

CHAPTER 4

Personnel

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ARTICLE A - General Policy

Section 4.1 Appointment, suspension, and dismissal

(a)(1) Vacancies to be filled in the municipal service shall be publicized in order that qualified persons shall be encouraged to apply and qualify for municipal employment.

(2) A vacancy in position listed in R.S. 33:404(3) shall be filled as provided by law.

(3) A vacancy in any other position shall be filled from among qualified applicants for the position.

(4) The appropriate department head, other than the chief of police, shall review the applicants, and if there are more than two qualified applicants, shall submit two names for consideration to the mayor. In such instances, the mayor may request the personnel committee to review the applicants and make recommendations to the mayor. (Ordinance No. 9 of 1994)

(b) Employees shall be appointed pursuant to R.S. 33:404(A)(3). Appointments to positions shall be made on the basis of merit and fitness. In filling vacancies, an effort should be made to promote qualified employees before seeking an outside replacement. (Ordinance No. 4 of 1986)

(c)(1) All appointments to positions in the service of the municipality shall be for a probationary period of three months. During the probationary period, a salary increase shall not be granted. Further, completion of the probation period shall not require any increase in salary. This Ordinance shall become effective on August 1st, 1997. [Ordinance No. 2 of 1998]

(2) The municipality shall provide and each new employee shall undergo an orientation period consisting of reviewing the municipality's personnel policies, safety rules and regulations, employee benefits, job duties, and pertinent rules, regulations, ordinances, and laws.

(3) Each prospective employee to fill a position which will require twenty or more hours of work per week shall take and pass a drug test prior to employment. (Ordinance No. 9 of 1994)

(d)(1) During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the mayor may suspend the employee without pay for the duration of the

proceedings as a nondisciplinary measure. Back pay shall not ordinarily be recoverable; but where the suspension is terminated by full reinstatement of the employee, the mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension. (Ordinance No. 4 of 1986; Ordinance No. 5 of 2002)

(e)(1) An employee whose performance is unsatisfactory shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the mayor shall demote or dismiss the employee pursuant to R.S. 44:404(A)(3).

(2) The performance of each employee, including the Police Department, shall be evaluated between April first and May first annually. Department heads, other than chief of police, shall be evaluated by the mayor. Every other employee shall be evaluated by his/her department head. Police Department employee shall be evaluated by the Police Chief. Ordinance No. 5 of 2002)

(3) The evaluation of all employees shall be on forms approved by the mayor and the board. (Ordinance No. 13 of 1994)

(4) Each employee shall receive a copy of his evaluation.

(5) Evaluations shall be kept and maintained for three years in the employee's personnel file in the Town Hall. (Ordinance No. 4 of 1986; Ordinance No. 9 of 1994)

(f) The evaluation of an employee may be inspected by the mayor and members of the board of aldermen whenever the employee is the subject of a proposed personnel action such as a salary increase, promotion, transfer, reprimand, suspension, or termination. (Ordinance No. 9 of 1994)

(g) The board may refer any personnel action requiring board approval to the personnel committee for hearing and recommendation. (Ordinance No. 9 of 1994)

4.2 Employment Classifications

(a) Full Time Employee- Employees hired on a permanent basis working 40 or more hours per week. They shall be recommended for hire by the mayor, except police personnel who shall be recommended by the chief of police, subject to approval by the Town Council. After satisfactorily completing the probationary period, their continued employment shall be based on performance only. Includes Mayor and Chief of Police but does not include any other elected official. (Ordinance No. 14 of 2007; Ordinance No. 10 of 2010)

(b) Permanent Part Time- Employees that work less than 28 hours per week on a permanent basis. They shall be recommended for hire by the mayor, except police personnel who shall be recommended by the chief of police, subject to approval by the Town Council. After satisfactorily completing the probationary period, their employment shall be based on need only. They are subject to termination at any time and without cause. Does not include any elected official. (Ordinance No. 14 of 2007)

(c) Seasonal- Employees that work 40 hours or more per week not on a permanent

basis. They shall be recommended for hire by the mayor, except police personnel who shall be recommended by the chief of police, subject to approval by the Town Council. After satisfactorily completing the probationary period, their employment shall be based on need only. They are subject to termination at any time and without cause. Does not include any elected official. (Ordinance No. 14 of 2007)

(d) Appointed-The Town Clerk and Town Attorney shall be appointed by the mayor at the first meeting after the beginning of each term subject to approval by the Council. (Ordinance No. 14 of 2007)

Section 4.3 Hours of work

(a)(1) Municipal employees, other than police personnel, will normally perform their work during hours established by the mayor.

(2) Police personnel will normally perform their work during hours established by the chief of police.

(b)(1) If it shall prove necessary for employees, other than police personnel, to work beyond the hours established for the standard work day, the mayor or authorized department head may authorize or require overtime work. (Ordinance No. 4 of 1986)

(2) If it shall prove necessary for police personnel to work beyond the hours established for the standard work day, the chief of police may authorize or require overtime work.

(c) An "overtime hour" is an hour worked by an employee, other than police personnel, at the direction of the mayor or authorized department head and is an hour worked by a police personnel at the direction of the chief of police:

- (1) On the employee's official holiday.
- (2) In excess of the regular duty hours in a regularly scheduled workday.
- (3) In excess of the regular duty hours in a regularly scheduled workweek.
- (4) On a day which the employee's department is closed by direction of the mayor because of a natural emergency.

(d)(1) Compensation for overtime and for work required on an observed holiday shall be as follows:

Compensatory leave earned at time and one-half rate or cash payment at time and one-half rate, at the employee's option. However, any such employee who accrues 36 hours of compensatory leave shall, for any additional overtime hours of work, be paid overtime compensation at time and one-half rate. The maximum amount of compensatory leave shall not exceed 36 hours. All accrued compensatory leave must be used by the end of each calendar year, unless approved by the Mayor (or Police Chief for Police personnel). (Ordinance No. 5 of 2002; Ordinance No. 14 of 2008)

(e)(1) Holidays observed by the Council shall not be counted as annual leave. No more than

twelve eight (8) hour days shall be so designated by the Council within a calendar year. When an employee's normal day off is other than Saturday and Sunday, and the holiday falls on the employee's day off, if the holiday falls on the employee's first day off, it shall be observed on the work day immediately preceding. If the holiday falls on the employee's second day off, it shall be observed on the work day immediately following. Whenever an employee is required to remain on duty on a holiday, the employee shall be granted compensatory leave at the rate of time and one-half for the first eight hours actually worked; or the employee shall be paid on an hourly basis at the rate of time and one-half for the first eight hours actually worked. No other type of leave or compensation shall be allowed for the employee required to work on a holiday. For a shift to be considered as working a holiday, that shift must begin during the holiday. (Ordinance No. 2 of 1981; Ordinance No. 4 of 1986; Ordinance No. 9 of 1994; Ordinance No. 6 of 1998; Ordinance No. 5 of 2002; Ordinance No. 2 of 2010)

(2) No employee is eligible for compensation on any observed holiday when the employee is on leave without pay immediately preceding and following the holiday period.

(f) Notwithstanding any other provision of this Chapter, no overtime shall be considered, nor compensatory leave or overtime pay given, for work performed by any elected municipal official or full-time appointed department head. (Ordinance No. 13 of 1994; Ordinance No. 5 of 2002)

Section 4.4 Annual leave

(a) As used in this section:

(1) "Annual leave" is leave with pay granted to an employee for the purpose of rehabilitation, restoration, and maintenance of work efficiency, or transaction of personal affairs.

(2) "Employee" does not include any elected official.

(b) On each January 1, each full-time, permanent employee with at least six months service, but less than six full years of service with the municipality as a full-time employee, shall be credited with eighty hours of annual leave. If hired as a full-time permanent employee between July 1 and December 31, the employee shall be credited with forty hours of annual leave on the first anniversary of the hire date for the first year only. Each full-time, permanent employee with between six and nine full years of service with the municipality as a full-time permanent employee shall be credited with ninety-six hours of annual leave annually on January 1. Each full-time, permanent employee with between ten and fourteen years of service with the municipality as a full-time employee shall be credited with one hundred twenty hours of annual leave annually on January 1. Each full-time, permanent employee with between fifteen and nineteen years of service with the municipality as a full-time employee shall be credited with one hundred sixty hours of annual leave annually on January 1. Each full-time permanent employee with twenty or more years of service with the municipality as a full-time employee shall be credited with two hundred hours of annual leave annually on January 1. (Ordinance No. 6 of 1989; Ordinance No. 9 of 1994; Ordinance 5 of 2002; Ordinance No.2 of 2010)

(c) Employees may carry over or accumulate a maximum of forty hours annual leave from

one calendar year to another. (Ordinance No. 3 of 1995; Ordinance No. 5 of 2002)

(d) Annual leave may be taken as earned by an employee with the approval of the employee's department head. However, annual leave is permissive and may be denied by the employee's department head or the mayor when conditions are such that the ordinary work of the municipality could not be performed adequately if annual leave were granted. Annual leave may not be taken in less than four hour increments. (Ordinance No. 4 of 1986; Ordinance No. 6 of 1989)

(e)(1) The mayor or authorized department head may require an employee, other than a police officer, to take annual leave whenever in his administrative judgment such action would be in the best interest of the municipality.

(2) The chief of police may require police personnel to take annual leave whenever in his administrative judgment such action would be in the best interest of the municipality. (Ordinance No. 13 of 1994)

Section 4.5 Sick leave

(a) As used in this section:

(1) "Employee" does not include any elected official.

(2) "Sick leave" is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

(b) Sick leave with pay is not a right which an employee may demand but a privilege granted by the municipality.

(c) Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, or exposure to a contagious disease when continued work might jeopardize the health of others. All such absences except those resulting from intemperance or immorality shall be charged against the sick leave credit of the employee.

(d) Sick leave credits accumulated by each employee as of April 1, 1994, shall be retained.

(e) Each employee shall earn sick leave at the rate of eight hours for each month worked; provided, however, no employee may accumulate more than two hundred forty hours of sick leave overall. (Ordinance No. 6 of 1989; Ordinance No. 5 of 2002)

(f) The mayor shall determine when a doctor's certificate is required and under what conditions certificates are required. Department heads shall be responsible for the application of this provision so that there will be no abuse of sick leave privileges. (Ordinance No. 4 of 1986)

(g) Employees who resign or retire or who are dismissed from employment shall not be paid

for any accrued sick leave. (Ordinance No. 7 of 1986)

(h)(1) The mayor or authorized department head may or may not place an employee, other than a police officer, on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.(Ordinance No. 5 of 2002)

(2) The chief of police may or may not place police personnel on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury. (Ordinance No. 13 of 1994; Ordinance No. 5 of 2002)

Section 4.6 Civil leave

(a) An employee shall be given time off without loss of pay, annual leave, or sick leave when

- (1) Performing jury duty.
- (2) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this paragraph a plaintiff or defendant shall not be considered a witness.
- (3) Performing emergency civilian duty in relation to national defense.
- (4) The mayor determines that he is prevented by an act of God from performing duty.
- (5) The mayor determines that because of local conditions or celebrations it is impracticable for employees to work.
- (6) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- (7) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.

(b) Municipal employees may keep all fees received from jury duty in addition to regular compensation.

(c) Police officers may not receive or keep any witness fees for appearing in mayor's court in connection with their official duties while on duty. (Ordinance No. 13 of 1994)

Section 4.6.1 Funeral leave

An employee may be granted time off without loss of pay, annual leave, or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, step-mother-in-law, father-in-law, step-father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion. (Ordinance No. 13 of 1994; Ordinance 5, 2002)

Section 4.6.2 Military leave

(a) An employee who is a member of a reserve component of the Armed Forces of the

United States is entitled to military leave with pay when placed on "military active duty for training" by order of an authority of the Armed Forces of the United States and when given constructive credit for such training.

(b) The maximum military leave with pay for "military active duty for training" is ten working days per calendar year.

(c) An employee may apply for but shall be required to take annual leave or compensatory leave for military purposes. However, the employee shall be entitled to leave without pay for a period of up to 90 consecutive calendar days:

- (1) When ordered to "military active duty."
- (2) When placed on "military active duty for training."
- (3) When placed on "military training duty" and the maximum authorized military leave with pay has been exhausted or is not authorized.

(d)(1) "Military active duty" means full-time duty in the active military service, other than military active duty for training.

(2) "Military active duty for training" means full-time paid duty in the active military service for training purposes.

(3) "Military training duty" includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like. (Ordinance No. 13 of 1994)

Section 4.6.3 Leave of absence without pay

(a) "Leave of absence without pay" means time off from work without pay granted by the mayor, or authorized department head, or imposed by the mayor, or authorized department head, for an unapproved absence.

(b) The mayor, or authorized department head, may extend leave of absence without pay to any employee for a period not to exceed six months, provided that such leave shall not prolong the period of his appointment. (Ordinance No. 13 of 1994)

Section 4.6.4 Worker's compensation payments

When an employee is absent from work due to disabilities for which he is entitled to worker's compensation he

(1) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(2) may, to the extent of the amount accrued to his credit, be granted annual leave or a

combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(3) may be granted leave without pay. (Ordinance No. 13 of 1994)

Section 4.7 Outside employment

The work of the municipality shall have precedence over the other occupational interests of employees. All outside employment for salary, wages, or commission and all self-employment must be reported to and approved by the mayor and the council. Conflicting outside employment shall be grounds for dismissal.(Ordinance No. 5 2002)

Section 4.8 Gifts and favors

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality; nor shall any official or employee accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service, or thing of value.

Section 4.9 Statutory subsistence allowance

(Repealed by Ordinance No. 9 of 1994)

Section 4.10 Salary supplements

(a) By a majority vote of the membership, the board may authorize the payment of funds to the chief of police and other eligible police officers to substitute for any reduction in or termination of state supplemental pay for a period of time of not more than the period of the reduction or termination and in an amount not more than the amount of the reduction or termination.

(b) The authorization herein and any payments hereunder shall not be deemed to be a part of the salary of any officer not to be a part of the compensation of the chief of police as that term is used in the constitution and laws of this state concerning elected officials.

(c) The chief of police and any officer who receives funds pursuant to this section shall refund any amount received from the municipality which is also paid by the state supplemental pay program.

Section 4.11 Group insurance for retirees

(a) As used in this section:

(1) "Employee" does not include any elected official.

- (b) Any full time employee retiring from municipal employment who has attained the full age of 60 years old or more with twenty or more consecutive years of full time employment with the municipality and his/her dependents may continue to be covered by group insurance in which the municipal employees participate. The retired employee's share of the premium shall be the same as that of full time employees and may vary with changes in the plan. The retired employee shall be eligible for the plan only if the coverage is continuous and unbroken at any time after retirement. Such coverage shall be supplemental insurance coverage at and after age sixty-five. (Ordinance No. 3 of 1992; Ordinance No. 15 of 2007)

Section 4.12 Group insurance for full-time employees

Except as provided in section 4.11, on an after January 1, 1997, only full-time municipal employees may participate in the municipality's group insurance program. (Ordinance No. 12 of 1993; Ordinance 10 of 2010)

ARTICLE B - Social Security

Section 4.21 Declaration of policy to come under coverage

It is hereby declared to be the policy and purpose of the municipality to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing social security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees shall be effective as of October 1, 1971.

Section 4.22 Execution of agreement with state agency

The mayor is authorized to execute an agreement with the Public Employees Board in Louisiana to secure coverage of eligible officers and employees as provided in section 4.21.

Section 4.23 Withholdings

Withholdings from salaries or wages of officers and employees for the purposes provided in section 4.21 are hereby authorized to be made in the amounts and at the times as may be required by applicable state and federal laws and regulations and shall be paid over to the Public Employees Board, a state agency, in the amounts and at the times as are designated by state laws and regulations of the agency.

Section 4.24 Contributions

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state laws and regulations of the agency.

Section 4.25 Records and reports

The clerk shall maintain records and submit reports as may be required by applicable state and federal laws or regulations.

ARTICLE C - Retirement System

Section 4.41 Membership of eligible employees in the Municipal Employees' Retirement System of Louisiana

The Town of Brusly, Louisiana desires to extend the provisions of Act No. 788 of 1978 to provide membership in Plan B of the municipal Employees' Retirement System of Louisiana for its eligible employees effective July 1, 1987. (Ordinance No. 13 of 1987)

Section 4.42 Withholdings

Withholding from salaries or wages of eligible employees may be made in the amount and at such times as may be required by the Board of Trustees of the Municipal Employees' Retirement System of Louisiana in accordance with Act No. 788 of 1978, or any amendment thereof, and such withholdings shall be transferred to the Board of Trustees of the Municipal Employee's Retirement System of Louisiana in such amounts and at such times as are designated by state law and regulation. (Ordinance No. 13 of 1987)

Section 4.43 Authorized agent; qualifications; duties

An "authorized agent" shall be appointed to act as the coordinator between the Town of Brusly, Louisiana and the Board of trustees of the Municipal Employees' Retirement System of Louisiana. The agent shall be an employee working on a permanent, regularly scheduled basis of at least thirty-five hours per week or an elected official. The authorized agent shall maintain necessary records and submit such reports as may be required by applicable state law or regulation of the board of trustees. (Ordinance No. 13 of 1987)

ARTICLE D - Drug and Alcohol Testing

Section 4.51 Purpose

The municipality desires to maintain a safe, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The municipality acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the municipality's reputation. Therefore, the municipality adopts a policy against substance abuse, and places in effect a testing program for applicants, employees, and volunteers, as outlined in this article. (Ordinance No. 7 of 1995)

Section 4.52 Definitions

As used in this article, the following terms have the following meaning:

(1) "Applicant" means a person (i) seeking full-time employment with the municipality or (ii) seeking to perform volunteer service to the municipality which involves operating a municipal motor vehicle or equipment or carrying a weapon.

(2) "Appointing authority" means the municipal officer or the municipal body which has the authority to appoint or employ the employee or volunteer.

(3) "Controlled substance" means a controlled substance as defined in 21 U.S.C. 812 in Schedules I through V.

(4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V.

(5) "Drug" means and includes controlled substances, controlled dangerous substances, and alcohol.

(6) "Employee" means a person employed on a full-time basis by the municipality.

(7) "Physician" means a physician licensed to practice medicine in this state.

(8) "Volunteer" means a person who provides volunteer service to the municipality by operating a municipal motor vehicle or equipment or by carrying a firearm. (Ordinance No. 7 of 1995)

Section 4.53 Application

This article applies to all employees, volunteers, and applicants. (Ordinance No. 7 of 1995)

Section 4.54 Policy

(a)(1) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled

substance by an employee or volunteer on municipal premises or in the immediate premises wherever municipal work is being conducted is prohibited. Violation of this policy by an employee may result in personnel action including termination. As a condition of employment, each employee will comply with the policy and notify the municipality of any criminal drug statute conviction for a violation occurring in the municipal workplace no later than five days after such conviction. The mayor shall prepare and publish a statement notifying employees of this policy.

(2) The mayor shall establish a drug-free awareness program to inform employees and volunteers about:

- (i) The dangers of drug abuse in the workplace.
- (ii) The municipal policy of maintaining a drug-free workplace.
- (iii) Any available drug counseling, rehabilitation, and employee assistance programs.
- (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(3) The mayor shall provide each employee with a copy of the statement described in (a) (1).

(4) If the municipality is subject to the federal Drug-Free Workplace Act of 1988, the mayor shall notify the appropriate federal agency of any criminal drug statute conviction of an employee for a violation occurring in the municipal workplace no later than ten days after receiving notice as described in (a) (1) from the employee or otherwise receiving actual notice of the conviction.

(5) Within thirty days after receiving notice of a conviction described in (a) (1), the appropriate supervisor shall take one of the following actions of the employee so convicted:

- (i) Take appropriate personnel action against the employee, up to and including termination.
- (ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(6) The mayor shall implement and maintain the policy set forth herein.

(b) Except for law enforcement purposes, no employee or volunteer shall possess, use, or ingest any controlled substance or controlled dangerous substance.

(c) No employee or volunteer, whether on-duty or off-duty, shall violate the Uniformed Controlled Dangerous Substances Law.

(d) No employee shall report for work, and no volunteer shall report to serve, in an intoxicated or impaired condition caused by off-duty use of a drug which detrimentally affects his ability to perform work or serve.

(e)(1) Except for law enforcement purposes, no prescription medicine shall be brought upon municipal premises by any person other than the person for whom the medicine is prescribed by a

physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.

(2) Any employee or volunteer required to take a prescription medicine shall notify his immediate supervisor of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing physician.

(3) No employee or volunteer shall operate a municipal motor vehicle or equipment or carry a firearm while taking prescription medicine, unless the prescribing physician advises the employee's or volunteer's supervisor in writing that the medication will not impair his abilities.

(f) No employee or volunteer shall possess, distribute, dispense, sell, use, or ingest any alcoholic beverage during working hours or on municipal property except when authorized at municipal functions. (Ordinance No. 10 of 1995)

(g) All municipal property is subject to inspection at any time and without prior warning. "Municipal property" includes, but is not limited to, vehicles, desks, files, containers, and foot lockers. There shall be no expectation of privacy by any employee or volunteer concerning any municipal property. However, any inspection of any employee's or volunteer's locker shall be in the presence of the employee or volunteer.

(h) Any employee or volunteer who has reasonable suspicion to believe that another employee or volunteer is either (1) involved in the manufacture, possession, distribution, dispensing, sale, or use of a controlled substance or controlled dangerous substance or (2) abusing the legal use of prescription or nonprescription medicine shall notify his supervisor and the mayor.

(i) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm, or to make split-second decisions shall report this to his supervisor who shall alter the employee's or volunteer's assignment without retribution to the employee or volunteer.

(j) The policy and procedures set forth in and under this article shall conform with applicable law, particularly R.S. 23:1081 et seq. (Louisiana Worker's Compensation Law) and R.S. 23:1601 et seq. (Louisiana Employment Security Law).

(k) Drug testing/urinalysis

(l)(i) On and after January 1, 1995, each applicant shall submit to a drug-screening urinalysis as a part of his pre-employment or prequalification medical exam.

(ii) In addition, each applicant shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(iii) Any applicant found to test positively for a particular controlled substance or controlled dangerous substance, unless caused by a medicine for which a valid prescription was given by a physician and which was made known to the municipality prior to testing, shall be rejected and may

not re-apply for employment or volunteer service for a period of one year from the date of notification of the results.

(iv) Any applicant refusing to submit to drug testing during pre-employment or prequalification shall be rejected.

(2) Prior to or on January 1, 1995, each employee and volunteer shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. As medicines change, the employee or volunteer shall update his questionnaire. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(3) On and after January 1, 1995, each employee and volunteer shall submit to tests for any drug as announced by the mayor for the following purposes:

- (i) Investigation of possible individual employee or volunteer impairment of each employee or volunteer returning from drug/alcoholic rehabilitation or medical care and at any time there is reasonable suspicion that an employee or volunteer is under the influence of a drug during work or service hours. "Reasonable suspicion" means an articulable belief based upon specific facts and reasonable inferences drawn from those facts that any employee or volunteer is under the influence of a drug. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to direct observation of drug use; a pattern of erratic or abnormal behavior and mood changes; information provided by a reliable and credible source; an accident; presence of physical symptoms of drug use, such as slurred speech, glassy eyes, and poor coordination or reflexes; decreased productivity; unusual absenteeism or tardiness; or frequent or prolonged absence from the work area. The supervisor shall submit to the mayor a written report stating the facts and circumstances upon which the recommended testing is based, and the mayor or his designated representative shall make the final decision as to whether the test will be conducted. (Ordinance No. 10 of 1995)
- (ii) Investigation of accidents or incidents involving an employee, volunteer, or municipal property or incidents of workplace theft.
- (iii) Maintenance of safety for employees, volunteers, or the general public.
- (iv) Maintenance of productivity, quality of products or services, or security of property or information.
- (v) Monitoring to assure compliance with the terms of a rehabilitation program.
- (vi) Random testing of employees who occupy safety-sensitive or security-sensitive positions.

(4) Tests may be conducted without prior notice.

(5) Any employee or volunteer who refuses to submit to a required drug test shall be relieved from duty or service and possibly dismissed. (Ordinance No. 7 of 1995)

Section 4.55 Laboratory testing; requirements; procedures

(a) All drug testing, except as otherwise specifically provided in this article, shall be conducted at medical facilities or laboratories selected by the municipality. To be eligible as a site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to collect, maintain, and test samples and be experienced and capable of quality control, documentation, and chain of custody techniques.

(b) All sample collection and testing shall be performed as follows:

(1) The employee, volunteer, or applicant may be required to go to the facility where the laboratory is located to submit to testing.

(2) Each employee, volunteer, and applicant shall be positively identified by picture identification prior to obtaining a sample.

(3) A form shall be completed prior to the test that will serve to establish current medicines being taken, whether prescription or nonprescription, and any other information which the employee or volunteer considers relevant to the test.

(4) The area where a sample is collected shall be reasonably free from any foreign substance.

(5) Specimen collection shall be witnessed without violating the employee's, volunteer's, or applicant's right to privacy in a setting that will not demean, embarrass, or cause physical discomfort to the employee, volunteer, or applicant.

(6) The specimen taken shall be sealed, labeled, and checked against the identity of the employee, volunteer, or applicant. Such sample shall be properly collected, secured, stored, handled, and transported following appropriate rules of evidence and chain of custody and so as to reasonably preclude the probability of sample contamination or adulteration.

(7) Any employee testing will be done on the municipality's time and the employee required to test while off duty shall be compensated for the time.

(c) Processing urine samples

(1) The testing methods used shall be capable of identifying marijuana, cocaine, amphetamines, opiates, and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalyses. (Ordinance No. 10 of 1995)

(2) The test shall consist of a two-step procedure:

- (i) initial screening; and
- (ii) confirmation by gas chromatography/mass spectroscopy.

(3) An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.

(4) The time frame between a confirmation pending and a positive confirmation shall not exceed forty-eight hours.

(5) Notification of the confirmation positive shall be reported to the mayor. (Ordinance No. 10 of 1995)

(6) Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve months to allow the employee, volunteer, or applicant adequate time for further testing in case of dispute.

(7) An employee or volunteer who is found to be drug free shall be notified in writing and may, if he chooses, have a copy of the notification placed in his personnel file.

(d) Alcohol testing. If the municipality has reasonable suspicion to believe that any employee or volunteer is under the influence of alcohol during work or service hours, the employee or volunteer shall be taken to the West Baton Rouge Parish Sheriff's Department where he shall submit to a breath test using the procedures established by the state Department of Public Safety and Corrections. Test results shall be made known to the municipality's designated agent upon completion of the test. If the results are positive (i.e. 0.04% or more), the employee or volunteer shall not operate a municipal motor vehicle or equipment or carry a firearm. If the results are .10% or more, the employee or volunteer shall be subject to disciplinary action. Each employee and volunteer found to be alcohol free shall be notified in writing and may, if he so chooses, have a copy of the notification placed in his personnel file. (Ordinance No. 7 of 1995; Ordinance No. 10 of 1995)

Section 4.56 Notice of testing policy

The municipality shall provide a copy of this article to each employee, volunteer, and applicant. (Ordinance No. 7 of 1995)

Section 4.57 Consent to testing

Prior to a drug test being administered, the employee, volunteer, or applicant shall be requested to sign a consent form authorizing the test and permitting the release of the result to the municipality or its authorized agents, and containing an acknowledgment of notification of the testing policy. (Ordinance No. 7 of 1995)

Section 4.58 Tampering with test procedure

If an individual being tested tampers with the testing procedure or attempts to falsify a specimen or invalidate the chain-of-custody, he shall be immediately disallowed from continuing testing and treated as if a positive test result had been obtained. (Ordinance No. 7 of 1995)

Section 4.59 Sanctions

(a) Violation of this article shall result in dismissal or other disciplinary action.

(b) An unexplained positive test result shall be grounds for action by the appointing authority. This action may require the employee or volunteer to submit to a mandatory substance abuse program, psychological counseling, or medical treatment, all at the employee's or volunteer's expense.

(c) Repealed. (Ordinance No. 10 of 1995)

(d) Job action may result from cases of illegal use of a nonprescribed controlled substance or controlled dangerous substance or abuse of prescription medicine. A job action may be transfer, demotion, or dismissal.

(e) Any employee with a positive alcohol test result for the first time shall be subject to suspension without pay for a period of five days. A second positive test shall result in dismissal. (Ordinance No. 7 of 1995)

Section 4.60 Confidentiality of information; exceptions

Except for claims for worker's compensation under R.S. 23:1091, claims for unemployment compensation under R.S. 23:1601(10), or other proceedings wherein the results are relevant, all information, interviews, reports, statements, memoranda, and test results received by the municipality in its drug testing program are to remain confidential to the municipality, authorized agents or representatives of the municipality, the tested employee, volunteer, or applicant, or those authorized by the employee, volunteer, or applicant to receive such information. (Ordinance No. 7 of 1995)

ARTICLE. E - Contracts and Other Business with Municipality

Section 4.71 Short title

This article shall be known and may be cited as the "Conflict of Interest Ordinance."
(Ordinance No. 11 of 1996)

Section 4.72 Definitions

For the purposes of this article, the following terms shall have the following meanings:

(1) "Agency" means a department, office, division, agency, commission, council, committee, or other organizational unit of the municipality. (Ordinance 5 of 2002)

(2) "Elected official" means the mayor, chief of police, and the council members. It shall also include any person appointed to fill a vacancy in such offices. (Ordinance 5 of 2002)

(3) "Immediate family", as the term relates to a public servant, means his/her children, step-children, the spouses of his/her children, step-children, step-brothers, brothers, step-sisters, sisters, step-parents, parents, spouse, and the parents of his/her spouse. (Ordinance 5 of 2002)

(4) "Public employee" means anyone, whether compensated or not, who is:

(a) An official of the municipality who is not an elected official.

(b) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the municipality or an agency thereof, either as a member of an agency, or as an employee thereof.

(c) Under the supervision or authority of an elected official or another employee of the municipality.

(5) "Public servant" means a public employee or an elected official of the municipality.
(Ordinance No. 11 of 1996)

Section 4.73 Prohibited contractual arrangements

No public servant, nor member of his immediate family, nor any corporation, partnership, or other legal entity in which the public servant or member of his immediate family owns any interest in, except publicly traded corporations, shall knowingly enter into any contract or subcontract with the municipality or any agency thereof, unless the contract or subcontract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or is competitively negotiated through a request for proposal process. (Ordinance No. 11 of 1996)

Section 4.74 Assistance to certain persons after termination of public service

a.(1) No former agency head shall, for a period of two years following the termination of his public service as the head of such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency.

(2) No former elected official shall, for a period of two years following the termination as an elected official, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving the municipality.

b. No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the municipality, or for a period of two years following termination of his public employment, render, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment.

c.(1) No legal entity in which a former public employee is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public employee at any time participated during his public service and involving the agency by which he was formerly employed.

(2) No legal entity in which a former elected official is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such elected official at any time participated during his public service and involving the municipality.

d. No former public servant shall share in any compensation received by another person for assistance which such former public servant is prohibited from rendering by this section.

e. For the purposes of subsections b and c of this section, termination of public employment or service means the termination of employment with the agency which employed the public employee, or the termination of public service with the agency in which an elected official served, when he participated in the transaction.

(Ordinance No. 11 of 1996)

Section 4.75 Exceptions

a. The article shall not prohibit the following:

(1) Completion of any contract or subcontract otherwise prohibited by this article which was entered into prior to initial election to, or employment with, the municipality.

(2) Completion of any contract or subcontract otherwise prohibited by this article which was entered into prior to April 1, 1996.

(3) Contracts of sale pursuant to the expropriation of immovable property by the municipality.

b. Pension and benefit plans. A public servant may continue in a bona fide pension, insurance, or other benefit plan maintained by a former employer, provided that such former employer makes no contributions in his behalf with respect to the period of his public service. However, a former employer may make contributions to a pension plan that is qualified under the Internal Revenue Code or to any pension, insurance, or other benefit plan, if such contributions are made on behalf of all former employees who continue in the plan.

c. Profit sharing or stock bonus plans. The rights acquired by a public servant under a bona fide profit sharing or stock bonus plan qualified under the Internal Revenue Code and maintained by a former employer may be retained by such public servant, provided the former employer makes no contributions on his behalf based upon profits derived during the period of his public service.

d. This article shall not preclude:

(1) Participation in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations, including bona fide organized public volunteer fire departments when no compensation is received, or the activities of political parties not proscribed by law.

(2) Awards for meritorious public contributions given by public service organizations.

(3) Sharing in any compensation received from the municipality by a person of which such public servant owns or controls less than ten percent, provided such public servant did not participate or assist in the procurement of such compensation, except as otherwise specifically prohibited by section 4.73.

(4) Sharing in any compensation received from the municipality by a person of which such public servant owns or controls any portion thereof, provided such compensation was received by such person as a result of having made the lowest sealed competitive bid on a contract or subcontract and having had such bid accepted by the governmental entity or the general contractor, and provided such public servant did not participate or assist in the procurement of the acceptance of such low bid, except as otherwise specifically prohibited by section 4.73.

(5) Campaign contributions for use in meeting campaign expenses by any public servant who is or becomes a candidate for election to the same or another public office.

(6) The use by a duly commissioned law enforcement officer of a publicly owned law enforcement vehicle in connection with the private employment of such law enforcement officer in providing traffic control or security services for a private employer when such use is approved by and in accordance with the policy of the municipality, which policy shall be published in the official

journal of the municipality prior to becoming effective and shall provide for appropriate charges for the use of public vehicles for private employment.

(7) A building inspector employed by the municipality, a member of such building inspector's immediate family, or a legal entity in which such building inspector has a controlling interest from performing construction services that are under the supervision or jurisdiction of the building inspector's agency or the municipality, provided such services are not performed during the building inspector's assigned working hours, do not interfere with the performance of his assigned duties, and do not include construction services performed for the building inspector's agency or the municipality. Under no circumstances shall the building inspector inspect his own work, the work of his immediate family, or the work of a legal entity in which the building inspector has a controlling interest. "Building inspector" means any person employed by the municipality who tests, examines, or issues a permit for compliance with a building code as defined in R.S. 33:4771. (Ordinance No. 11 of 1996)

Section 4.76 Enforcement

Violation of this article shall be punished by a fine not exceeding five hundred dollars. (Ordinance No. 11 of 1996)