laboratory certified for forensic urine drug testing by the College of American Pathologists.

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5. "Chain of Custody" means procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that a chain of custody form be used from the time of collection to receipt in the laboratory, and that upon receipt by the laboratory, a laboratory chain of custody form account for the sample or sample aliquots within the laboratory. Chain of custody forms shall be developed in accordance with SAMHSA Guidelines regarding security and chain of custody.
6. "Collection Site" means a place designated by the Parish where individuals present themselves for the purpose of providing a urine specimen or breath sample to be analyzed for the presence of Prohibited Substances.
7. "Collection Site Person" means a person who instructs and assists individuals at a Collection Site and who receives and makes a preliminary observation of the urine specimen or breath sample provided by those individuals. A Collection Site Person shall have successfully completed training to carry out this function.
8. "Conditional Employment Agreement" means a written binding agreement entered into between the Parish and an employee as a condition of continued employment with Jefferson Parish under one (1) or more of the following circumstances: (a) upon re-employment with the Parish following a two year absence for violations of this Rule or the Jefferson Parish Substance Abuse Policy; (b) Self referral to a substance abuse program or self identification of a substance abuse problem by an employee who has never tested positive for Prohibited Substances while employed with the Parish, but acknowledges a drug and/or alcohol problem; (c) an employee's return to temporary duty pending the legal resolution or outcome of an employee arrest for the violation of any criminal drug or alcohol laws that occurs outside of the scope of the employee's Parish employment or workplace.
9. "Confirmatory Test" means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

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10. "Controlled Substance" means"
- a. Those substances whose production, dissemination or use is controlled by regulation or statute listed below, and as these provisions may be amended from time to time:
 - i. Any chemical or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. 811 to 812.
 - ii. Any controlled substance as defined in the Federal Drug Abuse Prevention and Control Law or the Federal Drug Enforcement Administration's Schedule of Controlled Substances;
 - iii. Any controlled substance analogue as defined in the Federal Drug Abuse Prevention and Control Law or the Federal Drug Enforcement Administration's Schedule of Controlled Substances;
 - iv. Any controlled dangerous substance as defined in the Louisiana Uniform Controlled Dangerous Substances Law; and
 - b. Narcotics, depressants, stimulants, hallucinogens, and cannabis; this list is a non-exclusive illustrative example of the types of substances classified as controlled substances. Also, legal drugs which are obtained, distributed, used, or intended to be distributed or intended to be used illegally may be considered controlled substances.
11. "Drug" means a substance:
- a. Defined as a controlled substance;
 - b. Recognized as a pharmaceutical in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official Formulary, or in any supplement to any of them;
 - c. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;
 - d. Other than food or beverage, intended to affect the structure or any function of the body of humans or animals; or
 - e. Intended for use as a component of anything listed above in this definition.
- This definition includes Controlled Substances, legally prescribed substances, and over-the-counter substances.
12. "Employee" means any person employed by the East Bank Consolidated Special Service Fire Protection District under the provisions of La. R.S. §33:2531, *et seq.* or otherwise assigned to the East Bank Consolidated Special Service Fire Protection District.

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13. "Federal DOT Regulations" means the Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs as published in 49 C.F.R. part 40, and any handbooks, materials, or publications promulgated and distributed by DOT for Workplace Drug and Alcohol Testing Programs.
14. "Initial Test" or "Screening Test" means an immunoassay screen or equivalent to eliminate negative urine specimens from further consideration.
15. "Medical Review Officer" means a licensed physician responsible for receiving laboratory results generated by the Parish drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
16. "Medication" means any drug or pharmaceutical that the employee has legally obtained either over the counter, or by a valid prescription or order, from a practitioner, as provided in the Louisiana Uniform Controlled Dangerous Substances Law, and that is used or consumed by the person to whom it was legally prescribed in a manner consistent with such prescription or order, or in accordance with the recommended dosage.
 - a. "Approved Medication" means those drugs or pharmaceuticals identified by the Department of Human Resource Management and/or included in the Substance Abuse Policy that do not have the potential to adversely affect the safe and efficient performance of the employees' duties while working or reporting to work.
 - b. "Qualified Medication" means any drug or pharmaceutical:
 - (i) identified by the Department of Human Resource Management and/or included in the Substance Abuse Policy, which has the potential to adversely affect the employee's ability to safely or efficiently perform his or her job duties; and
 - (ii) that requires medical authorization, in accordance with the procedures set forth in the Substance Abuse Policy and/or sub-section 1.4 below.
17. "Monitor" means repeated drug and/or alcohol testing of an individual pursuant to a Conditional Employment Agreement.

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18. “Parish Designated Physician” means a licensed physician (medical doctor or doctor of osteopathy) designated by the Parish to perform physical exams or medical evaluations of Parish employees to determine an employee’s ability to perform the duties of Parish employment, or otherwise has appropriate medical training to interpret and evaluate an employee’s medical history and any other relevant biomedical information to determine the employee’s ability to perform the duties of Parish employment and who has knowledge of substance abuse disorders and is capable of reviewing laboratory results generated by the Parish Drug and Alcohol Testing Program.
19. “Prohibited Substance(s)” means:
 - a. alcohol;
 - b. marijuana, cocaine, opiates amphetamines, or phencyclidine;
 - c. any Drugs or pharmaceuticals which cannot be legally obtained;
 - d. any Drugs or pharmaceuticals which have not been legally obtained;
 - e. any Drug or pharmaceutical which is legally obtained but is used or consumed for a purpose or in a manner other than that for which it is prescribed or intended, or that is used or consumed by a person other than the person for whom it has been prescribed.
20. “Safety or Security Sensitive Position” means a position of employment characterized by critical safety and/or security responsibilities and duties of such a nature that failure to properly perform those responsibilities and duties could compromise Parish, state or national security and/or endanger the health or safety of the employee, other employees or the public. When identifying Safety or Security Sensitive Positions, the Parish shall examine the nature of the equipment, the nature of the material and the work of the employee, and consider the impact of these factors on the safety of employee, others and property; and, the security of the Parish, state and nation, the public, and confidential/security protected data and records.
21. “SAMHSA” means the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.
22. “SAMHSA Certified Laboratory” means a laboratory certified for forensic urine drug testing by SAMHSA.

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23. "SAMHSA Guidelines" means the SAMHSA Mandatory Guidelines for Federal Workplace Drug Testing Programs, as published in the Federal Register Volume 59, No. 110 on June 9, 1994, and any revised guidelines issued by the Department of Health and Human Services.
24. "Prospective Employee" means any person who has been certified for possible appointment or who is otherwise being considered for appointment to the East Bank Consolidated Special Service Fire Protection District, and who has been offered employment in the East Bank Consolidated Special Service Fire Protection District contingent on passing the pre-employment physical examination including pre-employment drug test and when appropriate, pre-employment breath test.
25. "Specimen" or "Sample" means urine specimen for Drug testing, and breath specimen for alcohol testing.

Section 1.2 Applicability

- A. This Rule shall apply to all testing of prospective employees of the East Bank Consolidated Special Service Fire Protection District for the presence of Prohibited Substances. This Rule shall also apply to all testing of current employees, under those circumstances as set forth in this Rule, in order to test for the presence of Prohibited Substances.
- B. Nothing in this Rule shall preclude testing to detect an employee's use or consumption of, or working while under the influence of other Drugs, Controlled Substances and alcohol, when such testing is performed under conditions outlined in sub-section 1.3(B) and (C). A test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath shall result in dismissal under Rule XII of these Rules. The Director shall dismiss the employee- provided that such dismissal shall be taken in accordance with Rule XII of these Rules- upon notification any of the following: (i) a confirmed positive result from a urinalysis or breath test; (ii) the refusal to participate in the Drug and Alcohol Testing Program; (iii) the submission of an adulterated Specimen; (iv) failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with the SAMHSA Guidelines); or (v) a confirmed positive result in violation of a Conditional Employment Agreement.

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- C. Alcohol and Drug testing and related requirements mandated by any preemptive Federal or State law, including but not limited to Federal DOT Regulations, as amended, shall be performed in accordance with such laws, in lieu of testing and related procedures specifically required under this section, provided, however that provisions of this Rule that are not inconsistent with, or preempted by, such laws and regulations shall apply.
- D. Any provision of this Rule held to be prohibited by Federal Law or of the laws of the state of Louisiana shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Rule.
- E. Any of the following shall result in a dismissal under Rule XII of these Rules: (i) a confirmed positive result from a urinalysis for Drugs; (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath; (iii) the refusal to participate in the Drug and Alcohol Testing Program; (iv) submission of an adulterated Specimen; (v) failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with SAMHSA Guidelines); or (vi) violation of a Conditional Employment Agreement. The Director, upon notification of any of (i) through (vi) above shall dismiss the employee, provided that such dismissal shall be taken in accordance with Rule XII of these Rules.

Section 1.3 Drug and Alcohol Testing

- A. Each offer of employment with the East Bank Consolidated Special Service Fire Protection District shall be conditioned upon the passing of a Drug test and, if required, an alcohol test, which shall be administered as part of the pre-employment physical examination, and which shall test for the presence of Prohibited Substances.

The Parish shall require a urine Specimen from all prospective employees, and shall test all Specimens for the presence of Prohibited Substances and may require a breath test.

The Parish shall not hire any applicant who fails a pre-employment test by testing positive for the presence of Prohibited Substances.

- B. As a condition of continued employment, the Parish shall require urine Specimen and/or a breath Sample from an employee, and shall test for the presence of Prohibited Substances:
 - 1. if during the course and scope of his employment the employee is involved in an Accident;

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2. under other circumstances which result in reasonable suspicion that Prohibited Substances are being used; or
 3. as part of a monitoring program to assure compliance with the terms of a Conditional Employment Agreement.
- C. The Parish shall implement a program of random drug and alcohol testing of employees who occupy Safety or Security Sensitive Positions.
- D. Any of the following shall result in a dismissal under Rule XII of these Rules: (i) a confirmed positive result from a urinalysis for Drugs; (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath; (iii) the refusal to participate in the Drug and Alcohol Testing Program; (iv) submission of an adulterated Specimen; (v) failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with SAMHSA Guidelines); or (vi) violation of a Conditional Employment Agreement. The Director, upon notification of any of (i) through (vi) above shall dismiss the employee, provided that such dismissal shall be taken in accordance with Rule XII of these Rules.

Section 1.4 Medications

- A. An employee in a Safety or Security Sensitive Position is not permitted to report to duty: (i) with any detectable quantity of a Prohibited Substance in the employee's system; or (ii) while taking any prescription medication that may adversely affect the employee's safe, productive or efficient work performance, unless and until all of the following conditions have been met:
1. The employee's physician must complete a Parish form certifying that the employee can satisfactorily and safely perform his job duties while taking a prescription medication ("Employee Physician Certification"). The employee shall provide the completed Employee Physician Certification to the Parish Physician;
 2. The Parish Physician shall review the Employee Physician Certification, and upon concurrence shall provide written authorization ("Prescription Medication Authorization") to the Department of Human Resources and the Director that the employee may report to duty while taking a prescription medication. The Parish Physician shall provide the Prescription Medication Authorization to the Department of Human Resources and the Director before the employee is allowed to report to duty;
 3. In the event an employee is authorized to report to duty and to work while taking a prescription medication, the employee shall be authorized to consume such medication only as directed on the prescription label instructions;

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The Parish may require any employee to provide the original prescription container with the employee's name, physician's name and prescription number permanently affixed on the container label, or any other evidence of the prescription.

- B. An employee in a Safety or Security Sensitive Position is not permitted to report to duty while taking any over the counter medication that may adversely affect the employee's safe, productive or efficient work performance, unless and until all of the following conditions have been met:
 - 1. The Parish Physician shall certify that the employee can satisfactorily and safely perform his job duties while taking an over the counter medication ("Parish Physician Certification").
 - 2. The Parish Physician shall provide written authorization ("OTC Medication Authorization") to the Department of Human Resources and the Director that the employee may report to duty while taking an over the counter medication. The Parish Physician shall provide the OTC Medication Authorization to the Department of Human Resources and the Director before the employee is allowed to report to duty;
 - 3. In the event an employee is authorized to report to duty and to work while taking an over the counter medication, the employee shall be authorized to consume such medication only as directed on the label or medication instructions, or as directed by the employee's physician (the Parish may require written evidence of such directions from the employee's physician);
- C. An employee in a Safety or Security Sensitive Position is prohibited from reporting to duty while taking a prescription or over the counter medication without complying with the procedural requirements set forth in 1.4(A) (1-3) and/or 1.4(B) (1-3), of this Rule, notwithstanding that the medication is being taken or used in a manner consistent with a valid prescription or in accordance with the recommended dosage.
- D. If an employee in a Safety or Security Sensitive Position reports to duty with any detectable quantity of a Prohibited Substance in the employee's system, or while taking any prescription medication or over the counter medication that may adversely affect the employee's safe, productive or efficient work performance, and fails to obtain medical authorization from the Parish Physician, as specified in this sub-section 1.4, he shall be subject to disciplinary action, up to and including termination.

Section 1.5 Use of certified laboratories for Drug testing of Specimens collected

All Drug testing shall be performed in SAMHSA-certified or CAP-FUDT-certified laboratories.

Drug testing as provided in this Rule shall be performed in compliance with the SAMHSA Guidelines where applicable. The cutoff limits for

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RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

Drug testing shall be in accordance with SAMHSA Guidelines, where applicable.

The cutoff limits for testing of Drugs not tested for under SAMHSA shall be in accordance with those generally accepted and recognized standards as set forth by SAMHSA-certified or CAP-FUDT-certified laboratories.

Section 1.6 Collection of urine specimens

All urine Specimens for Drug testing shall be collected, stored, and transported in compliance with the SAMHSA Guidelines, and shall be collected with regard to privacy of the individual.

Direct observation of the individual during collection of the urine Specimen may be allowed under any of the following conditions:

1. There is reason to believe that the individual may alter or substitute the Specimen to be provided;
2. The individual has provided a urine Specimen that falls outside the acceptable temperature range as listed in the SAMHSA Guidelines;
3. The last urine Specimen provided by the individual was verified by the Medical Review Officer as being adulterated based upon the determinations of the laboratory;
4. The Collection Site Person observes conduct indicating an attempt to substitute or adulterate the Specimen;
5. The individual has previously been determined to have a urine Specimen positive for one or more Prohibited Substances the testing for which is covered by this Rule, and the individual is being tested for the purpose of follow-up testing upon or after return to service; or
6. The testing is post-accident or reasonable suspicion/cause testing.

A designated employee of the Department of Human Resource Management shall review and concur in advance with any decision by a Collection Site Person to obtain a Specimen under direct observation. All direct observation shall be conducted by a same gender Collection Site Person.

Every Collection Site Person shall be responsible for sanitary collection of urine Specimens while maintaining privacy, security, and the Chain of Custody. Every Collection Site Person shall be responsible for the proper disposal of biohazardous waste and dispose of all biohazardous waste in accordance with proper safety procedures.

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RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

All Samples and/or Specimens collected for Drug testing shall be packaged, sealed, labeled, and transported with the proper Chain of Custody procedures for analysis to a SAMHSA-certified or CAP-FUDT-certified laboratory in strict compliance with SAMHSA Guidelines.

Section 1.7 Initial Test and Confirmatory Test required

Drug testing shall, at least, consist of an initial test as provided in the SAMHSA Guidelines. All Specimens identified as positive on the initial test shall be confirmed using a confirmatory test as provided in the SAMHSA Guidelines.

Section 1.8 Review of drug testing results; Medical Review Officer

The Parish shall employ a Medical Review Officer whose qualifications and responsibilities shall be as provided in the SAMHSA Guidelines.

All results of Drug testing shall be reported directly from the laboratory to the Parish Medical Review Officer as provided in this Rule.

The Parish Medical Review Officer shall review all confirmed positive test results and shall report such results to the Department of Human Resource Management in compliance with the SAMHSA Guidelines. Negative results need not be reviewed by the Parish Medical Review Officer, but shall be reported to the Department of Human Resource Management.

Adulterated Specimens shall be reported as such to the Parish Medical Review Officer with clarification as to the specific nature of the adulteration. The Parish Medical Review Officer shall contact the individual who submitted the Specimen as required in the SAMHSA Guidelines before making a final decision to verify a positive test result or report an adulteration.

Section 1.9 Refusal or failure to participate; adulteration of specimen

Any prospective employee or current employee who refuses or fails to participate in the pre-employment testing procedure for Prohibited Substances under sub-section 1.3(A) at the prescribed time and place, shall be considered to have failed the drug test.

Any prospective or current employee found to have submitted an adulterated Specimen as verified by the Parish Medical Review Officer shall be considered to have failed the Drug test.

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RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

Any employee who refuses to participate in the post employment alcohol or Drug testing procedures provided for under sub-section 1.3 (B) - (C) at the prescribed time and place, shall be considered to have failed the test.

Any employee, who fails to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation and in accordance with SAMHSA Guidelines), shall be considered to have failed the test.

Section 1.10

Reporting results to Superintendent of Fire; removal of names from certifications and eligible lists; disqualification for future employment eligibility

- A. The Director shall be notified of all of the following: (i) a confirmed positive result from a urinalysis for Drugs; (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath; (iii) a refusal to participate in the Drug and Alcohol Testing Program; (iv) a submission of an adulterated Specimen; (v) a failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with SAMHSA guidelines); or (vi) a violation of a Conditional Employment Agreement when any of the above involves either prospective employees or current employees. Test results and submissions of adulterated Specimens shall be reported via a copy of the Medical Review Officer's report.
- B. The Director shall cause the eligible employee's name to be removed from all current certifications and from all employment lists upon receipt of any of the following: (i) a confirmed positive result from a urinalysis for Drugs; (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath; (iii) a refusal to participate in the Drug and Alcohol Testing Program; (iv) a submission of an adulterated Specimen; (v) a failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with SAMHSA guidelines); or (vi) a violation of a Conditional Employment Agreement.

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RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

An eligible who refuses or fails to participate in the drug and/or alcohol testing procedures provided for under sub-section 1.3(A) – (C), at the prescribed time and place, shall be removed from all current certifications and from all employment lists, if satisfactory evidence of inability to participate is not provided as justification of such refusal or failure.

- C. Subject to the provisions of the Americans With Disabilities Act, persons dismissed or removed from employment lists in the East Bank Consolidated Special Service Fire Protection District under this Rule shall be ineligible for Parish employment for at least two (2) years. The Director shall reject any application for employment submitted during the two (2) year period following dismissal or removal from the employment list(s).

Section 1.11 Resignations

- A. When an employee becomes subject to dismissal as provided for under sub-section 1.2(E) or 1.3(D), and before such provisions are effected, the employee resigns his position, such resignation shall be treated as a dismissal for purposes of sub-section 1.10.
- B. The resignation shall be immediately reported to the Director on the form prescribed for such purpose, which form shall be accompanied or supplemented by an explanation of the specific circumstances surrounding the resignation, and notification of confirmed positive test result, refusal to participate in a scheduled Drug or alcohol test, or submission of adulterated Specimens by the employee. Test results and submissions of adulterated Specimens shall be reported via a copy of the Medical Review Officer's or Breath Alcohol Technician's report.

Section 1.12 Rights of the prospective employee and regular employee

- A. Prospective employees and regular employees who are adversely affected under this Rule shall have the right of appeal to the Fire Civil Service Board as provided elsewhere in these Rules.
- B. Any prospective employee or regular employee, confirmed positive, upon his written request, shall have the right of access, within seven (7) working days, to records relating to his Drug and/or alcohol test and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.

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RULE VII-A- DRUG & ALCOHOL TESTING PROGRAM

- C. The Parish may, but shall not be required to, afford an employee the opportunity to undergo rehabilitation without termination of employment when the employee voluntarily seeks treatment/rehabilitation assistance, provided that such assistance is independently sought prior to the employee becoming subject to testing under sub-section 1.3(B) and (C) (i.e. post accident, reasonable suspicion, random, or testing to monitor compliance with a Conditional Employment Agreement).

Section 1.13 Responsibilities of the Parish

- A. The Department of Human Resource Management shall develop and promulgate to the Director and employees of the East Bank Consolidated Special Service Fire Protection District, a written Substance Abuse Policy that shall comply with the provisions of this Rule. No oral modification of the terms of the written policy shall be valid. Upon approval by Parish Council Resolution, the Substance Abuse Policy shall have the full effect of this Ordinance.
- B. As provided by La. R.S. §§49:1001 *et seq.*, all information, interviews, reports, statements, memoranda, or test results received by the Parish through its Drug and Alcohol Testing Program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where Drug use by the tested individual is relevant.
- C. Parish Appointing Authorities and other employees involved in the administration of the Parish Drug and Alcohol Testing Program shall maintain and use Drug and alcohol testing results with the highest regard to the individual's privacy.
- D. An individual's Drug and alcohol test results received by the Director shall be treated as confidential records, and shall be released only to the individual or his legally authorized representative, except as provided in subsection 1.13(B) above.

Section 1.14 Defense of Appeals

The Department of Human Resource Management shall be a party to all appeals arising from the Parish Drug and Alcohol Testing Program; and, shall be responsible for defense of all appeals arising from the administration of the Parish Drug and Alcohol Testing Program, and the results thereof, as opposed to their application.

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RULE VIII VACANCIES, CERTIFICATION, APPOINTMENT

Section 1. FILLING VACANCIES

Section 2. REQUEST FOR CERTIFICATION

Section 3. CERTIFICATION OF ELIGIBLES

Section 4. REINSTATEMENT AND RE-EMPLOYMENT

Section 5. CONDITIONAL AND TEMPORARY APPOINTMENTS

Section 6. FILLING OF VACANCIES

In the event of a vacancy due to the promotion, transfer, demotion, retirement or demise of an employee subsequent promotions will be made within thirty (30) days of a vacancy.

"If any of the above is in conflict with existing laws and/or LSA 33:2531 et seq, Act 282 of 1964, Title 33, Municipalities and Parish, Chapter 5, Part III, Fire and Police Civil Service Law for small Municipalities and for Parishes and Fire Protection Districts, then this section will become invalid".

New personnel will be hired in accordance with LSA 33:2547.

Section 7. TRANSFERS

In the event of a job opening due to the promotion, transfer, demotion, retirement or demise of an employee, which should be filled, an employee of equal rank may bid for that position. Such transfer shall be made in accordance with the following provisions:

All transfers will be submitted to the Superintendent of Fire, through the Chain of Command, before taking effect. All positions, to be filled by such lateral transfer shall be announced by bulletin which shall be posted in all work locations for a period of at least fourteen (14) days. Such positions shall be considered open for written bid during this fourteen (14) day period.

In the event more than one (1) employee submits a written bid for the position, the position shall be filled by the bidding employee with the

RULE VIII- VACANCIES, CERTIFICATION, APPOINTMENT

greatest seniority.

If the employees are of equal seniority, the employee with the greatest in rank seniority shall fill that position.

For the positions above Firefighter, this section will be in effect only once. For Firefighter, this section can be used for more than once.

If any member receives a transfer, they must remain in that position for no less than twelve (12) months, unless promoted during that period.

Transfers by swapping of positions or mutual agreement, within a six (6) month period, caused by retirement, or promotion, will not be allowed.

Transfers by swapping of positions or mutual agreement, because of sickness, will not be allowed.

A transfer may be made by the decision of the Department for the purpose of operational necessity. Transfers shall not be discriminatory. If a transfer is made for reasons other than seniority, the Union shall be notified and given an opportunity to discuss the transfer.

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1 through 5, RULE VIII.

If any of the above is in conflict with existing laws and/or LSA 33:2531 et seq, Act 282 of 1964, Title 33, Municipalities and Parish, Chapter 5, Part III, Fire and Police Civil Service Law for small Municipalities and for Parishes and Fire Protection Districts, then this section will become invalid.

RULE IX WORKING TESTS

Section 1. EMPLOYEES TO SERVE WORKING TESTS

Section 2. INTERRUPTION OF WORKING TESTS

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1 and 2, RULE IX.

RULE X HOURS OF WORK AND LEAVES OF ABSENCE

Section 1. HOURS OF WORK

Class A:

The work week for full-time Class A employees in the classified service shall consist of thirty-five (35) regularly scheduled working hours per week, exclusive of "lunch" periods.

Class B:

The work week for full-time Class B employees in the classified service shall consist of forty (40) regularly scheduled working hours per week, exclusive of "lunch" periods.

Class C:

In compliance with the Fair Labor Standards Act, a full-time Class C employee's work period shall consist of seven (7) days, and no overtime compensation is required unless and until the number of hours worked during the seven (7) day period exceed forty-eight (48) hours. Each Class C employee shall be paid at a rate of one and one-half (1 1/2) times his Base Salary (as defined in RULE I above) for each hour worked in excess of forty-eight (48) hours during the seven (7) day work period. For ease of administration, it shall be assumed that each full-time Class C employee is scheduled to work fifty-six and one-half (56.5) hours each week, and a total of eight and one-half (8.5) hours shall be considered overtime.

Annual Leave, Sick Leave utilized for an *on-duty* injury or illness, On-Duty 52-Week Leave, Military Leave with Pay, and/or Holidays as set forth in RULE V, Section 5 shall be counted as "hours worked" toward the computation of overtime at the completion of the maximum allowable hours in the respective seven (7) day work period. Sick Leave utilized for an *off-duty* injury or illness, or any utilization of Off-Duty 52-Week Leave shall be counted as "hours worked" for overtime purposes unless a Fireman exceeds the number of Occurrences (as defined in RULE X, Section 3.9.2 below)

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amended by Ordinance No. 24973 adopted on June 10, 2015

RULE X- HOURS OF WORK

permitted in the following chart:

Employee’s Sick Leave (accrued only, exclusive of 52-Week Leave) Hours:	Number of unverified Sick Leave or 52-Week Leave Occurrences allowed:
1-100	3 Occurrences per twelve month period
101-200	4 Occurrences per twelve month period
201-500	6 Occurrences per twelve month period
501 and higher	7 Occurrences per twelve month period

In the event a Fireman exceeds the number of permitted Occurrences, then the amount of Sick Leave utilized for an *off-duty* injury or illness, or any utilization of Off-Duty 52-Week Leave, up to a maximum of three and one-half (3.5) hours per week, shall not count as “hours worked” for overtime purposes.

The actual work period of said employees shall be in accordance with the scheduled work of a firefighting tour of duty as provided in RULE X, Section 1.2.

A twenty-four (24) hour tour of duty begins at 0700 on one day and ends at 0700 on the following day; therefore, two (2) calendar days are involved. For ease of administration, it shall be assumed that each of these days is a twelve (12) hour work day.

The Director may change any schedule above, on a temporary basis, as set forth in RULE X, Section 1.2 NOTE sub-paragraph (e) of this RULE.

- 1.1 Employees scheduled to work a firefighting tour of duty cannot, because of the necessity for continuous service, enjoy holiday benefits as do other employees. To compensate for this, such personnel shall be paid holiday pay at the rate of one times the Base Salary for each holiday enumerated in RULE V, Section 5, and/or each holiday declared by the Parish President and/or Parish Council under the provisions of RULE V, Section 5, provided that the employee’s regularly scheduled workday falls on the holiday. In the event that the employee’s regularly scheduled off day fall on the holiday,

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RULE X- HOURS OF WORK

such employee shall receive pay for the holiday at the regular rate. Thus, firefighting personnel shall enjoy the equivalent of mandatory holidays guaranteed to all other employees.

1.2 Illustrated Work Month:

MARCH

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOTE:

- a. days in bold indicate days on which a twenty-four (24) hour tour of duty begins;
- b. days slashed indicate days on which a twenty-four (24) hour tour of duty ends;
- c. combination of bold followed by slash indicates assumed two (2) twelve (12) hour work days;
- d. days neither in bold nor slashed are off days;
- e. provided that nothing herein shall prevent the Director from temporarily

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changing the above schedule to allow Class C personnel to attend educational conferences and/or seminars as provided in RULE X, Section 6.2, to avoid a loss of paid time and to prevent any artificial or unnecessary payment of overtime compensation. The Director shall provide any affected employee forty-five (45) days notice of such temporary change in schedule.

- 1.3 In the event that any aspect of this RULE X, Section 1 is declared unlawful, unconstitutional, or contrary to public policy, or is overruled by any court of competent jurisdiction, civil service board or subsequent legislation, then upon final judgment, or on the effective date of the overruling legislation (as the case may be), the following shall be substituted as RULE X, Section 1:

Section 1. HOURS OF WORK

Class A:

The work week for full-time Class A employees in the classified service shall consist of thirty-five (35) regularly scheduled working hours per week, exclusive of "lunch" periods.

Class B:

The work week for full-time Class B employees in the classified service shall consist of forty (40) regularly scheduled working hours per week, exclusive of "lunch" periods.

Class C:

In compliance with the Fair Labor Standards Act, a full-time Class C employee's work period shall consist of twenty-eight (28) days, and no overtime compensation is required unless and until the number of hours worked during the twenty-eight (28) day period exceed two hundred and twelve (212) hours. Each Class C employee shall be paid at a rate of one and one-half (1 1/2) times his Base Salary (as defined in RULE I above) for each hour worked in excess of 212 hours during the twenty-eight (28) day work period.

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RULE X- HOURS OF WORK

Annual Leave, Sick Leave utilized for an *on-duty* injury or illness, On-Duty 52-Week Leave, Military Leave with Pay, or Holidays as set forth in RULE V, Section 5 shall be counted as “hours worked” toward the computation of overtime at the completion of the maximum allowable hours in the respective 28 day work period. Sick Leave utilized for an *off-duty* injury or illness, or Off-Duty 52-Week Leave shall not be counted for such overtime purposes.

The actual work period of said employees shall be in accordance with the scheduled work of a firefighting tour of duty as provided in RULE X, Section 1.2.

A twenty-four (24) hour tour of duty begins at 0700 on one day and ends at 0700 on the following day; therefore, two (2) calendar days are involved. For ease of administration, it shall be assumed that each of these days is a twelve (12) hour work day.

The Director may change any schedule above, on a temporary basis, as set forth in RULE X, Section 1.2 NOTE sub-paragraph (e) of this RULE.

1.1 Employees scheduled to work a firefighting tour of duty cannot, because of the necessity for continuous service, enjoy holiday benefits as do other employees. To compensate for this, such personnel shall be paid holiday pay at the rate of one times the Base Salary for each holiday enumerated in RULE V, Section 5 and/or each holiday declared by the Parish President and/or the Parish Council under the provisions of RULE V, Section 5, provided that the employee’s regularly scheduled workday falls on the holiday. In the event that the employee’s regularly scheduled off day falls on the holiday, such employee shall receive pay for the holiday at the regular rate. Thus, firefighting personnel shall enjoy the equivalent of mandatory holidays guaranteed to all other employees.

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RULE X- HOURS OF WORK

1.2 Illustrated Work Month:

MARCH

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NOTE:

- a. days in bold indicate days on which a twenty-four (24) hour tour of duty begins;
- b. days slashed indicate days on which a twenty-four (24) hour tour of duty ends;
- c. combination of bold followed by slash indicates assumed two (2) twelve (12) hour work days;
- d. days neither in bold nor slashed are off days;
- e. provided that nothing herein shall prevent the Director from temporarily changing the above schedule to allow Class C personnel to attend educational conferences and/or seminars as provided in RULE X, Section 6.2, to avoid a loss of paid time and to prevent any artificial or unnecessary payment of overtime compensation. The Director shall provide any affected employee forty-five (45) days' notice of such

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temporary change in schedule.

The substitution as set forth above shall not require any additional action by the Jefferson Parish Council and shall not otherwise be subject RULE III, Section 2.3, and shall be implemented, as a matter of law, as provided for above.

Section 2. ANNUAL LEAVE

2.1 Each eligible employee in the classified service shall earn and accumulate annual leave with pay as follows:

- a) An employee with ten (10) years and less of continuous service shall accumulate annual leave at the rate of 8.3077 hours per bi weekly pay period worked, not to exceed 216 hours per year.
- b) An employee with eleven (11) or more years of continuous service shall accumulate annual leave per the below chart on an annual basis. Said annual leave is to be credited to the employee on a per bi weekly pay period worked, not to exceed the annual maximum

Years of Service	Annual maximum earned leave
11	228
12	240
13	252
14	264
15	276
16	288
17	300
18	312
19	324
20	336
21	348
22 and up	360

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RULE X- HOURS OF WORK

- c) Leave accruals shall be in hours or decimal parts thereof commensurate with the regular base hours of work assigned to each class of work; and
- d) Earned but unused annual leave credits shall be accumulated for each employee and shall be carried forward from one calendar year to the next, but the maximum amount of accumulated leave, which may be thus carried forward shall be ninety (90) days.
- e) EMPLOYEES HIRED BEFORE APRIL 26, 1986:
These employees will be able to accumulate and carry forward to the next year a maximum of ninety (90) days of annual leave. An employee must use the leave over the 90 day limit before the end of the year or lose the excess leave.
- f) EMPLOYEES HIRED AFTER APRIL 26, 1986:
These employees will be allowed to carry over, from one (1) year to the next, a maximum of ninety (90) days of annual leave. Employees will not be paid for any annual leave over the ninety (90) day limit. An employee must use the leave over the 90 days limit before the end of the year or lose the excess leave.

2.2 Persons employed on a subject-to-call basis, or under emergency or transient type appointments, or paid at Special Rates, shall not be entitled to accumulate annual leave; except in the case of those persons who are currently employees accumulating leave and who have been temporarily promoted on a transient basis to fill a vacant position pending filling of the vacancy by regular appointment.

2.3 Each eligible employee shall earn annual leave credits during:

- a) the first full bi-weekly pay period worked and ensuing pay periods worked; and
- b) the last full bi-weekly pay period worked prior to termination. No annual leave shall accrue to an employee for any bi-weekly pay period during which they are on leave without pay, or suspension, for more than seven (7) hours for Class A, eight (8) hours for Class B,

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and twenty-four (24) hours for Class C.

- 2.4 Assistant Chief or supervisor, based upon the departmental work load and the demand for the employee's services. An employee may by required to use annual leave for vacation purposes, provided that such use is in conformity with a departmental policy set forth and impartially administered by the Superintendent. Any employee who feels that they have been treated unreasonably in regard to the use of annual leave may file a written appeal to the Jefferson Parish Fire Civil Service Board in accordance with the conditions outlined in Paragraph 2561 of the Fire & Police Civil Service Laws.
- 2.5 In computing and recording charges against an employee's accumulated annual leave, deduction shall be made only for such time that the employee is absent when scheduled to work. The minimum charge against annual leave shall be a unit of one-quarter (1/4) of an hour.
- 2.6 Upon an employee's death, termination of employment, or entry into active duty with the Armed Forces of the United States, after an initial accumulation of six days of annual leave as set forth in Section 2.4, RULE IX, such employee shall be paid for all unused annual leave accrued to their credit, except that:
- a) when an employee resigns without giving at least ten (10) working days notice, the employee shall be paid only that portion of annual leave accumulation in excess of ten (10) days; except that the required ten (10) days notice requirement may be waived for cause stated in writing by the appointing authority;
 - b) when the employee resigns to accept a provisional, transient, or probational appointment without a break in service, or with a break in service not in excess of one full biweekly pay period, all unused annual leave accrued to such employee's credit shall remain to their credit when they begins service in the new position;
 - c) when an employee is removed from the Parish service for disciplinary reasons they shall be paid for all accumulated leave; provided, however, that the appointing authority may withhold payment in any amount necessary to offset the cost to the Parish for damages which may have been caused by the employee or for the failure of the

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employee to return in good condition any Parish equipment for materials which may have been issued to them.

d) for those employees hired on or after April 26, 1986, payment for accrued leave shall be limited to a maximum of twenty (20) days.

2.7 Payment for each day of unused accumulated annual leave shall be determined by reference to the base salary.

2.8 Whenever the working schedule of an employee is changed, the amount of unused annual leave accrued to his credit at the time of the schedule change shall be adjusted proportionately. For instance:

Class A Employees:

- a) If a Class A employee with 70 hours of leave accumulated were to change to Class B, their leave accumulation would increase to 80 hours or vice-versa.
- b) If a Class A employee with 70 hours of leave accumulation were to change to Class C their leave accumulation would increase to 120 hours or vice-versa.

Class B Employees:

- a) If a Class B employee with 80 hours of leave accumulation were to change to Class A, their leave accumulation would decrease to 70 hours.
- b) If a Class B employee with 80 hours of leave accumulation were to change to Class C, their leave accumulation would increase to 120 hours.

Class C Employees:

- a) If a Class C employee with 120 hours of leave accumulation were to change to Class A, their leave accumulation would decrease to 70 hours.
- b) If a Class C employee with 120 hours of leave accumulation were to change to Class B, their leave accumulation would decrease to 80 hours.

If, in making the adjustment required by this Rule, the resulting total accumulations should exceed the maximum normally provided by these Rules, the employee shall be allowed to retain to his credit the excess over

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the normal maximum, but shall not accumulate further leave until his balance is reduced to a point below the normal maximum.

- 2.9 When an employee has used all accumulated Sick Leave, but has Annual Leave accumulations available for use, upon request by the employee, he shall be permitted to use Annual Leave in lieu of Sick Leave (for sick leave purposes), subject to the provisions, conditions and limitations set forth in Section 3.5 of this rule.

Section 3. SICK LEAVE

- 3.1 1. Each employee shall earn and accrue sick leave with pay (“**Sick Leave**”) as follows:
- a) Class A Employees shall earn and accrue Sick Leave at the rate of three and one-half (3.5) hours per biweekly pay period worked.
 - b) Class B Employees shall earn and accrue Sick Leave at the rate of four (4) hours per biweekly pay period worked.
 - c) Class C Employees shall earn and accrue Sick Leave at the rate of six (6) hours per biweekly pay period worked.
2. Any person employed on a subject-to-call basis, or under emergency or transient type appointments, or paid at special rates shall not be entitled to accrue Sick Leave; except in the case of a person currently employed and accumulating Sick Leave and who has been temporarily promoted on a transient basis to fill a vacant position, pending filling of the vacancy by regular appointment.
3. In addition to the accrued Sick Leave set forth above, a Fireman (as defined in RULE V above) shall also be entitled to full pay during sickness or incapacity suffered while *off-duty* and not brought about by his own negligence or culpable indiscretion for a period throughout the course of his career of employment with the Fire Department not to exceed fifty-two (52) weeks (“**Off-Duty 52-Week Leave**”), provided however, that the alternative maximum amount of Off-Duty 52-Week Leave available to each Fireman shall be the total amount of 52-Week Leave possessed by each Fireman as of the effective date of this RULE X, Section 3, as amended. Moreover, no Fireman shall be permitted to

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utilize Off-Duty 52-Week Leave unless and until he has exhausted all accrued Sick Leave defined in sub-section 3.1.1 above. All utilized Off-Duty 52-Week Leave shall be replaced with Sick Leave upon accrual thereof in one-quarter (.25) increments until the Off-Duty 52-Week Leave balance equals either fifty-two (52) weeks or the total number of hours the Fireman possessed as of the effective date of this RULE X, Section 3, as amended.

4. In addition to the accrued Sick Leave and Off-Duty 52-Week Leave set forth above, a Fireman (as defined in RULE V above) shall also be entitled to full pay during sickness or incapacity suffered while *on-duty* and not brought about by his own negligence or culpable indiscretion for a period not to exceed fifty-two (52) weeks per on-duty injury or illness (“**On-Duty 52-Week Leave**”)

Any reference to 52-Week Leave in these RULES shall include *both* On-Duty 52-Week Leave and Off-Duty 52-Week Leave, unless otherwise specified.

5. There shall be no limitation on the amount of Sick Leave that may be accumulated and carried forward from one year to the next.

- 3.2 Each eligible employee shall accrue Sick Leave during:
 - a) the first full biweekly period worked and ensuing pay periods; and
 - b) the last full biweekly pay period worked prior to termination.

No Sick Leave or Annual Leave shall accrue to an employee for any biweekly pay period during which they are absent from work while utilizing any type of leave without pay, or while under suspension for more than seven (7) hours for Class A employees, eight (8) hours for Class B employees, and twelve (12) hours for Class C employees, except for an absence under Military Leave Without Pay as defined below.

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3.3 Usage

1. For scheduling purposes only, prior to any utilization of any sick leave authorized pursuant to this Rule X, Section 3, or any other law:
 - a. Class C employees shall notify their Duty Station and Jefferson Parish Fire Alarm (504-227-1407) and provide the following information: name, rank, and station assignment, no later than 0630 hours on the day for which the sick leave is requested.
 - b. Class B employees shall notify the Communication Supervisor, or his/her designee, no later than two (2) hours prior to the beginning of the shift for which the sick leave is requested.
 - c. Class A employees shall notify the Director, or his/her designee no later than the start of the scheduled work time on the day for which the sick leave is requested.

2. If a Fire Department employee uses Sick Leave, 52-Week Leave, or any combination thereof, the employee shall complete and deliver to the Director, written notice stating: (a) the amount of time to be charged to Sick Leave, 52-Week Leave, or any combination thereof, and (b) the circumstances prompting such request (“**Sick Leave Notice**”), **no later than the day of the employee’s return to duty.** Additionally, the Director, at his discretion, may require that an employee provide a written explanation from a licensed physician stating the medical reason for his absence from work. The Fire Department shall provide the form of the Sick Leave Notice. An employee who becomes injured or ill while utilizing Annual Leave, shall continue to utilize Annual Leave as scheduled, and shall thereafter utilize Sick Leave, 52-Week Leave, or any combination thereof, if necessary, and provide Sick Leave Notice as required above.

3. If a Fire Department employee fails to provide timely the written evidence required in subsection 3.3.2 above, or if the Director has a reasonable doubt regarding the validity of same, then the Director- as

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a condition of granting Sick Leave, 52-Week Leave, or any combination thereof- may require that the employee present himself for evaluation, at the Fire Department's expense, by the Fire Department's designated physician.

4. If the Director determines that a Fire Department employee is or was fraudulently or otherwise erroneously utilizing Sick Leave, 52-Week Leave, or any combination thereof, then the employee's absence from work shall be considered an Absence Without Leave (as defined below). The Director shall be authorized to recover the compensation paid to said employee for the period in question, and may take disciplinary action against the employee, up to and including termination.
5. In computing and recording charges against an employee's Sick Leave or 52-Week Leave, deductions shall be made only for such time that the employee is absent from scheduled duty. The minimum charge against Sick Leave or 52-Week Leave shall be one-quarter (1/4 or .25) of an hour.

3.4 Return To Work Authorization

1. An employee who is absent from work and uses Sick Leave, 52-Week Leave, or any combination thereof, for **five (5) consecutive work days or more** due to either illness, injury or surgery must provide to the Director a written authorization from the attending physician stating that the employee is capable of returning to work and performing his job duties ("**Employee Return to Work Authorization**"). An employee absent from work while using Sick Leave, 52-Week Leave, or any combination thereof, shall remain on Sick Leave, 52-Week Leave, or any combination thereof, until he returns to work or obtains a Return to Work Authorization. This includes days not regularly scheduled to work. In the event an employee does not have any Sick Leave or 52-Week Leave available, then he may utilize Annual Leave or Leave Without Pay.

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2. Additionally, the Fire Department may, at its expense, require said employee to submit himself in order to obtain a return to work authorization from its designated physician (“**Department Return to Work Authorization**”). In the event the medical opinion of the Fire Department’s physician conflicts with the medical opinion of the attending physician, the Fire Department may, at its expense, obtain a medical opinion from an independent health care provider, the selection of which shall be approved by both the Fire Department and the employee. The medical opinion of the independent health care provider shall be binding on all parties.

If the Fire Department requires an employee to obtain a Department Return to Work Authorization, the employee must present a copy of the Employee Return to Work Authorization to the Director so that a return to work evaluation can be scheduled with the Fire Department’s designated physician. If the Fire Department determines that a Department Return to Work Authorization is required, the employee shall remain on Sick Leave, 52-Week Leave, or any combination thereof, until the Fire Department’s designated physician delivers to the Director such Department Return to Work Authorization. In the event an employee does not have any Sick Leave or 52-Week Leave available, then he may utilize accrued Annual Leave or Leave Without Pay.

3.5 Activities Limited

1. An employee absent from work while using Sick Leave, 52-Week Leave, or any combination thereof, shall not obtain other employment, part-time or otherwise, that: (a) requires a degree of physical effort similar to or greater than the degree of physical effort required to perform his current Fire Department duties; or (b) is similar in scope to that of his current Fire Department duties. Moreover, an employee absent from work while using Sick Leave, 52-Week Leave, or any combination thereof, shall not obtain other employment, part-time or otherwise, without obtaining prior approval (by majority vote) from a committee consisting of the following members: (i) the Jefferson Parish Chief Administrative

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Officer; (ii) the Jefferson Parish Attorney; and (iii) the Association's designated representative ("**Outside Employment Approval Committee**").

2. An employee who is absent from work and utilizes Sick Leave, 52-Week Leave, or any combination thereof, for consecutive work days due to either illness, injury or surgery shall not obtain other employment on his scheduled off-day, part-time or otherwise, without obtaining prior approval (by majority vote) from the Outside Employment Approval Committee. The number of consecutive work days an employee may be absent from work prior to being subject to the provisions of this sub-section shall be determined by the actual number of accrued Sick Leave hours each employee has in the Parish Payroll System in accordance with the chart in sub-section 3.8.1 below.

3.6 **Sick Leave Verification**

The Director, or his/her designee, at reasonable intervals may: (a) contact any employee who is absent from work while utilizing Sick Leave, 52-Week Leave, or any combination thereof, (either through telephone or personal communication), or (b) require the employee to report to the Director (either in person or by telephone communication), for the purpose of verifying that the employee is in compliance with all provisions of the Sick Leave policy. Any employee who fails to cooperate and allow the Director to verify the utilization of Sick Leave, 52-Week Leave, or any combination thereof, may be subject to disciplinary action, up to and including termination.

3.7 **Temporary Modified Duty**

1. **PURPOSE:** To accommodate Fire Department personnel who have sustained injuries or who are experiencing medical problems that prevent them from performing regular job duties, but who are able to work in some capacity, and to facilitate timely recovery and return to work, to minimize permanent impairment and absenteeism.

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2. SCOPE: To assist Fire Department personnel who suffer illness or injury to continue medical treatment and/or physical therapy and to obtain work conditioning and hardening from within the Fire Department.
3. DEFINITION: Temporary Modified Duty (“TMD”) is a limited duty assignment that can be performed by an employee who has been injured or has an illness that would otherwise prevent him from performing his regular job duties. For the purposes of this sub-section, illness and injury may be interchanged. All Fire Department rules and regulations shall be strictly adhered to.

3.8 TMD- Procedure

1. An employee who is absent from work and utilizes Sick Leave, 52-Week Leave, or any combination thereof, for consecutive work days due to either illness, injury, or surgery, shall at the Director’s discretion present himself to the Fire Department’s physician for a fitness evaluation. The number of consecutive work days an employee may be absent from work prior to being subject to the provisions of this sub-section shall be determined by the actual number of accumulated Sick Leave hours each employee has in the Parish Payroll System in accordance with the following chart:

Employees Accumulated Sick Leave Hours	Consecutive work days (24 Hour Tour of Duty) of absence from work before section 3.7 is implemented
1-100	5 consecutive work days
101-200	6 consecutive work days
201-500	8 consecutive work days
501 and higher	10 consecutive work days

2. In the event the Fire Department’s physician determines that the employee is eligible for TMD, the employee shall notify the Director by submitting a work status slip which shall include a statement of his/her physical abilities and limitations.

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3. The employee shall be responsible for facilitating a smooth and timely flow of information between his personal physician, the Fire Department's physician and the Fire Department. This shall include requiring the employee to sign a "Medical Information Release" form limited in scope to the current illness or injury.
4. The employee shall be placed on TMD once the Fire Department's physician has reviewed a description of the temporary assignment and signed it. The employee shall sign the TMD job description before beginning the assignment, indicating the employee's agreement with the TMD assignment. While an employee is on TMD he shall be assigned temporary assignments on his regularly scheduled workday and based on the needs of the Fire Department.
5. The employee shall continue his/her prescribed medical treatment while on TMD. After each doctor visit, the employee shall cause to be delivered to the Director a status report. Employees assigned to TMD shall be accountable to the supervisor of the division to which he has been temporarily assigned. All on duty medical visits shall be charged against the appropriate leave.
6. While assigned to TMD, the employee shall comply with all rules, policies and directives that apply to the division of his temporary assignment. The employee must report at the beginning of every work day to the designated divisional employee for roll call.
7. Employee will be removed from TMD status when:
 - a. The employee is able to perform regular job duties as authorized by the Fire Department's physician; or
 - b. The Fire Department's physician has determined that the employee's condition has changed such that the employee can no longer perform TMD.

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The duration of initial TMD shall be limited to thirty (30) working days, but may be extended after review of appropriate medical information. Any extension beyond the initial thirty (30) working days must be re-evaluated at least biweekly. The extension of TMD assignment beyond ninety (90) days shall be at the Director's discretion.

An employee is expected to comply with all aspects of his treatment plan and a TMD assignment after the Department's physician authorizes him to return to work in such a capacity. Failure to do so may result in disciplinary action up to and including termination.

3.9 Excessive Sick Leave Usage

1. All eligible Fire Department employees shall be granted a specified number of Sick Leave or 52-Week Leave Occurrences (defined below) in a **twelve (12) month calendar period**, beginning on January 1st and ending December 31st of each year, based on the number of accrued **Sick Leave** hours they possess in the Parish's payroll system at the time of the Occurrence.
2. For the purposes of this section, an Occurrence shall be defined as any use of Sick Leave or off duty 52-Week Leave for each specified period of time the eligible employee is absent from work in which the employee does not provide to his immediate supervisor or the Director (in advance, or if advance notice is not possible, as soon as reasonably practical) upon return to work written documentation that the employee was absent from work due to illness.
3. Any employee who exceeds the allowed Occurrences of accrued Sick Leave or has a zero balance of accrued sick and utilizes off duty 52-Week Leave shall provide (in advance, or if advance notice is not possible, as soon as reasonably practical), upon return to work written documentation from his attending physician stating that the employee was absent from work due to illness and is authorized to return to work and fully perform his/her duties.

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4. The number of Sick Leave or 52-Week Leave Occurrences allowed per **twelve (12) month calendar period** shall be determined in accordance with the following.

Employee's Sick Leave Hours (accrued only, exclusive of 52-Week Leave) hours:	Number of Sick Leave or 52-Week Leave Occurrences allowed:
1-100	3 occurrences per twelve month period
101-200	4 occurrences per twelve month period
201-500	6 occurrences per twelve month period
501 and higher	7 occurrences per twelve month period

5. Any employee who exceeds the allowed Occurrences of accrued Sick Leave or utilizes off duty 52-Week Leave shall report to the Fire Department's physician or the employee's personal treating physician on the scheduled work day of the reported illness for an evaluation, to obtain written authorization from the physician stating that the employee is either: (i) capable of returning to work and performing his duties; or (ii) not capable of returning to work and performing his duties. In the event an employee fails to timely report to an evaluating physician, the Director shall immediately place the employee on Absence Without Leave until the employee reports to the evaluating physician, and the hours deemed to be Absence Without Leave shall not be counted as "hours worked" for overtime purposes. Moreover, any employee who fails to timely report to an evaluating physician may be subject to disciplinary action, up to and including termination.

3.10 Compensation for Accrued Sick Leave:

1. EMPLOYEES HIRED BEFORE APRIL 26, 1986:

Employees in this group will be paid one-half (1/2) day for every full day of unused accrued Sick Leave at the time of retirement, provided the employee has a minimum of ten (10) years of service. There shall be no limitation on the amount of Sick Leave which may be accumulated and carried forward from one year to the next.

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2. EMPLOYEES HIRED AFTER APRIL 26, 1986:

Employees in this group will be paid one (1) full day for each day of Sick Leave up to a maximum of forty (40) days. There shall be no limitation on the amount of Sick Leave which may be accumulated and carried forward from one year to the next.

3. The Sick Leave to be compensated for as herein provided shall be limited to Sick Leave which is accrued under the provisions of RULE X, subsection 3.1.1. No compensation whatsoever shall be granted for 52-Week Leave or any other sick leave advanced or bestowed to Fire Department employees under other authority.
4. If an employee elects to be compensated for unused accrued Sick Leave as hereinabove provided, he shall be construed to have used all such Sick Leave credited to him at the time of such compensation.
5. Monetary compensation for unused accrued Sick Leave shall be computed by using the employee's Base Salary.

3.11 Subject to the requirements and limitations set forth in RULE X, Section 3.10 above, all unused accrued Sick Leave remains to an employee's credit:

- a) When the employee resigns to accept a provisional, transient or probational appointment in the classified service without a break in service or with a break in service not to exceed one (1) full biweekly pay period; or
- b) During any period when they are carried on authorized Military Leave Without Pay; or
- c) When they are reinstated or re-employed after payoff; or
- d) When they are transferred from one department or agency to another. Records of the central payroll office shall be used in determining the amount of leave involved.

3.12 Subject to the requirements and limitations set forth in RULE X, Section 3.10 above, upon separation from Jefferson Parish employment after

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having attained sufficient creditable service to qualify for a current or a deferred retirement benefit under the Parochial Employees' Retirement System and/or the Employees' Retirement System of Jefferson Parish and/or the Firefighters Retirement System as established in R.S. 33:2151, an employee shall be paid for all unused accrued Sick Leave to his credit at the time of separation at the rate of one (1) day's pay for each two (2) days of unused accrued Sick Leave.

- 3.13 Subject to the requirements and limitations set forth in RULE X, Section 3.10 above, in lieu of the compensations provided hereinabove, the employee may elect and be granted retirement service credits in accordance with Act 302 of the 1974 session of the State Legislature and in accordance with similar and related provisions of Ordinance No. 11027 of Jefferson Parish; in which case, no monetary compensation for unused accrued Sick Leave shall be made to the employee.
- 3.14 The Director may, at his discretion, advance an employee Sick Leave with pay not in excess of five (5) working days, providing that such advanced leave must be charged against the first available Sick Leave or Annual Leave accumulations credited to the employee. In such a case, the Director must provide the employee with written notice of the action, and copies of this notice must be sent to the Appointing Authority and the Finance Department. Sick Leave with pay in excess of five (5) days may be advanced to an employee only with the prior approval of the Appointing Authority.

Section 4. LEAVE PROVISIONS FOR FIREFIGHTING PERSONNEL

- 4.1 Employees in any of the firefighting classes of work shall earn and accumulate annual leave and sick leave in the same manner as all other employees eligible under this rule. However, because of the peculiar nature of the established firefighting tour of duty (twenty-four (24) hours on/twenty-four (24) hours off, each tour being equivalent to two (2) twelve (12) hour working days), an employee working such a tour of duty shall be charged two (2) days of annual leave or sick leave for each twenty-four (24) hour tour of duty he is absent from work.

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- 4.2 When an employee who normally works a regular firefighting tour of duty is carried on leave without pay, the amount of pay to be deducted for the absent time shall be computed by multiplying the number of hours absent from duty by the employee's base salary.

Section 5. FUNERAL LEAVE

- 5.1 The Fire Department shall grant full-time employees – excluding transient employees, emergency employees, or other employees not eligible to accrue paid leave – paid leave to arrange and attend the funeral services only (“**Funeral Leave**”) of a member of the employee’s Immediate Family (as defined in RULE I, Section 6). Funeral Leave is limited to two (2) workdays for Class A and Class B employees and two (2) twelve (12) hour workdays for Class C employees for the death of a member of an employee’s Immediate Family. The Director may also grant an employee Sick Leave in any amount up to, but not in excess of three (3) additional days (three (3) twelve (12) hour workdays for Class C employees) to permit such out of local-area travel time which the Director deems necessary. Any combination of Funeral Leave and other leave taken for this purpose shall not exceed five (5) consecutive calendar days for Class A personnel and Class B personnel, and ten (10) twelve (12) hour consecutive calendar days for Class C personnel.
- 5.2 In the event there is a death in the Immediate Family of the spouse of the employee- excluding transient employees, emergency employees, or other employees not eligible to accrue paid leave – the Director shall grant one (1) day of Funeral Leave for Class A and Class B employees and one (1) twelve (12) hour workday for Class C employees, which shall not be charged to the employee’s Sick Leave or Annual Leave. Additional leave of absence, chargeable to Sick Leave, may be granted by the Director to permit such out of local-area travel time as the Director may deem necessary. Any combination of Funeral Leave and other leave taken for this purpose shall not exceed five (5) consecutive calendar days for Class A personnel and Class B personnel, and ten (10) twelve (12) hour consecutive calendar days for Class C personnel.

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- 5.3 Each employee requesting Funeral Leave shall provide to the Director written notice of such request (“**Funeral Notice**”). The Funeral Notice shall include the following information: (i) the name of the deceased; (ii) the relationship of the deceased to the employee; (iii) the deceased’s date of death; and (iv) other information the Director may reasonably require. The employee shall provide the Funeral Notice either in advance of, or as soon as reasonably practicable upon return from Funeral Leave, provided however, that the employee shall provide the Funeral Notice no later than ten (10) calendar days after the last day of Funeral Leave.
- 5.4 In the event an employee fails to provide timely the Funeral Notice required above, the Director may deny and/or cancel the Funeral Leave, and the employee’s absence from work shall be considered an authorized Leave of Absence Without Pay.
- 5.5 If the Director determines that an employee is or was fraudulently or erroneously utilizing Funeral Leave, then the employee’s absence from work shall be considered an Absence Without Leave (as defined below). The Director shall be authorized to recover the compensation paid to said employee for the period in question, and may take disciplinary action against the employee, up to an including termination.

Section 6. CIVIL LEAVE

- 6.1 1. The Fire Department shall grant paid leave to full-time employees – excluding transient employees, emergency employees, or other employees not eligible to accrue paid leave – who are: (i) summoned to jury duty in any local, state or federal court; or (ii) subpoenaed to appear before a court, public body, commission or board for which he does not receive compensation (“**Civil Leave**”). An employee required to appear on a day in which he is not scheduled to work shall not be eligible for Civil Leave. Moreover, if the employee is a party in a legal action, he shall not be eligible to obtain Civil Leave in connection with his appearance in such legal action, whether such appearance is court-ordered or otherwise required.

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2. Upon release from jury duty (either for a particular day of jury duty or if jury duty has been completed in full), an on-duty employee shall return to work to complete any time remaining on his scheduled shift. An employee shall provide the Director with a copy of the jury duty notification upon receipt of same.
3. If an employee who is subpoenaed to appear before a court, public body, commission, or board receives compensation in excess of compensation for mileage and meal(s), the employee shall either use accrued Annual Leave or complete a shift swap in connection with such appearance.
4. In the event an employee is subpoenaed to testify in any matter; (a) directly related to the performance of the employee's Fire Department responsibilities, (b) that either directly or indirectly affects the Fire Department, or (c) in which the subpoena is issued by a governmental agency ("**Department Related Subpoena**"), the employee shall notify the Director and provide to him a copy of all such subpoenas.

An employee required to appear on a day in which he is not scheduled to work, pursuant to a Department Related Subpoena only, shall be compensated as if he is working extra-duty.

6.2 Educational Leave

Employees may be granted leave with pay, provided the manpower is available, as determined by the Director, for educational purposes to attend bona fide Fire Department related conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve, maintain or upgrade the individual's certifications, skills and professional ability in their respective position with the Fire Department. Employees shall also be granted leave with pay when the employee is attending a bona fide Fire Department examination.

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If any of the above is in conflict with existing laws and/or LSA 33:2531 et seq, Act 282 of 1964, Title 33, Municipalities and Parish, Chapter 5, Part III, Fire and Police Civil Service Law for small Municipalities and for Parishes and Fire Protection Districts, then this section will become invalid.

Section 7. LEAVE OF ABSENCE WITHOUT PAY

- 7.1 Any full-time employee who has used all of his accrued Annual Leave, Sick Leave, or 52-Week Leave, or any transient employee, emergency employee, or other employee not eligible to accrue paid leave, who is unable to attend work, may be deemed to be on leave without pay (“**Leave Without Pay**”). No employee shall be permitted Leave Without Pay unless expressly authorized by the Director. An employee must submit to the Director a written request for Leave Without Pay (“**LWOP Request**”) no later than forty-eight (48) hours prior to the start of Leave Without Pay. The LWOP Request shall indicate a replacement employee. The Director may require an employee who requests Leave Without Pay to provide his replacement for the time scheduled as Leave Without Pay.
- 7.2 The Director may grant full-time employees- excluding transient employees, emergency employees, or other employees not eligible to accrue paid leave- Leave Without Pay for a period not to exceed an aggregate of ninety (90) calendar days within a period of twelve (12) consecutive months, whenever such Leave Without Pay is deemed to be in the best interest of the Fire Department, provided that:
- a) Leave Without Pay for a period exceeding ninety (90) days may be granted only with the consent of the Appointing Authority; and
 - b) when an employee is on Leave Without Pay for more than five (5) consecutive days, the Director must submit a report to the Appointing Authority; and
 - c) when an employee does not return to work at the expiration of a period of Leave Without Pay as authorized herein, he shall be deemed to have resigned his position as of the day following the last day of leave; and
 - d) provisional employees, transient employees, emergency employees,

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or other employees not eligible to accrue paid leave may be granted temporary leave without pay (“**Temporary Leave Without Pay**”) for a period not to exceed five (5) working days.

Section 8. SPECIAL LEAVE OF ABSENCE

- 8.1 The Director may grant a full-time employee special leave of absence (“**Special Leave of Absence**”) without pay to allow the employee to accept an unclassified position, excluding elective office, with the Parish of Jefferson. The Special Leave of Absence without pay shall end automatically upon the employee’s resignation or termination from the unclassified position.
- 8.2 The Director may grant a full-time employee Special Leave of Absence either with or without pay for a period not to exceed one (1) year to permit the employee to obtain educational training which directly benefits the Fire Department. To obtain such leave, the employee must clearly demonstrate that the course of study is related directly to his service with the Fire Department.
- 8.3 The Director may grant a full-time employee Special Leave of Absence with pay to allow the employee to vote or to serve as an election official in either a primary, general or special election conducted in Jefferson Parish.
- 8.4 The Director may grant a full-time employee Special Leave of Absence with pay to allow the employee to take an examination for a license or certificate from a city or state agency if the Director determines that acquisition of the license or certificate directly benefits the Fire Department.
- 8.5 The Director may grant Special Leave of Absence with pay to the elected employee representative on the Fire Civil Service Board when such leave is necessary for him to carry out business related to the fire civil service system. Upon request from the Director, such employee shall demonstrate the need for the Special Leave of Absence with pay. In the event the employee is unwilling or unable to provide demonstrative evidence supporting the need for the Special Leave of Absence with pay, the employee shall be deemed to be on Special Leave of Absence without pay

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for the period in question and the Director shall be authorized to recover any compensation paid to the employee for the period in question.

8.6 The Director may grant a full-time employee Special Leave of Absence with pay to allow an authorized employee to attend a convention, a conference or a training program directly related to his position, or to the function and operation of the Fire Department.

8.7 The Director may grant a full-time employee Special Leave of Absence with pay to allow the employee to prepare for his and his Immediate Family's personal needs in the event of a natural disaster, including in anticipation of a tropical storm or hurricane.

Section 9. MILITARY LEAVE WITH PAY

9.1 1. The Fire Department shall grant military leave of absence to any employee who is a member of Armed Forces of the United States including the National Guard and the Commissioned Corps of the Public Health Service, the state military forces, or the reserve components of the same, and who is ordered to active duty for field training or related or similar purposes, without loss of pay ("**Military Leave With Pay**"), for a period not to exceed fifteen (15) calendar days in any calendar year.

2. The Director may grant an employee Annual leave, Leave Without Pay, or both, in accordance with other provisions of these Rules, for periods of training in excess of fifteen (15) calendar days.

9.2 Any employee who is inducted or ordered to active duty to fulfill their reserve obligation, or who is ordered to active duty for an indefinite period in connection with reserve activities, is ineligible for the Military Leave With Pay permitted under Section 9.1 above.

Section 10. MILITARY LEAVE WITHOUT PAY

10.1 The Fire Department shall grant military leave without pay ("**Military Leave Without Pay**") to any employee ordered to active duty. Such Military Leave Without Pay shall extend through a date ninety (90) days after the

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employee is relieved from military service or from hospitalization continuing after discharge for a period not to exceed one (1) year.

The employee shall be restored to the position which he vacated, provided that: (a) the employee provides to the Appointing Authority written application for reinstatement within ninety (90) days from the date of: (i) his honorable discharge or discharge under honorable conditions, or (ii) hospitalization continuing after discharge for a period of not more than one (1) year; and (b) the employee is physically and mentally capable of performing the duties of the position previously held to the satisfaction of the Appointing Authority.

In the event an employee is placed on Military Leave Without Pay while serving a working test period, the Fire Department, upon such employee's return from Military Leave Without Pay, shall require such employee to serve the remaining portion of the working test period prior to granting him permanent status in his class of position.

- 10.2 If a position vacated by an employee entering the armed service no longer exists when he qualifies to return to work, he shall be entitled to reemployment in any position of the same classification within the organization unit in which he was previously employed, provided such re-employment does not necessitate laying off an employee appointed at an earlier date than the employee returning from Military Leave Without Pay.
- 10.3 If a position vacated by an employee entering the armed services no longer exists when he qualifies to return to work, and if no other position for which he might be entitled through re-employment privileges exists in the organization unit in which he was previously employed, the Director shall place such employee's name on an appropriate re-employment list or lists, and the Director shall take all steps consistent with these Rules and Louisiana Law to effect re-employment at the earliest possible date.
- 10.4 Any position vacated by an employee placed on Military Leave Without Pay may be filled only by a conditional appointment in accordance with Louisiana Law. A regular employee temporarily occupying a position vacated by a person entering the armed services shall be entitled to all

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benefits provided in these Rules that they might otherwise have, except as herein provided. If and when a regular employee is required to vacate a position as the result of the re-employment of a person returning from Military Leave Without Pay, he shall be entitled to be demoted or transferred to his former position, provided the demotion or transfer does not necessitate laying off any employee appointed at an earlier date than the employee being demoted or transferred; otherwise he shall be eligible for placement on an appropriate eligibility list.

- 10.5 A person on Military Leave Without Pay shall be permitted to take any promotional examination given during his period of leave, provided that he must take the examination during the life of the appropriate eligible list and prior to announcement of the next examination for the same class of positions.

Section 11. MATERNITY LEAVE

- 11.1 Pregnancy and childbirth are conditions which may interfere with the working ability of female employees. Accordingly, inability to work resulting from pregnancy or childbirth shall be viewed as illness and shall entitle an employee to Sick Leave benefits elsewhere where provided in this Rule, subject to the regular conditions and limitations set forth for the use of sick leave.
- 11.2 It is further recognized that, in some case of pregnancy or childbirth, an employee, although not disabled for work, may desire a leave of absence for purposes of personal convenience. In any such case, the Leave of Absence Without Pay benefits elsewhere provided in this Rule may be utilized by the employee under the conditions and limitations set forth therein.
- 11.3 In order to protect the Parish from potential liability due to job-related injury, at any time during pregnancy, the Superintendent may request the employee to furnish a written statement by a licensed physician certifying that continued employment will not be injurious to the health or welfare of the employee and/or the unborn child.

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If the employee does not supply the requested certificate within a period of ten (10) calendar days, the Superintendent may require the employee to take their accrued sick leave.

- 11.4 Normally, return to work following maternity leave shall commence not sooner than six (6) weeks following the date of delivery. An employee desiring to return at an earlier date shall be permitted to do so, if she furnishes a physician's certificate that return to active work will not endanger the employee's health or welfare.

Section 12. FAMILY AND MEDICAL LEAVE

Employees shall be entitled to and shall be granted Sick Leave, Annual Leave, and/or Leave Without Pay for Family and Medical Leave purposes in order to comply with the Family and Medical Leave Act of 1993 (FMLA).

The Appointing Authority shall develop and promulgate a written Family and Medical Leave Policy which sets forth guidelines and procedures necessary for implementation of the FMLA.

When necessary in order to comply with the provisions of the FMLA, the policy may include specific provisions which supersede the provisions of Rule X as the Personnel Rules regarding leaves of absence. Actions by the Appointing Authority shall be consistent with these Rules except as otherwise directed by the Family and Medical Policy.

Section 13. ABSENCE WITHOUT LEAVE

- 13.1 It shall be the duty of every employee to report for work in accordance with, and to work throughout, all regularly scheduled working hours, unless granted a leave of absence duly applied for and approved, or authorized in accordance with one or more of the provisions set forth RULE X, Section 2 through Section 12, inclusive. Any unauthorized absence from work shall be deemed to be absence without leave ("**Absence Without Leave**"). Each and every Absence Without Leave shall be reported on the daily time and attendance reports by separate and specific identification, and no

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compensation shall be paid to any employee for any Absence Without Leave.

- 13.2 Deduction from pay or denial of pay to an employee for Absence Without Leave shall not be considered or treated as a disciplinary action. Separate disciplinary actions, including dismissal, may be taken against an employee, for any Absence Without Leave, in accordance with RULE XII.
- 13.3 For purposes of this Section 13, the term "work" shall include, in addition to normal and related duties, all other assignments that are ordered or authorized by an employee's supervisor (i.e. participation in job-related safety or training sessions, work-breaks, evacuation of premises or relief from duty due to hazardous conditions, escort or transport to a parish medical facility for first-aid of a job related injury).
- 13.4 An employee's Absence Without Leave for a period of five (5) or more consecutive working days for Class A and Class B employees or five (5) or more consecutive twelve (12) hour workdays for Class C employees shall be deemed a resignation. The Director shall, subject to the provisions of section 13.2 above, effect the deemed resignation on forms prescribed by the Fire Department. In every case of a deemed resignation of an employee in the classified service as provided above, the Director shall provide to the employee involved a written notice thereof. The written notice shall also inform the employee of his right of appeal to the Fire Civil Service Board as provided in 13.5, below.
- 13.5 Denial of pay for an Absence Without Leave and deemed resignation as stated in Section 13.4 shall be appealable to the Jefferson Parish Fire Civil Service Board, only if such employee specifically alleges that the Absence Without Leave was, or should have been, approved or authorized under one or more of the provisions of RULE X, Section 2 through Section 12, inclusive. Such an appeal must be filed in writing and within fifteen (15) calendar days of the pay day on which the pay was denied. The appellant shall bear the burden of proof of such allegations.

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Section 14 VOLUNTARY RESIGNATIONS

- 14.1 The voluntary resignation of an employee in the classified service may be submitted orally or in writing and shall be accomplished upon:
 - (a) acceptance by his appointing authority, notwithstanding any prospective effective date; or,
 - (b) the passing of the effective date and time of resignation specified in the resignation;

- 14.2 Acceptable evidence of acceptance of resignation shall include, but shall not be limited to, preparation and signature by the appointing authority of forms prescribed by the department for the purpose of recording employee resignations.

- 14.3 Subsequent to its acceptance, an employee may not retract his resignation except with approval of his appointing authority.

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RULE XI SPECIAL PROVISIONS AND BENEFITS

Section 1. WORKING OUT OF CLASSIFICATION

Any employee working a out of classification, in a higher classification, for a period of one (1) hour or more, shall be paid at the rate of the higher classification for the hours actually worked in said higher classification.

Section 2. SHIFT EXCHANGE

The practice of exchange shifts time will have no effect on hours of work if the following criteria are met:

1. Exchange is done voluntarily;
2. Exchanges are for the employee's personal benefit;
3. A record is maintained by the Fire Department;
4. The period in which time is exchanged and paid back, shall be by mutual agreement of both parties;
5. Request shall be submitted to the District Chief before exchange;
6. If the substitute employee fails to report or to complete the tour of duty in question, the scheduled employee shall be charged annual leave for the hours not worked by the substitute;
7. Should the substitute employee fail to report or complete the shift of duty in question, except for illness certified by the Fire Department Doctor, the substitute employee waives any rights to obtain a shift exchange for the next twelve (12) months;
8. Employees will be permitted to work only for another person of the same rank or rank higher or lower than their present rank (ex: a Firefighter CANNOT work for a Fire Lieutenant, a Fire Equipment Operator CANNOT work for a Captain, a Lieutenant CANNOT work for a District Chief or a Captain CANNOT work for an Assistant Chief).

Section 3. UNIFORM AND PROTECTIVE CLOTHING

Each employee will be provided each with the appropriate protective clothing and protective equipment, as defined by LSA R.S. 33:1973 (Regulation of Fire Department; Safety Equipment).

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Whenever the protective clothing or uniform of the employee is damaged or stolen, in the line of duty, these items shall be replaced at no cost to the employee, but must be documented to the Officer-in-Charge at the time of the incident and forwarded through the Chain of Command to Fire Headquarters.

All issued uniforms and protective clothing are to be worn and maintained by each employee.

An annual clothing allowance of one hundred and fifty (150.00) dollars per year. The acquisition of clothing will be through purchase order system.

Section 4. INCIDENT DISPATCHING

A silent system of radio communications will be maintained in the Fire Department, eliminating the need of members physically standing watches.

Section 5. EXTREME WEATHER

Employees will not be required to perform non-emergency (such as hydrant, inspections and pre planning) duties outdoors when elements are of extreme conditions, excluding reporting to the Parish Buildings. Such conditions will include rain, snow, extreme winds and unreasonable temperatures below forty (40) Fahrenheit and above ninety (90) degrees Fahrenheit.

Section 6. RECREATIONAL EQUIPMENT

The Department may provide recreational equipment. Such equipment will be geared to provide cardiovascular fitness.

Section 7. COMMON MEAL SITE

Employees are required to contribute financially to congregate meals in the fire house at a charge equal to the value of the meals, irrespective of whether the employee chooses to eat the meal.

Section 8. WORK FORCE

An employee of the Classified Civil Service holding the rank of Fire Equipment Operator shall be assigned to all fire fighting apparatus in accordance with L.S.A.R.S. 33:1967.

Section 9. STATION UPKEEP AND MAINTENANCE

Necessary repairs shall be completed on a priority basis, even if such repairs necessitate the services of private contractors. Reasonable materials and

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supplies required in the Day-to-Day maintenance and upkeep of Fire Department facilities will be made available. Items necessary to maintain satisfactory sanitary conditions of all quarters within all Fire Department facilities will be supplied.

Section 10. SAFETY IN WORK PLACES

Unsafe conditions in the work place or any unsafe condition of Fire Department equipment will be addressed and corrected on a priority basis, even if such correction necessitates the services of private contractors.

Section 11. MEDICAL PERSONNEL

When available, an ambulance with trained medical personnel and life support equipment shall be present at the scene of all working fires and/or hazardous materials incidents.

Section 12. RULES AND REGULATIONS

The Superintendent of Fire has full authority to promulgate and implement written Rules and Regulations regulating any and all aspects of the Fire Department and its various operations, to the extent such rules are not expressly prohibited by provisions of this ordinance. These rules can be amended without approval of the Parish Counsel or public hearing. A copy of any rules or regulations, or amendments thereto, shall be provided to the President of the Jefferson Parish Firefighters Association at least twenty (20) days prior to implementation for any comments or suggestions they want to consider.

The Superintendent of Fire shall also supply each employee and the Union with a written copy of all Rules and Regulations.

All verbal orders which have a general application shall be published in written form within thirty (30) days of the date of issuance. If not produced in writing within (10) days from the date of issuance, any verbal order shall become null and void.

Section 13. RIGHT OF ACCESS TO PARISH FACILITIES

Association officials or representatives shall obtain authorization (either verbal or written) from the Director and/or his designee- if the Director is unavailable and has made such designation- prior to entering any Jefferson Parish facility for the purpose of conducting official Association business only. The Director may, at his discretion, refuse any Association request for access if such access may interfere with the efficient operation of the Fire Department. The Director shall not arbitrarily deny such authorization.

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The Fire Department shall provide the Association space on one bulletin board in each fire station. Such space shall not exceed one-half of the total area of the bulletin board. The Association may provide a separate bulletin board, provided however, that such bulletin board is not greater than one thousand (1,000) square inches, and provided that information to be posted shall be limited to the following:

Any such bulletin boards shall be used only for the following notices:

- a.) Recreational and social affairs of the Association
- b.) Association meetings
- c.) Association elections
- d.) Reports of the Association
- e.) Rulings of policies of the International Union, the Louisiana AFL/CIO, the Greater New Orleans AFL/CIO and the Professional Firefighter of Louisiana
- f.) Newsletters

Association notices and announcements shall not contain any political or libelous statements, obscene or derogatory materials, or anything reflecting discredit upon Jefferson Parish or any of its officials or employees.

Materials shall be posted during normal working hours, provided however that the Association shall provide a copy of any material to be posted to the Director no later than twenty-four (24) hours prior to posting.

All material posted by the Association shall be signed by the President of the Association or his designated representative. Any violation of this Section as determined by the Director shall entitle the Parish to order the removal of such notices and announcements from the bulletin boards.

Section 14. ASSOCIATION BUSINESS

- 14.1 The Director shall grant leave of absence with pay to one (1) Association President, one (1) Association Vice-president and one (1) Association Secretary/Treasurer, whose rank shall not exceed the rank of Captain (“**Association Officers**”), to allow the Association Officers to perform Association functions such as attendance at regular and special meetings, conventions, seminars, conferences and activities related to appeals before the State Fire Civil Service Board (“**Association Leave**”). The Association shall submit to the Director the names of the Association Officers no later than January 1 of each calendar year.

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- 14.2 Association Leave shall not exceed twelve (12), twelve (12) hour, working days (or one hundred forty-four (144) hours) per year for each Association Officer. Association Leave which remains unused may not be carried forward to the next calendar year. Association Officers shall not receive any compensation for unused Association Leave.
- 14.3 The Director shall grant leave of absence with pay to four (4) trustees whose rank shall not exceed the rank of Captain (“**Association Trustees**”), to allow the Association Trustees to attend the following: (a) The PFFLA Annual Conference; and (b) The PFFLA Annual Seminar (“**Trustee Leave**”). Trustee Leave shall not exceed forty-eight (48) hours for each event specified in subsections (a) and (b) above. The Association shall submit to the Director the names of the Association Trustees no later than January 1 of each calendar year.
- 14.4 The Director shall grant leave of absence with pay to four (4) Association members – whose rank shall not exceed the rank of Captain – to attend meetings mutually agreed to by the Association and the Parish of Jefferson for the purpose of negotiating matters related to these RULES (i.e. the Red Book) (“**Negotiation Leave**”). Negotiation Leave shall not be granted for any purpose other than actual attendance of such meetings. The Association shall submit to the Director the names of the Association members no later than forty-eight (48) hours prior to the date of the above-referenced meeting.
- 14.5 Prior to utilizing Association Leave, an Association Officer shall complete and deliver to the Director, written notice stating: (a) the amount of time to be charged to Association Leave, and (b) the circumstances prompting such request (“**Association Leave Notice**”). If the need for Association Leave cannot be reasonably anticipated, an Association Officer shall provide the Director the Association Leave Notice **no later than three (3) calendar days following the employee’s return to duty.**
- 14.6 Prior to utilizing Trustee Leave, an Association Trustee shall complete and deliver to the Director, written notice stating: (a) the amount of time to be charged to Trustee Leave, and (b) the circumstances prompting such request (“**Trustee Leave Notice**”). The Association Trustee shall provide the Director the Trustee Leave Notice **no later than three (3) calendar days prior to the events** specified in sub-section 14.3 (a) and (b) above.
- 14.7 If a Fire Department employee fails to provide timely the Association Leave Notice or the Trustee Leave Notice, then the Director may either charge the absence from work to the Officer’s or Trustee’s Annual Leave or deem the Officer or Trustee to be on Leave Without Pay.

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- 14.8 If it is determined that an Association Officer or Association Trustee is, or was, fraudulently or otherwise erroneously utilizing Association Leave or Trustee Leave, then the employee's absence from work shall be considered an Absence Without Leave. The Director shall be authorized to recover the compensation paid to said employee for the period in question, and may take disciplinary action against the employee, up to and including termination.

Section 15. DUES - ASSESSMENTS - INSURANCE CHECKOFF

Dues will be deducted in an amount certified to be current by the Secretary-Treasurer of the Union from the pay, with the written authorization, of those employees. The Parish shall automatically adjust deductions to correspond with any changes in Union dues, assessments and/or insurance premiums, upon notification by the Union, in writing, of said changes, provided that no more than one change will be permitted in one (1) year. Each employee shall have the opportunity to revoke their dues check off authorization form every January and July. Deductions shall be made from the payroll bi-weekly, and the total dues, with a list of those Union members for whom deductions are made, will be delivered to the Secretary-Treasurer of the Union not later than fifteen (15) days after the deduction.

Section 16. EMPLOYEE GRIEVANCE PROCEDURE

GRIEVANCE DEFINITION

A "grievance" is a complaint or dissatisfaction expressed by an employee when he/she believes, rightly or wrongly, that he/she has not been treated fairly or in accordance with Parish or departmental policy. Since classified employees of Jefferson Parish Fire Department also have a right to appeal certain actions to the Jefferson Parish Fire Civil Service Board, it will be necessary to begin by differentiating between those matters which are grievable through the Grievance Program and those which are appealable to the Fire Civil Service Board. The Grievance Program is available to those employees who have current classified status with Jefferson Parish Fire Department.

GRIEVABLE ACTIONS:

(The following is a list of examples and is not all inclusive):

1. Working conditions;
2. Safety hazards or concerns;
3. Sexual harassment;
4. Alleged violations of department and Parish policy;
5. Abuse of discretion by supervisor;
6. Work-related disputes with fellow employees;

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7. Verbal reprimands; and
8. Written reprimands.

APPEALABLE ACTIONS:

(The following is a list of actions which are appealable to the Civil Service Board, and are not grievable through this Grievance Program):

1. Suspension;
2. Dismissal;
3. Lay-off;
4. Reduction in pay;
5. Demotion; and
6. Fine.

In addition, matters relative to the rights of the Parish Administration and the Parish Council concerning departmental reorganization and employees therein are not grievable.

It should be noted that if any doubt exists as to whether a particular dispute or complaint is grievable or has merit within the meaning of this program, the complaint may be taken up through the Grievance Program in order to resolve doubt. However, no employee action taken under this grievance program shall interrupt or suspend the timeliness of filing an appeal with the Jefferson Parish Fire Civil Service Board. In order to avoid losing his/her right to appeal, the employee must file an appeal within fifteen days of the action taken against him/her.

The grieved action practice, policy, or situation shall not be suspended pending the resolution of the grievance, and the grieving employee is expected to comply with the grieved action, practice, policy or situation unless the situation is unlawful or presents imminent danger.

The following is a step-by-step explanation of the Grievance Program:

FIRST STEP:

Since the purpose of this program is to provide clear and open channels for the expression of employee complaints, the first step in the procedure consists of a verbal discussion of the problem between the employee and his/her District Chief and/or immediate supervisor. The employee must present the complaint to his/her District Chief and/or immediate supervisor within five (5) working days from the occurrence of the action which prompted the complaint, and if necessary, request an appointment to discuss the problem. The District Chief and/or supervisor must hold a meeting with the employee, making sure to allow enough time and/or privacy to facilitate an open and frank discussion. Prompt handling of employee problems is

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absolutely necessary. The longer the problem lingers without a solution, the higher the risk of the employee developing a poor attitude, and the greater the risk of that poor attitude affecting the morale of other employees and co-workers. At this meeting, the employee should be allowed the opportunity to present his viewpoint and a sincere attempt should be made to resolve the problem.

However, if at the conclusion of the meeting, the complaint has not been resolved to mutual satisfaction, the employee must complete the Employee Grievance Form, (EGF-1) and submit it to his/her District Chief and/or immediate supervisor. In completing the form, the employee's complaint must be outlined, as well as a specific resolution requested. The resolution or relief sought by the employee must be specific and must be personal in nature. (For example, the grievant may not request that disciplinary action be taken against another employee or supervisor.)

The only matters which may be introduced at any step of the Grievance Program shall be those contained on Form EGF-1. Upon receipt of the completed EGF-1, the District Chief and/or supervisor will indicate on the form the date of the first meeting, his/her understanding of the complaint, and the solution offered. If the employee then indicates that he/she rejects the solution offered, the District Chief and/or supervisor will then hand deliver the grievance to the Assistant Chief and will ensure that a copy is delivered to the Superintendent of Fire and the grieving employee, as indicated on the bottom of the form.

SECOND STEP:

Upon receipt of the EGF 1, the Assistant Chief must hold a meeting with the employee within five (5) working days. Once again, a sincere attempt will be made to gather all relevant facts and to resolve the grievance to mutual satisfaction. The Assistant Chief must issue a written disposition within five (5) working days of this meeting.

THIRD STEP:

If the employee is dissatisfied with the decision of the Assistant Chief, he/she may request of the Assistant Chief that the grievance be continued by completing and submitting Form EGF-2. Upon receipt of Form EGF-2, the Assistant Chief will immediately hand deliver Form EGF-1, EGF-2, and all other written documentation to date to the Superintendent of Fire.

The Superintendent of Fire will assign a Fact Finder to the case and an investigation into the matter will begin. The Fact Finder will meet with the grieving employee, the District Chief and/or supervisor, witnesses, and, if necessary, the Assistant Chief. After the Fact Finder believes that he/she has

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gathered all relevant information, a concise summary of the facts of the case will be prepared for review by the grievant and the Assistant Chief for validity of the contents. Once both agree that their position and the facts of their case have been represented accurately, the Fact Finder will analyze the facts and prepare a formal report, including recommendations, for submittal to the Superintendent of Fire. If the decision of the Superintendent of Fire correlates with the recommendations of the fact finder, a written binding decision will be rendered within five (5) working days of receipt of Form EGF-2.

FOURTH STEP:

The fourth step of the Grievance Program will be used if, and only if, the decision of the Superintendent of Fire does not correlate with the recommendations of the Fact Finder and he rules against the grievant. The grievance would then automatically be referred to the Parish President's Office for the fourth and final step of the procedure. A formal binding resolution will be issued from the Parish President's Office within five (5) working days. All affected parties will take necessary action to see that the resolution is implemented and adhered to.

ADMINISTRATIVE RESPONSIBILITY

It shall be the responsibility of **all** supervisory and managerial personnel to ensure that all employee grievances and complaints are handled within the parameters set forth in this policy. Failure by supervisory or managerial personnel to comply with this program at any step in the process will be a negative reflection on job performance and will be taken into consideration at the time of that District Chief's and/or supervisor's or Assistant Chief's Annual Service Rating. Such disregard for or failure to comply with this policy may also result in a written reprimand or corrective disciplinary action taken against the District Chief and/or supervisor or Assistant Chief. Because subordinates do on occasion differ sincerely with supervisors on important matters, we have a responsibility to provide the employee with a mechanism for appealing a supervisor's decision to higher authority. Under no circumstances will an employee's job security, status, working conditions, or relationship with management be jeopardized because a complaint has been appealed to a higher level of management. The Administration is committed to this program and therefore it is expected that supervisory and managerial personnel will be supportive and responsive.

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EMPLOYEE GRIEVANCE FORM

EMPLOYEE'S NAME: _____ PHONE # _____

DIVISION _____ POSITION _____

IMMEDIATE SUPERVISOR: _____

DATE OF FIRST INCIDENT: _____

DESCRIBE THE PROBLEM (INCLUDE ACTION AND/OR PERSONS INVOLVED, PLACE/LOCATION):

WHAT SOLUTION DO YOU SUGGEST (YOU MAY NOT ASK FOR DISCIPLINARY ACTION TO BE TAKEN AGAINST OTHER EMPLOYEES).

I UNDERSTAND THAT ONLY MATTERS CONTAINED IN THIS FIRST COMPLAINT MAY BE DISCUSSED AT ANY STEP OF THE GRIEVANCE PROCEDURE. I UNDERSTAND THAT THE FINAL RESOLUTION WILL BE BINDING.

DATE EMPLOYEE SIGNATURE

DISTRICT CHIEF/SUPERVISORY RESPONSE

DISTRICT CHIEF/SUPERVISOR'S NAME: _____

DIVISION: _____ POSITION: _____

DATE FIRST AWARE OF PROBLEM/GRIEVANCE: _____

DESCRIBE YOUR UNDERSTANDING AND KNOWLEDGE OF THE EMPLOYEE'S COMPLAINT. (ACTION AND/OR PERSONS INVOLVED, PLACE/LOCATION):

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SOLUTION OFFERED: _____ DATE: _____

DISTRICT CHIEF/SUPERVISOR'S SIGNATURE: _____

____ I ACCEPT THE SOLUTION OFFERED

____ I REJECT THE SOLUTION OFFERED AND
WISH TO CONTINUE MY ORIGINAL REQUEST TO THE DIRECTOR.

DATE: _____ EMPLOYEE'S SIGNATURE: _____

____ I RECEIVED A COPY OF THIS FORM FROM MY
DISTRICT CHIEF/ SUPERVISORY

EGF-1

GRIEVANCE RESOLUTION

SECOND STEP

DATE RECEIVED: _____

EMPLOYEE'S NAME: _____ PHONE # _____

DEPARTMENT/DIVISION _____ POSITION _____

RESOLUTION PROPOSED _____

DATE: _____ ASSISTANT CHIEF SIGNATURE: _____

TO BE COMPLETED BY THE EMPLOYEE:

___ I ACCEPT THE SOLUTION OFFERED

___ I REJECT THE SOLUTION OFFERED AND WISH TO
CONTINUE MY ORIGINAL REQUEST TO THE NEXT
HIGHEST STEP OF THE GRIEVANCE PROCESS.

DATE: _____ EMPLOYEE SIGNATURE: _____

___ I RECEIVED A COPY OF THIS FORM FROM MY ASSISTANT CHIEF.

DATE GRIEVANCE SENT TO THE SUPERINTENDENT OF FIRE _____

EGF-2

RULE XII DISCIPLINARY ACTIONS

Section 1. Pre-Disciplinary Hearing

The Superintendent of Fire will conduct a "Pre-Disciplinary Hearing" with all employees prior to severe disciplinary action of suspension and/or termination being initiated. The Superintendent of Fire is the only department official authorized to terminate or suspend an employee and he will provide oral and written explanation of the specific charges against them as to what policy, rule, regulation or standard that was violated, an explanation of the evidence against them, and the consequences of the violations and/or wrongful act.

The employee should be notified that the "Pre-Disciplinary Hearing" is being conducted in order to determine the facts of the case, to give the employee an opportunity to respond to charges in person, and to explain why the proposed action should not be taken, to present evidence they may have, and that the findings of the "Pre-Disciplinary Hearing" may result in a determination that the employee is to be terminated from employment.

Section 2. Maintaining Standards of Service

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1, Rule XII.

RULE XIII RECORDS

Section 1. PAYROLL AND ATTENDANCE RECORDS

- 1.1 The Superintendent shall install a system of payroll and attendance records. Each payroll shall show the name of the employee, the official class title, the period for which payment is proposed, the rate of pay, and the amount of proposed payment. The system or systems shall be designed to facilitate the maintenance of adequate personnel records and to eliminate duplication of accounting and reporting to the fullest extent practicable.
- 1.2 The Superintendent shall certify on each payroll or subsidiary document the fact of continued authorized employment of a person in a position, the fact of the actual rendering of service in the position or the fact of absence from duty on duly authorized leave with pay, the actual number of hours of attendance on duty, or any other satisfactory way of describing the time worked in the payroll period.
- 1.3 No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified civil service of the Parish until after certification by the Superintendent that such payment is authorized and is in conformity with these Rules. The Superintendent's approval of forms relating to personnel transactions shall constitute certification within the meaning of this rule.

The forms prescribed by the Superintendent shall also be used for the authorization for continuance of the name of a person on a departmental payroll. Any change in the status of an employee shall be reported promptly to the Director on the prescribed forms, and when approved by the Superintendent, such forms shall constitute proper authorization or the corresponding change in status of the employee.

- 1.4 If the Superintendent finds that a person has been employed in a position in violation of these officer or officers, who shall not issue any order for the payment of, and no officer shall pay, any compensation to the person, upon the penalty of personal liability for the sum or sums paid contrary to the order of the Superintendent.

Section 2. LEAVE RECORDS

- 2.1 The Superintendent shall install and maintain a leave record showing for each employee in the classified service: (1) annual leave earned, used, and unused; (2) sick leave earned, used, and unused; and (3) any special leave or other leave, with or without pay. Such records shall be documentary evidence to support and justify the certification of authorized leave of absence with pay.

The Parish Administration shall prescribe the forms and procedures by which notice of the leave taken by or granted to classified employees is transmitted to the Administration.

Section 3. APPOINTMENT FORMS

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 3, RULE XIII.

RULE XIV SERVICE RATINGS

Section 1. ADMINISTRATION

- 1.1 A uniform service rating system shall be established which shall provide for evaluation of each employee's on-the-job performance. The Superintendent shall prescribe the form on which service ratings are to be made, and shall use the prescribed form in accordance with these rules and the instructions furnished by the Appointing Authority.
- 1.2 Ratings for employees serving in a probationary period shall be in accordance with the Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1, Paragraph 1.2, Rule XIV.
- 1.3 Each employee serving in a Permanent status civil service appointment shall be rated at least once in each calendar year, in conjunction with consideration of the employee's annual pay raise eligibility. An employee rated Unsatisfactory shall not be eligible for a pay raise until and unless a re-rating of Satisfactory is made. The overall rating (Satisfactory or Unsatisfactory) shall be indicated on the pay raise form.
- 1.4 The basic service rating of each employee shall be made by the employee's immediate supervisor and shall be reviewed by the Superintendent. The Superintendent shall assign the overall rating. Both the rater and the reviewer shall sign the rating form.
- 1.5 Discussion of a rating with the employee is mandatory if the rating is unsatisfactory in any category, or if the employee is on probation.

Discussion of Satisfactory ratings of Permanent status employees is not required, but is preferable if comments are made on the rating form. In any case, the employee shall be notified of the rating assigned to him/her. In the case of a Satisfactory rating resulting in a pay raise, acceptable notice may consist of a copy of the approved pay raise form delivered to the employee.

- 1.6 Service ratings are management judgments by appropriate supervisory authority. Any employee who has been rated Unsatisfactory shall be re-rated not sooner than two (2) months nor later than six (6) months after the effective date of the Unsatisfactory rating. If the re-rating is Unsatisfactory, it shall be the duty of the director to reassign, demote, or dismiss the unsatisfactory employee in accordance with applicable provisions of Fire and Police Civil Service Law for Small Municipalities and for Parish in Fire Protection Districts, LSA-RS 33:2531 et seq.

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- 1.7 Each employee service rating shall be retained in the files maintained by the Superintendent, and shall also receive a copy of the rating form for their personal file.

RULE XV LAYOFFS

Section 1. ADMINISTRATION

Section 2. DESIGNATION OF CLASSES AND ORGANIZATION UNITS AFFECTED

Section 3. SUCCESSION OF LAYOFFS

Section 4. PROCEDURE

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 33:2531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter.

If any of the above is in conflict with existing laws and/or LSA 33:2531 et seq., Act 282 of 1964, Title 33, Municipalities and Parish, Chapter 5, Part III, Fire and Police Civil Service Law for small Municipalities and for Parishes and Fire Protection Districts, then this section will become invalid.

RULE XVI VETERAN PREFERENCE

Section 1. VETERAN PREFERENCE AND PERSONS ELIGIBLE FOR PREFERENCE

The Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts, LSA-R.S. 332531 et seq., and the rights and benefits of employees provided thereunder, are hereby recognized, as controlling for the subject matter of Section 1, RULE 1, RULE XVI.

RULE XVII MISCELLANEOUS

Section 1. CONSTRUCTION WITH OTHER LAWS

The rights and obligations provided for in this Ordinance shall be in addition to all other rights and obligations established by the Constitution and Laws of the state of Louisiana, affecting fire fighters.

Any other provision of this Ordinance to the contrary notwithstanding, nothing herein contained shall be construed to defeat or diminish any rights of fire fighters established by any other provisions of the Constitution or Laws of the State of Louisiana.

Section 2. SAVING CLAUSE

If any provision of the Ordinance or the application of such provision, should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Ordinance shall remain in full force and effect.