



ACTIONS/MINUTES

LOUISIANA STATE POLICE COMMISSION
GENERAL BUSINESS MEETING
THURSDAY, SEPTEMBER 10, 2020
10:00 A.M.

John Bel Edwards
Governor

Jason Hannaman
Executive Director

*STATE POLICE COMMISSION, VETERANS MEMORIAL AUDITORIUM, SUITE 1247,
DEPT. OF AGRICULTURE & FORESTRY BLDG., 5825 FLORIDA BLVD., BATON ROUGE, LA 70806*

- I. Call to Order
The State Police Commission convened its monthly general business meeting at 10:05 A.M. on Thursday, September 10, 2020.
 - II. Roll Call
Present were Chairman Eulis Simien, Jr., Vice-Chairman Brian Crawford, Commissioners Leonard Knapp, Jr. and Robert Mire. There was a quorum. Absent were Commissioners Jared Caruso-Riecke and Harold Pierite, Sr. Additionally, Commission Referee Lenore Feeney and Executive Director Jason Hannaman were present.
 - III. Moment of Silence
A moment of silence was observed.
 - IV. Pledge of Allegiance
Chairman Eulis Simien, Jr. led the Pledge of Allegiance.
 - V. Opportunity to Address the Commission by employees or others concerning items on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)
Several requests were received and were deferred, without objection, to be heard during discussions of business item #2.
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- VI. Director's Report
 - Commissioner Cantrelle submitted his resignation to the Governor's Office on August 14, 2020. On the day the resignation was received, and in accordance with Chapter 3 of the State Police Commission Rules, the Executive Director contacted Dr. Rick Brewer, President of Louisiana College, and asked him to compile a list of nominees for the governor's consideration.
 - 2020 Promotional Exam review
On August 10, 2020, the State Police Commission's administrative team conducted the 2020 Promotional Exam; 238 of the 264 registered applicants took the exam. The attention of the Commission was directed to charts displaying promotional test scores from 2015-2020 and they were advised that the last mandatory retest year was in 2018; that was also the year the written scenario component was removed in favor of a multiple-choice format. Additionally, the Commission was advised that this was the third straight year exam results were consolidated; a process where staff ensures that the names on the consolidated Promotional List only reflect those who are actually eligible to promote for that particular rank. Looking ahead, it is highly probable that the May 2021 exam will be a mandatory retest and the planned November 2021 exam will be optional.

- Community Relations / Internal Operations Subcommittee of the Police Training/ Screening/ De-Escalation Task Force
On Tuesday, September 8, 2020, the Executive Director appeared before Community Relations / Internal Operations Subcommittee of the Police Training/ Screening/De-Escalation Task Force; he was advised to be in attendance and bring a copy of State Police Commission rules. There were 3-hours of presentations and comments by individual stake holders and organizations that look to make changes in the area of policing and de-escalation. Following the presentations, the Executive Director gave a brief overview of the constitutional responsibilities of the Commission, its role as a rule making authority, and its exclusive power and authority to hear and decide disciplinary appeals for the state police service. Chairman Ted James expressed his appreciation for the information provided and the responses to questions asked.
- Follow-up to questions from the July meeting Director's Report:
 - Chapter 21: Overview of emergency rule and leave usage within state police service.
The Commission was advised that the provisions of the emergency rules have been utilized by those in the state police service in the following areas:
 - 59 classified employees used special leave under SPC Rule 21.2(b) for situations related to COVID-19.
 - Approximately 300 employees received overtime in relation to the pandemic at the time of one-half rate for both exempt and non-exempt employees.
 - 21 employees used personal sick leave related to COVID-19.
 - There was only one occurrence of an employee reporting to work displaying some sort of symptoms and was asked to leave work in accordance with SPC Rule 21.3.
 - Families First Coronavirus Response Act and virtual school attendance.
The attention of the Commission was directed to recent updates to guidance provided by the U.S. Dept. of Labor as it relates to school attendance: When a school is physically open then leave under the FFCRA isn't available for employees; however, anytime a school is physically closed, including in hybrid models where students are prohibited from attending a specific day, then leave is available under the FFCRA.

The classified employee and the Office of State Police would work together on the individual's need for FFCRA leave; however, the Executive Director advised that he is continuing to monitor these areas for potential impact to the state police service.
- Database Project Update
The Trooper/Cadet database project was approved for Fiscal Year 2020/2021; the Office of Technology Services has commenced work on this critical replacement to the Commission's existing database. The Commission will be made aware of periodic updates as the project proceeds to completion.
- Commission Expenditures
The attention of the Commission was directed to the Commission's Monthly Expenditure Report that had been provided for its review. There were no question or comments about the report.

VII. Business

1. Consideration of the July 9, 2020 regular business meeting minutes.
 On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission voted to approve the minutes from the July 9, 2020 business meeting.
2. Public Hearing to Consider Proposed Changes to Chapter 1, 2, and 11 of the State Police Commission Rules. (Details contained in General Circular No. 211).
 The Commission conducted a public hearing to consider adopting proposed changes to Chapters 1, 2, and 11 of the State Police Commission rules as detailed in General Circular No. 211.

a.) Public Comments

DPS Attorney Michelle Giror appeared and offered comments on behalf of the Office of State Police regarding the proposed changes. Attorney Mary Ann White appeared on behalf of the LSTA to offer comments regarding the proposed changes. Ms. Ginger Krieg and Ms. Alana Collins appeared and offered comments as representatives of DPS-Human Resources.

b.) Consideration of Proposed Changes

On motion duly made Commissioner Knapp, seconded, and unanimously passed; the Commission voted to approve the inclusion of the definition "Immediate Family Members" in Chapter 1 as published in General Circular No. 211.

In Favor: All
Opposed: None

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission approved amending the proposed SPC Rule 2.6, as published in General Circular No. 211, to read as follows:

Rule 2.6: Quorum and Voting

- (a) *Four (4) members of the Commission shall constitute a quorum for the transaction of business.*
- (b) *During a declaration of emergency in the State of Louisiana, Commission members who are unable to attend a meeting of the State Police Commission in person due to conditions closely and directly related to the emergency may be present and participate in the meeting virtually. Except for executive session, when Commission members participate virtually, that participation must be conducted in such a manner that all members and the public can hear that participation and provide public comment to all Commissioners, including any participating virtually.*
- (c) *The concurrence of a majority of the members present, including any participating virtually, shall constitute a ruling upon an item of business then before the Commission.*

- (d) *In the event of a tie vote the Commission may, in its discretion;*
1. *Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or*
 2. *Continue the matter for consideration at a later meeting.*
- (e) *Temporary absence or temporary disruption of electronic communications during the consideration of an item of business that does not affect the Commissioner's understanding of the issues and facts shall not disqualify a member from voting on said item.*

On motion duly made Commissioner Knapp, seconded, and unanimously passed; the Commission voted to adopt the amendments to the proposed changes to Rule 2.6.

In Favor: All

Opposed: None

Chairman Simien provided an opportunity for additional public comments on the proposed changes to Rule 2.6 as amended on the floor; there were no additional comments.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission approved final adoption of Rule 2.6 as amended.

In Favor: All

Opposed: None

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission approved amending the proposed changes to SPC Rule 11.13 and deleting proposed new rule 11.13(a)5, as published in General Circular No. 211, to read as follows:

Rule 11.13: Use of Sick Leave

- (a) *Sick leave may be utilized by an employee who*
- (b) *has sufficient leave credit for necessary absence from duty because of:*
1. *Illness or injury which prevents the performance of usual duties.*
 2. *Medical, dental, or optical consultation or treatment.*
 3. *(Intentionally left blank)*
 4. *Assertion, supported by medical certification, of the employee's own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor and who has been diagnosed with a condition that is generally recognized to put that individual in a high-risk category for contraction and/or reaction to the health risk giving rise to the declaration.*

(c) *In lieu of requesting annual leave, an employee who has sufficient leave credit may request sick leave for necessary absence from duty for the following reasons:*

1. *Illness, or injury of an immediate family member which necessitates the absence.*
2. *Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours.*
3. *Leave under this subsection may only be used when approved by the appointing authority or a designated representative.*

(d) *Sick leave shall not be charged for non-work days.*

(e) *(Intentionally left blank)*

(f) *The minimum charge for sick leave shall be one-half hour. Sick leave shall not be charged for non-work days.*

(g) *The appointing authority may require appropriate documentation to establish the need for leave as set forth above.*

On motion duly made Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to adopt the amendments to the proposed changes to Rule 11.13.

In Favor: All

Opposed: None

Chairman Simien provided an opportunity for additional public comments on the proposed changes to Rule 11.13 as amended on the floor; there were no additional comments.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission approved final adoption of Rule 11.13 as amended.

In Favor: All

Opposed: None

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission approved amending the proposed changes to SPC Rule 11.13.1, as published in General Circular No. 211, to read as follows:

Rule 11.13.1: Enforced Sick Leave

The appointing authority has discretion to place an employee on sick leave after the employee asserts the need to be absent from work or when it is apparent that the employee is unfit for duty due to an illness, injury, or disability.

The appointing authority also has discretion to place an employee on sick leave when there is an apparent need to remove the employee from the workplace to avoid the spread of illness. The employee may be returned to duty at the appointing authority's discretion; however, nothing in this provision shall preclude the employee's return to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that the employee is able to perform the essential functions of their position without posing a risk of harm to themselves or the spread of illness to others.

On motion duly made Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to adopt the amendments to the proposed changes to Rule 11.13.1.

In Favor: All

Opposed: None

Chairman Simien provided an opportunity for additional public comments on the proposed changes to Rule 11.13.1 as amended on the floor; there were no additional comments.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission approved final adoption of Rule 11.13.1 as amended.

In Favor: All

Opposed: None

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission rejected proposed new rule 11.35(d) as a permanent change to the current rules.

In Favor: All

Opposed: None

3. Review of Chapter 21 Emergency Rules and consideration of sunset extensions. The Provisions of these rules are set to expire upon Order of the Commission or on September 15, 2020, whichever comes first.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to extend Rule 21.1(b) to December 31, 2020.

In Favor: All

Opposed: None

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to consider language from proposed new rule 11.35, as published in General Circular No. 211, to be considered as a provision within Chapter 21—Emergency Rules.

In Favor: All

Opposed: None

Attorney Mary Ann White of the LSTA appeared on behalf of the LSTA to offer public comments in support of the intent of the rule with some suggested edits.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission approved incorporating the suggested LSTA amendments to proposed SPC Rule 11.35 (b) and (c), as published in General Circular No. 211, to read as follows:

Rule 11.35: Special Leave Related to COVID-19 Health Pandemic

a) *Effective September 14, 2020, the use of special leave under State Police Commission Rule 11.23(d) shall not be granted by the appointing authority for any employee absence related to the COVID-19 health pandemic. The Executive Director is granted the authority to reinstate special paid leave under State Police Commission Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.*

b) *The appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or experiencing COVID-19 symptoms and is seeking medical diagnosis.*

Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.

c) *In the event an employee has exhausted the special paid leave entitlement pursuant to section (b) of this rule, the appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.*

Such special paid leave shall not extend beyond 14 calendar days for each occurrence as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission adopted the amendments to the proposed new rule 11.35, with the removal of section (d), and established the proposed new rule as SPC Rule 21.2.1.

In Favor: All
Opposed: None

Chairman Simien provided an opportunity for additional public comments on the proposed changes to new Rule 21.2.1 as amended on the floor; there were no additional comments.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission approved final adoption of Rule 21.2.1 as amended.

In Favor: All
Opposed: None

Chairman Simien advised that the parties should review proposed section (d) of the rule, which was not approved, and come to a decision on how best to word the rule to achieve the intended goal. Vice-Chairman Crawford echoed that sentiment and looks to the administration to bring forth revisions to the proposed rule.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to approve all sunset provisions within Chapter 21 that were set to expire on September 15, 2020, to be extended until December 31, 2020.

In Favor: All
Opposed: None

4. Consideration of a motion to go into Executive Session to conduct the annual Performance Evaluation of the Executive Director.

On motion duly made by Commissioner Mire, seconded, and unanimously passed; the Commission voted to go into Executive Session to conduct the annual Performance Evaluation of the Executive Director at 11:19 A.M.

Roll Call Vote:

In Favor: Vice-Chairman Crawford, Commissioner Knapp, Commissioner Mire, Chairman Simien
Opposed: None

On motion duly made by Chairman Simien, seconded, and unanimously passed; the Commission voted to end Executive Session at 11:44 A.M.

In Favor: Vice-Chairman Crawford, Commissioner Knapp, Commissioner Mire, Chairman Simien
Opposed: None

5. Consideration of a motion to approve the Fiscal Year 2019-20 Performance Evaluation of the Executive Director.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to approve the Fiscal Year 2019-20 Performance Evaluation of the Executive Director at a rating of 5, the highest level, based on expectational service to the department; grant a 2% pay increase, which has been provided for in the annual budget; and, authorize the chairman to sign the evaluation that was performed in Executive Session.

In Favor: All

Opposed: None

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- VIII. Opportunity to Address the Commission by employees or others on matters not on the Agenda. (Please submit a speaker request form prior to the meeting being called to order.)
No Requests.
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- IX. Adjourn

There being no further business, on a motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to adjourn at 11:46 A. M. on Thursday, September 10, 2020.

Respectfully Submitted,



Jason Hannaman, Executive Director



Eulis Simien, Jr., Chairman