

TOWN OF CHURCH POINT  
EMPLOYEE POLICY MANUAL

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# TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL

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## FORWARD

This EMPLOYEE POLICY MANUAL is intended to answer questions and give definition to specific areas regarding the day-to-day operations of the TOWN OF CHURCH POINT. It is designed to be a positive tool and to aid you in your work with TOWN OF CHURCH POINT.

The policies and procedures presented in this manual shall be in effect until changed by the Mayor and Board of Alderman of the TOWN OF CHURCH POINT. If it is necessary to make changes, employees will be notified, in writing, of those changes and their effective date.

Any policy, procedure or question not covered in this manual will be considered and a decision rendered by the Mayor and Board of Alderman.

## OPEN DOOR POLICY

Employees are encouraged to share their concerns, seek information, provide input, and resolve problems/issues through their immediate supervisor, and as appropriate, consult with any member of management toward those ends. Management and supervisors are expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems/issues.

## EMPLOYMENT AT WILL

Except for appointed positions employment is with the mutual consent of you and TOWN OF CHURCH POINT. Consequently, both you and the Town have the right to terminate the employment relationship at any time, with or without cause or advance notice. This Employment at Will relationship will remain in effect throughout your employment with TOWN OF CHURCH POINT unless it is specifically modified by an express written agreement signed by you and the Mayor.

**This “Employment at Will” relationship may not be modified by any oral or implied agreement and is not modified, expressly or by implication, by any provision contained in this handbook.**

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## **IMMIGRATION REFORM AND CONTROL ACT OF 1986**

TOWN OF CHURCH POINT is committed to full compliance with the federal immigration laws and will not knowingly hire or continue to employ anyone who does not have the legal right to work in the United States. As an ongoing condition of employment, you will be required to provide documentation verifying your identity and legal authority to work in the United States.

## **EQUAL OPPORTUNITY STATEMENT**

Applicants will be hired on the basis of experience, training, personal background, and the potential for growth to accomplish the best possible staff for the continued success of TOWN OF CHURCH POINT. There shall be no discrimination based on religion, age, sex, race, national origin, or areas covered by the Americans with Disabilities Act. It is the intent of the management that equal opportunity will be provided in all promotions, wages, benefits, and other privileges, terms, and conditions of employment.

## **MISSION STATEMENT**

The Mayor, Board of Aldermen, and Employees of the Town of Church Point provide the best municipal services possible without exception. We believe our first responsibility is to the residents, businesses, and visitors who reside, operate, and visit here. In meeting their needs, everything we do is of high quality and performed in a courteous and effective manner. We strive consistently to hold down our expenses in order to maintain reasonable costs for our citizens. Our foremost concern is Citizen Satisfaction. Our Citizen's needs are serviced promptly and thoroughly.

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## **DEFINITION OF EMPLOYMENT**

The TOWN OF CHURCH POINT will maintain definitions of employment consistent with the Louisiana Department of Labor, and will classify employees according to the following definitions:

- A. Full Time: Employment involving at least 30 hours per week, 52 weeks per year, after a designated probationary period.
- B. Part Time: Employment less than 30 hours per week, or as designated by management.
- C. Seasonal: Includes all employees during introductory period, or in a position or job established for a specific period of time, such as student employment, telephone call centers, peak shipping time, etc.

Part Time and Seasonal employees are not eligible for any TOWN OF CHURCH POINT benefits not dictated by law.

## **PRE-EMPLOYMENT POLICIES**

All persons seeking employment must first fill out an application. This will be reviewed with previous references and employment dates checked. The Town of Church Point reserves the right to test employees for substance abuse.

Prior to placement on payroll, the employee must complete a W-4 Federal IRS Form. The employee must also complete a proof of citizen form (I-9) and provide the TOWN OF CHURCH POINT with proper documentation of citizenship.

## **INTRODUCTORY PERIOD**

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. During this period TOWN OF CHURCH POINT will decide whether or not a permanent employment relationship should be established with the new employee. In addition:

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1. The new hire decides whether he or she is ready and able to make the necessary commitment to our organization.
2. The supervisor decides whether the employee's skills, productivity, quality of work, attendance, and personal conduct meet the requirements of TOWN OF CHURCH POINT
3. The management of TOWN OF CHURCH POINT reserves the right to dismiss any employee during the introductory period, which lasts thirty (30) days from the starting date of employment at the discretion of management.

A provisional evaluation of the employee will occur at the end of the first thirty (30) days of employment. At the end of thirty (30) days, but no longer than ninety (180) days, a final evaluation of performance will occur ending the introductory period.

If TOWN OF CHURCH POINT determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security.

### **WORK SCHEDULE**

Work schedules are established in order to ensure that TOWN OF CHURCH POINT will have the proper number of employees in each necessary job classification to handle the anticipated work load at any given time. Schedules are carefully worked out by Management and must be adhered to by all employees. Tardiness causes serious problems in maintaining schedules. Frequent tardiness is grounds for dismissal, and is covered under "Disciplinary Procedures". All employees must maintain a time sheet clocking in at the beginning and clocking out at the end of each day and during lunch break. The Time sheet must be signed by your supervisor in order to be processed for payroll. If an employee does not clock in and out for any reason, the supervisor has the right to put down fair and reasonable times. **NO EXCEPTIONS!**

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## REST AND MEAL BREAKS

Each workday, full-time non-exempt employees are provided with two rest periods of ten (10) minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time. Employees, who are late to work, or leave early, forfeit the paid break period(s). Hourly employees must clock in and out for breaks.

All full-time employees are provided with one (1) meal period of sixty (60) minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will not be compensated for the meal break.

**All employees must clock in and out for lunch and extended personal time off (doctors, dentist appointments etc.)**

## PAY PERIODS

TOWN OF CHURCH POINT employees are paid once every two (2) weeks (every other Monday). Employees are paid every other Monday. All timesheets documenting the pay period MUST be submitted in a completed state NO LATER THAN the close of business on the last workday at the end of the pay period. (Incomplete submittal may result in a MISSED PAYDAY that will be paid on a later day, only after all required timecard data is completed.)

## PAYROLL

Each paycheck will include your wages for the indicated pay period less the following deductions:

1. Federal/State/City Income Tax: Deducted at specified rates determined by your salary level and the exemptions to which you are entitled.
2. FICA (Social Security Tax): Deductions are made each pay period in order to provide an allowance for you when you reach retirement.
3. Other deductions that are authorized by you

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and accepted by THE TOWN OF CHURCH POINT are childcare payments, donations, etc.

## **TIME SHEETS/CARDS**

All employees are expected to be present and ready to begin work at their scheduled working time. Hourly employees must be clocked in by this time.

Your supervisor is responsible for ensuring that your time cards or time sheet are promptly forwarded and turned in to the office for completion of the payroll. As your time card or time sheet is routinely checked for completeness, any found to have errors might be held until the correction is made. Any alteration of your time card or another employee's time card or falsification of time sheets is grounds for immediate dismissal. All employees must stamp their own card; any violation of this requirement is grounds for dismissal.

## **OVERTIME POLICY**

Federal Wage and Hour Law determine overtime payment policies for TOWN OF CHURCH POINT. Time and one-half is paid for over 40 hours worked in a 7-day period. Vacation and sick days used to fill a work week will only be paid as straight time and not credited toward overtime hours (for example, 34 hours worked plus 8 hours vacation = 42 regular hours, no overtime, but 2 extra hours straight time.).

However, any overtime hours worked must have the prior approval of your supervisor, in addition management will, in most cases, give employees twenty-four (24) hours' notice if overtime is necessary to be worked.

## **LOANS AND ADVANCES ON PAY**

At TOWN OF CHURCH POINT, loans to employees and advances on employee's wages are not allowed.

## **ABSENCES**

TOWN OF CHURCH POINT rely very much on you to report to work as scheduled on a dependable and consistent basis. Among other conditions of employment, TOWN OF CHURCH POINT requires you to continuously fulfill the specified number of hours for your position.

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On occasion, unforeseen circumstances may arise during which you are unable to report for work at your regularly scheduled starting time. Should this occur:

1. You are to personally notify your supervisor by telephone of your inability to report for work within the first half (1/2) hour before normal reporting time.
2. If you are absent for a period of more than two days without calling in to discuss your circumstances, it may be assumed that you do not intend to return to work. A new employee may be hired to fill your position.

### **LEAVE OF ABSENCE**

A leave of absence (LOA) is defined as leave from your job without pay. A leave of absence may only be granted by TOWN OF CHURCH POINT Management and will only be considered in special circumstances. The following will apply:

1. In situations not covered by law, Management reserves the right to determine if it will grant leave to the employee.
2. Employee must have completed a minimum of one (1) year of continuous employment.
3. Leave will only be granted for a period of up to sixty (60) calendar days. Employee must re-apply for a leave requiring longer than sixty (60) days.
4. Seniority will not be affected during approved leaves.
5. Employee may apply for reinstatement at any time during the sixty (60) day period. Failure to apply for reinstatement prior to the end of the sixty-day period will be treated as voluntary termination.
6. An employee who accepts employment from another company, or is self-employed during the leave of absence, will be treated as a voluntary termination.



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7. TOWN OF CHURCH POINT makes no guarantee that there will be a job available to an employee who desires to return from a leave of absence.
8. For a medical leave of absence, a doctor's certificate indicating the employee is physically able to work will be required when the employee returns to work.

### **BEREAVEMENT LEAVE**

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Employees, who have completed one (1) year of continuous employment with TOWN OF CHURCH POINT, will be eligible for the following benefits.

Up to two (2) days of unpaid bereavement leave will be provided to eligible employees for deaths in the immediate family. TOWN OF CHURCH POINT defines immediate family as spouse (husband or wife), child, brother, sister, parent, parent-in-law, grandparent, or grandchild. Bereavement time will normally be the day before and the day of the funeral.

In addition, the employee shall be given one (1) day off (unpaid) to attend the funeral (day of) of a brother-in-law, sister-in-law or grandparent-in-law, stepbrothers, stepsisters, stepchildren, stepparents, great-grandparents, great-grandparents-in-law, etc. shall be the same as in-laws.

### **FAMILY LEAVE**

TOWN OF CHURCH POINT provide family leaves of absence without pay to regular full-time employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious condition. A serious health condition means an illness, injury or impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Eligible employees may request family leave only after having completed 365 calendar days of service. Eligible employees should make requests for family leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

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Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12-month period. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of not more than ten calendar days.

Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Benefit accruals, such as vacation and holiday benefits will continue during approved family leave period.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide TOWN OF CHURCH POINT. When family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. If an employee fails to report to work promptly at the end of the approved leave period, TOWN OF CHURCH POINT will assume that the employee has resigned.

### **JURY DUTY**

TOWN OF CHURCH POINT believes it is the duty of all eligible citizens to serve jury duty when called. Employees called for jury duty, will not be paid. Notify your supervisor immediately upon being called for jury duty and provide him/her with a copy of the summons. During recesses in the trial, and when there is time to work half of your normal workday, employees are expected to return to work. Any unused vacation days may be applied for this unplanned time off.

### **HOLIDAYS**

TOWN OF CHURCH POINT will grant holiday time off to all eligible employees. Please refer to the attached sheet.

TOWN OF CHURCH POINT will grant paid holiday time off to all regular full time employees who have completed 90 calendar days of service. Holiday pay will be calculated based on the employee's regular pay rate (as of the date of the holiday).

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Employees who miss a workday, without prior approval, the day before or the day after a holiday will forfeit holiday pay.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay, plus wages at their regular wage rate, for the hours worked on the holiday.

Holiday pay will not be considered as hours worked for the purpose of calculating overtime.

### **VACATION DAYS**

Vacation days will be requested 5 days in advance. Requests will be made to your supervisor in writing. Vacation days are granted based on the needs of the business. Your supervisor will approve vacation time based on the following:

- A. Employee must be employed with the Town for 6 months.
- B. Approval for vacation must be requested 5 days in advance.
- C. Written Requests will be made to the supervisor.
- D. No two employees from the same department can take vacation days at the same time, and priority will be given to the first written request.
- E. During the busy work months (April to September) there will be a limit of one employee per function per week to be off work. Once that employee is on vacation, all other vacation requests will be denied.
- F. Additional unpaid days will be given at the manager's discretion.

### **ABSENCE FROM WORK**

There may be emergency situations when you must leave the job, or there may be a personal matter that can only be handled during normal working hours. You may request permission from your supervisor to leave the job. Your supervisor will consider the urgency of the request and/or the time when you can best be spared.

Hourly employees should clock out when they leave the job and clock back in when they return.

### **IN-SERVICE MEETINGS/TRAINING**

All employees are required to attend all orientation and/or in-service meetings conducted by their supervisor. Supervisors are responsible for instruction and training of all employees reporting to them. Training needs of individual employees depends on their background, education, experience, and level of skill. Hourly employees will be paid for training meetings held after the normal workday.

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## **PROFESSIONAL MEETING/SEMINARS/TRAINING**

Employees are encouraged to maintain memberships or affiliations with job/position related organizations, and to attend classes, training seminars, etc., in order to advance in professional and/or technical knowledge in their field. If an employee desires to take advantage of these opportunities, authorization and arrangements should be made with TOWN OF CHURCH POINT management to receive tuition, travel expense assistance, course materials and salary reimbursement. The rationale for attendance must minimally address the following criteria:

1. The training must improve your professional and technical growth and development.
2. The training should provide benefit to TOWN OF CHURCH POINT and must be stated with your written request.

Since TOWN OF CHURCH POINT does not have an unlimited training budget management does not guarantee that all requests to attend training programs can be approved.

## **SUGGESTIONS**

TOWN OF CHURCH POINT welcomes suggestions from the employees on ways to improve the operations of the company. These should be given, in writing, to your supervisor who will forward them to the President. Each employee will be given written notification of action taken relative to his/her recommendation.

## **HOUSEKEEPING**

TOWN OF CHURCH POINT is proud of the facilities that it has provided for the employees and our valued customers. Each employee is responsible for the cleanliness and appearance of his work area. All employees are expected to maintain the cleanliness of those areas visited by our customers.

## **DRESS AND APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image TOWN OF CHURCH POINT presents to customers and visitors.

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During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have any questions as to what constitutes appropriate attire. The following are provided as guidelines for appropriate dress:

1. Shoes are to be worn at all times on TOWN OF CHURCH POINT property. Leather or canvass shoes are preferred. The shoes should be a closed type shoe: no sandals, slippers, or other open type shoe. Under no circumstance will bare feet be allowed. Employees whose job requires standing or walking are encouraged to wear a comfortable, support type shoe with a non-slip sole.
  
2. Shorts should be no more than three (3) inches above the knee.

## **SMOKING**

In keeping with TOWN OF CHURCH POINT intent to provide a safe and healthful work environment, smoking inside public buildings is strictly prohibited. This policy applies equally to all employees, customers and visitors.

## **UNACCEPTABLE BEHAVIOR**

In order to maintain effective working relationships with others, you are expected to follow rules of acceptable social behavior, as well as the established policies of this manual, Good working relationships are normally maintained by mutual cooperation and self-disciplinary action to correct problem behavior or performance.

The on-the-job conduct of employees is a major factor affecting the health and growth of any organization. **SAFETY, PRODUCTIVITY, QUALITY, AND HUMAN RELATIONSHIPS ARE AT STAKE.** Poor disciplinary procedures can undermine the morale of the entire work force of TOWN OF CHURCH POINT As a strict general policy:

1. Fighting, threatening, or intimidating other employees will not be tolerated.
2. Harassment in any form is against the law, and will not be tolerated.

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3. All employees will be held responsible for the misuse or willful destruction of any TOWN OF CHURCH POINT property.
4. All employees (regardless of job title) are expected to begin work promptly at the designated starting time.
5. Leaving the department or premises during working hours without reason or permission is not permitted.
6. NO DRUGS, ALCOHOL OR FIREARMS ARE EVER PERMITTED ON PREMISES BY ANY EMPLOYEE.
7. Reporting for work in a state affected by Alcohol or Drugs is not permitted.
8. Smoking in areas where it is not permitted.
9. Falsifying time card or punching another employee in or out.
10. Falsification of records and employment application.
11. Theft of company property.
12. Violation of safety rules & procedures.
13. Interfering with other employees in performing their job.
14. Disorderly conduct on company property or at a job site.
15. Horseplay and throwing things around.
16. Sleeping on the job.
17. Gambling while on TOWN OF CHURCH POINT premises or at a job site.
18. Being absent without proper notification or being excessively tardy or absent.
19. Spreading malicious gossip and rumors.
20. Refusing to obey legitimate instructions from the supervisor..
21. Indecent conduct on TOWN OF CHURCH POINT property or while on TOWN OF CHURCH POINT business.

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22. Failure to report damage to TOWN OF CHURCH POINT equipment or TOWN OF CHURCH POINT property.
23. Divulging confidential information regarding TOWN OF CHURCH POINT or its customers.
24. Allowing unauthorized entry to premises.
25. Consumption of snacks, soft drinks, coffee, etc. except in designated areas during break time.

### **SEVERANCE ALLOWANCE**

TOWN OF CHURCH POINT does not pay severance allowance.

### **GARNISHMENTS**

TOWN OF CHURCH POINT keeps its finances in good order and expects all of its employees to do likewise. Through a misunderstanding, an employee may receive a garnishment against his/her wages. Continuous or numerous garnishments are not acceptable due to additional paperwork.

### **CONFLICT OF INTEREST**

As a full time employee of TOWN OF CHURCH POINT, your primary responsibility is to TOWN OF CHURCH POINT. Since we serve the public and other professional organizations, it is essential that employees treat information about clients, customers, suppliers, or internal operations, and internal records, with absolute confidentiality. Additionally, employee's personal relationships should in no way compete with, or compromise, TOWN OF CHURCH POINT interests. The following guidelines, when strictly adhered to, will help you avoid situations where a conflict of interest could occur:

1. Do not accept gifts or other favors of value, which are offered as a result of carrying out your duties for the TOWN OF CHURCH POINT
2. Do not divulge internal information, statistics, records, or operating methods to anyone outside of your supervisor.
3. Cooperate with management in resolving any possible conflict situation involving yourself or your family.

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## **PERSONAL BUSINESS**

Personal business will not be conducted on TOWN OF CHURCH POINT time. If, due to unusual circumstances, personal business must be conducted during your regular hours, you may request time off from your supervisor. Normally one-week notice is required for such items as doctor's appointments, dentist appointment, or any other similar absence that requires an appointment.

## **PERSONAL PHONE CALLS**

TOWN OF CHURCH POINT telephones are for business purposes only. TOWN OF CHURCH POINT request that personal incoming or outgoing calls be limited to break or lunch times only. Employees must receive prior approval to make phone calls; even local. The only exceptions to this rule are calls that are of an emergency nature.

Use of company telephones to make personal long-distance calls is not permitted. The only exceptions to this rule are calls that are of an emergency nature and must be made using your personal calling card.

## **HARASSMENT**

Harassment is defined as the act of troubling, worrying or tormenting others. Illegal harassment is present when an employee, supervisor or co-worker troubles, worries, or torments a person because of that individual's race, sex, creed, marital status, color, age, handicap, ancestry, sexual orientation, arrest or conviction record. All are protected classes under federal law.

Harassment includes verbal or physical contact that has the purpose of creating an intimidating, hostile, or offensive working environment, or in any way interferes with the individual's work performance.

Harassment is defined generally as unwelcome, unsolicited, repeated physical advances or gestures (even in a humorous context). Sexual harassment is present when:

1. Submission to, or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment; or



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2. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating intimidating, coercive, hostile, or an offensive working environment.

TOWN OF CHURCH POINT will not tolerate any acts of harassment by its employees. Any employee engaging in such prohibited behavior will be subject to immediate disciplinary action.

Any EMPLOYEE who feels that he/she is being subjected to a form of harassment prohibited by this policy should notify his/her supervisor immediately.

### **CHANGE OF ADDRESS AND CHANGE OF STATUS**

At the time of your employment you provide TOWN OF CHURCH POINT with key personnel data such as:

- Name
- Address
- Phone Number
- Marital Status
- Number of Dependents-Tax purposes & Insurance
- Person to notify in case of accident

If there are any changes in the above you are to notify TOWN OF CHURCH POINT in writing of the change.

### **TOWN OF CHURCH POINT PROPERTY**

Every employee will be working with TOWN OF CHURCH POINT equipment, using supplies, and handling TOWN OF CHURCH POINT property. The best rule to follow is to use and care TOWN OF CHURCH POINT property with the same respect you show for your own personal property. Here are a few guidelines to follow:

EQUIPMENT is costly and is designed for a certain purpose. It should not be used for a job it is not designed to handle or perform. All equipment should be restored to good clean operating condition when you have finished using it. Return movable equipment to the proper storage areas. It is TOWN OF CHURCH POINT policy not to loan out tools or other equipment to employees. (Any deviation from this policy must be by prior approval by management.)

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SUPPLIES used in the office and maintenance spaces, such as cleaning supplies, paper, pen, rags, etc. are certainly necessary. However, they add to the cost of doing business. Therefore, they should be used wisely and not wasted. Supplies, when needed, may be reordered by your supervisor with approval of the appropriate management. Office supplies and equipment is for TOWN OF CHURCH POINT use only. Employees using supplies and equipment for personal use, without management approval and without reimbursing TOWN OF CHURCH POINT are subject to disciplinary procedures.

Equipment assigned to employees, such as software, keys, phones/pagers, policy manuals, portfolios and any other items for which you are responsible, are TOWN OF CHURCH POINT property, and must be taken care of. In the event of discharge or should you leave the company, all TOWN OF CHURCH POINT equipment assigned to you must be returned in good condition, or you will be charged for it.

### **E-MAIL/ INTERNET POLICY**

The E-mail system and all messages created, sent, or received on it are company property. The system should be used for business communications only. It is not to be used for solicitation, including charitable or personal business. E-mail messages must not contain offensive or disruptive language. The system should not be used to send or receive copyrighted materials, trade secrets, proprietary information, or similar information. TOWN OF CHURCH POINT reserves the right and intends to monitor e-mail.

### **NOTICE POLICY**

It is the intention of TOWN OF CHURCH POINT to keep its employees informed as to general company policies, procedures, and other pertinent information by posting notices in specified areas. Non-business notices may be posted or distributed only with prior approval of the management.

### **MOONLIGHTING**

Moonlighting is a term used when an employee has another job in addition to their job with TOWN OF CHURCH POINT. TOWN OF CHURCH POINT realizes that certain employees may have to, or may want to moonlight. TOWN OF CHURCH POINT will allow this, as long as it is not with a competitor or there is not a conflict of interest. However, if your other job is interfering with your performance, TOWN OF CHURCH POINT may request that you make a choice between jobs.

TOWN OF CHURCH POINT insurance does not permit employees to perform non-

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company work in our facility.

## **LAYOFF AND RECALL**

If economic or business conditions create an unusual situation which makes it necessary to cut back our work force, then each job will be carefully checked along with the employees record. Qualifications, past performance and length of service of each employee will be the guidelines upon which such decisions are made.

## **PROMOTIONS**

Economic and/or changes in the business may provide an opening in TOWN OF CHURCH POINT. TOWN OF CHURCH POINT will review the suitability of current employees to be promoted to any open positions. Qualifications, past performance and length of service of each employee will be guidelines upon which such decisions are made.

## **RESIGNATIONS**

Employees are expected to give two (2) weeks notice of resignation. This courtesy of advance notice will allow your supervisor time to adjust working schedules and attempt to secure a replacement. Failure to provide a two-week notice will result in the loss of any accrued vacation pay.

## **RE-EMPLOYMENT**

Employees who have voluntarily resigned for personal reasons and were in good standing when they resigned will be eligible for re-hire. An employee seeking to be re-hired is subject to the same review and procedures as a new employee.

## **EMPLOYEE RECORDS**

TOWN OF CHURCH POINT respects the employees' rights to privacy. The following guidelines will apply.

1. All information in your personnel file is confidential.
2. Review of your personnel file is on a need to know basis.
3. No personnel information will be released outside TOWN OF CHURCH POINT without your written authorization.

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4. Employees have the right to review their personnel file.
5. TOWN OF CHURCH POINT employees who do not comply with these privacy guidelines are subject to disciplinary action.

## **EXIT INTERVIEWS**

When an employee leaves TOWN OF CHURCH POINT they will be requested to have an exit interview with a member of management. The purpose of the exit interview to provide the employee with an opportunity to discuss his reasons for leaving TOWN OF CHURCH POINT with a manager other than his/her immediate supervisor.

## **COMPENSATION**

Every employee can expect fair treatment and compensation consistent with their job performance and job responsibilities. The basis for your pay is determined by the skill and experience requirements of your position and the evaluation of how you are performing in that position. Your job performance and the financial ability of TOWN OF CHURCH POINT will determine wage increases.

## **INCENTIVE COMPENSATION**

In addition to the employee's regular compensation management may, at its sole discretion and as business conditions permit, implement performance incentive compensation plans that will provide employees with the opportunity to earn additional compensation. You will be provided specific details of the plan(s) that you are eligible to participate in when they are announced.

## **PERFORMANCE REVIEWS**

All of us like to know how we are doing on the job. Day-to-day comments from supervisors and managers help. But now and then, there is a need to review all phases of your work performance. This is accomplished through a "performance review". This procedure requires each supervisor to evaluate the performance of every person under his or her supervision. During the introductory period this will be done every 30 days. For full time permanent employees this will be done at least annually or as needed.

The purpose of these reviews is to provide the employee with an overall evaluation of how they are performing and to also provide the employee with guidance on how they can improve their performance. The evaluation also provides the employee with the opportunity to discuss their personal goals, their performance and any concerns they may have regarding their job with TOWN OF CHURCH POINT.

# **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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Your performance review will cover the following:

1. The amount of work you accomplish.
2. The accuracy and thoroughness of your work.
3. Your dependability and attendance on the job.
4. Your knowledge of your job duties.
5. Your ability to organize and plan your work.
6. The enthusiasm and initiative you demonstrate.
7. Your courtesy and cooperation with employees/customers.
8. Your personal appearance.
9. Your ideas and suggestions.

Evaluations do not constitute an increase in pay but are used as a benchmark of job quality.

## **BENEFITS-STATUTORY**

As your employer, TOWN OF CHURCH POINT is required by law to make contributions on your behalf to Federal and State insurance programs.

### **SOCIAL SECURITY (FICA) INSURANCE**

- Retirement Allowance Benefits
- Disability Benefits
- Survivor Benefits
- Medical (Medicare) Benefits

### **UNEMPLOYMENT INSURANCE (SUTA)**

- Weekly income protection provided by the State.

## **WORKER'S COMPENSATION INSURANCE**

These are benefits paid to you for injuries that occur while at work TOWN OF CHURCH POINT pays the premiums. Accidents must be reported immediately or the accident may not be considered as industrial, and benefits will not be paid.

If you get injured on the job you must report to the office at once to fill out a first report claim unless the injury requires immediate medical attention. We are required by law to send in this report right away.

# **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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## **GROUP INSURANCE**

All regular-full time employees who have successfully completed six months of continuous service is eligible to be covered with our Insurance Plan, which includes medical, surgical, major medical coverage. The Town pays 100% of the premium. Any additional coverage can also be obtained at the employee's expense. The Town may elect to terminate eligibility for group insurance coverage for any employee who has been absent from work for sixty (60) consecutive days for any reason, including an employee who is absent for sixty (60) consecutive days while receiving workers comp benefits.

## **GROUP INSURANCE CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under TOWN OF CHURCH POINT health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence; and employee's divorce or legal separation; and a dependent child no longer meets eligibility requirements.

## **SAFETY REGULATIONS**

Employee's safety on and off the job is vitally important to your family and to TOWN OF CHURCH POINT. TOWN OF CHURCH POINT provides you with training, tools, and equipment to do your job safely. Please use good judgment and common sense in matters of safety, and observe any safety rules posted in various areas.

TOWN OF CHURCH POINT takes the health and safety of its employees very serious. Your failure to follow TOWN OF CHURCH POINT safety guidelines will lead to disciplinary action up to and including discharge

The following general rules are written and enforced to help protect everyone in or on TOWN OF CHURCH POINT property. They may not cover every situation, but outline most of the precautions you should follow:

### **REMEMBER, IF YOU ARE NOT SURE, STOP - ASK AND BE SURE - BE SAFE**

1. Practical jokes, horseplay, running and fighting are forbidden.
2. All personnel shall wear protective equipment when required to work in

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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designated areas that requires such equipment.

3. Report to your supervisor any known dangerous practice, faulty equipment, machines, etc.
4. Observe speed and traffic regulations, on and off TOWN OF CHURCH POINT property. This pertains to ALL employees and visitors.
5. Never distract, interrupt or annoy another worker unnecessarily as it may cause an accident.
6. Material shall be stacked safely using proper procedures and never to exceed a safe height.

### **FIRE PREVENTION- - - 911**

1. Stacking or placing material or equipment in front of, against, or on top of fire extinguishers, fire doors, exits, electrical equipment, etc. is forbidden.
2. Keep aisle, exits, stairways, and etc. clear of obstructions.
3. Know the locations of fire exits, alarm boxes and the use and type of fire fighting equipment in your workspace.
4. In case of fire, notify the nearest supervisor.

### **EMERGENCIES - - - 911**

In most emergencies, common sense usually dictates the course of action to be taken in accident situations (especially those involving personal injury).

Inaccurate comments could cause a potential lawsuit. In any emergency, it is your duty to stick with the problem until it is solved or until you are relieved by competent personnel.

### **MEDICAL EMERGENCIES - - - 911**

1. Summon necessary medical assistance.

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2. Locate someone qualified to administer first aid if needed.
3. Wait for help to arrive.
4. Report injuries to management even though medical attention may not be required.

### EMERGENCY TELEPHONE NUMBERS

<b>AMBULANCE SERVICE – AMBULANCE</b>	<b>911</b>
<b>DOCTORS – CLINIC</b>	
<b>ELECTRICAL -</b>	
<b>EMERGENCY</b>	<b>911</b>
<b>FIRE</b>	<b>911</b>
<b>FIRE - ALL OTHER CALLS</b>	
<b>HOSPITAL</b>	
<b>LOUISIANA DEPARTMENT OF HEALTH</b>	
<b>LOUISIANA STATE HIGHWAY PATROL</b>	
<b>COUNTY SHERIFF – Emergency</b>	
<b>COUNTY SHERIFF –Other</b>	
<b>POISON CONTROL CENTER – CITY</b>	<b>911</b>
<b>POLICE – EMERGENCY</b>	<b>911</b>
<b>POLICE – OTHER CALLS</b>	
<b>TOXIC CHEMICAL AND OIL SPILLS</b>	<b>1-800-424-8802</b>

### ON-THE-JOB INJURIES



## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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An employee injured on the job during the performance of his/her regular duties and unable to return to work, (in the opinion of a doctor) will be paid through the time the employee leaves.

Other compensation is available through Worker's Compensation if said employee is still unable to return to work. You should contact the office if you are unable to return to work and they will review with you the compensation available to you and the procedures required to secure this compensation.

(Note: Employees are required to immediately notify their supervisor of any injuries. Supervisors are responsible for all written reports of injuries.)

### **IN CASE OF FIRE - 911**

1. Learn the appropriate evacuation routes and use these routes in case of a fire.
2. Warn all employees in the building and immediate surrounding area.
3. Assist in any way you can with calm orderly evacuation of the building.
4. Notify the Fire Department.
5. Do not panic - keep others calm.

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## **TRAFFIC ACCIDENTS**

It is the responsibility of all employees to report any accidents TOWN OF CHURCH POINT vehicles to their supervisor. The employee will be expected to provide written documentation concerning the accident to TOWN OF CHURCH POINT. The employee is responsible for obtaining a copy of the police report, insurance documents, and the other vehicle driver's license.

## **USE OF TOWN OF CHURCH POINT VEHICLES**

Violation of speed laws, failure to use seat belts or failure to comply with any traffic laws is not permitted and is subject to disciplinary action.

## **KEYS**

Any TOWN OF CHURCH POINT keys taken must be signed in and out by the Manager or Supervisor.

## **BUILDING SECURITY**

Any employee with access must log with their Supervisor or Manager any entry or exit of the building other than the normal open and close of business. Upon leaving it is the responsibility to lock the doors and front gate.

## **VISITORS**

Visitors are not allowed except at break period, lunch or in an emergency! Visitors are never permitted in the production areas.

## **SUBSTANCE ABUSE**

TOWN OF CHURCH POINT does not permit the manufacture, distribution, dispensing, possession, or use of a controlled substance in TOWN OF CHURCH POINT facilities, on TOWN OF CHURCH POINT grounds or in TOWN OF CHURCH POINT vehicles. No employee is permitted to use any alcoholic beverage while on duty or to report to work under the influence of alcohol. Any employee who violates this policy will be subject to immediate termination.

TOWN OF CHURCH POINT may require employees to take a supervised drug/alcohol-screening test when:

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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1. Actions of employee provide reasonable suspicion that employee is using illegal substance or alcohol.
2. When employee has been involved in a traffic accident while operating a TOWN OF CHURCH POINT vehicle.
3. When employee has been involved in a lost time accident while at work.
4. Employee applies for re-employment after completing approved drug rehabilitation or counseling program.
5. An employee arrested for possession of an illegal substance may be terminated.
6. TOWN OF CHURCH POINT as it deems necessary.

Failure of employee to take the drug test will result in the immediate termination of the employee.

Any employee who has a substance abuse problem is encouraged to immediately join an approved substance abuse program. Employees who voluntarily join a substance abuse program will be granted a leave of absence to take part in the program. The employee will be eligible for reinstatement following the successful completion of the program and verification that they are free of substance abuse.

TOWN OF CHURCH POINT reserves the right to implement a random drug screening of all employees at any time.

# TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL

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## DRUG AND ALCOHOL POLICY

The Town of Church Point is committed to maintaining a safe, productive and efficient workplace. The Town of Church Point is further determined to maintain a workplace free of unauthorized drug and alcohol usage. In order to achieve this objective, the Town of Church Point has adopted a drug and alcohol policy in accordance with applicable state laws. The Town of Church Point requires the full compliance with this policy by all employees and job applicants at all work sites maintained by the Town of Church Point and at all times when employees are on duty as Town of Church Point employees.

***The use, possession, distribution or sale of unauthorized/illegal drugs and/or alcohol by anyone while on Town of Church Point premises, at a Town of Church Point work site, or while engaged in Town of Church Point business is prohibited. A person reporting for work in the service of the Town of Church Point with unauthorized/illegal drugs and/or alcohol in his/her body is in violation of this policy. Reporting to work under the influence of alcohol by any person is prohibited. Operation of any Town of Church Point vehicle or equipment while under the influence of prohibited drugs or alcohol is prohibited.***

Any person seeking employment with the Town of Church Point may be required to submit a laboratory drug screening as part of the employment qualification process.

Additionally, the Town of Church Point will require immediate laboratory drug and/or alcohol screening/testing after any work-related accident or incident.

Further, the Town of Church Point reserves the right to call for employee drug and/or alcohol screening/testing upon circumstances which result in reasonable suspicion that drugs and/or alcohol are being used in violation of Town of Church Point policy.

Finally, the Town of Church Point reserves the right to implement a random drug and/or alcohol testing program for all employees involved in safety-sensitive or security-sensitive positions including, but not limited to those employees whose principal responsibility is to operate public vehicles, maintain public vehicles, or supervise any public employee who drives or maintains public vehicles in order to ensure that the Town of Church Point remains a safe and drug-free workplace in compliance with provisions of LSA R.S. 49:1015.

Disciplinary measures will be taken against any person found to be in violation of the Town's drug and alcohol policy. Violation of the policy, including a refusal to submit to a required testing, may result in immediate termination as per ordinance.

### EMPLOYEE / APPLICANT CONSENT AND RELEASE FORM

I, \_\_\_\_\_, hereby certify that I have received and read a copy of the published drug and alcohol policy of Town of Church Point. I understand the basic policies contained in the document, and I will voluntarily submit to drug and/or alcohol testing if requested to do so by my employer in furtherance of the Town of Church Point's commitment to maintaining a drug-free workplace. I understand that refusal to submit to a requested drug and/or alcohol test will be considered to be a violation of the above-described policy and may result in immediate termination.

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Employee's Signature

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Date of Signature

IT IS YOUR RESPONSIBILITY TO TELL THE LAB TECHNICIAN ALL OF THE MEDICATIONS THAT YOU HAVE BEEN TAKING FOR THE PAST SIXTY (60) DAYS. YOU MUST DO THIS AT THE TIME THAT THE SPECIMEN IS GIVEN AND NOT AFTERWARDS. DO NOT OMIT ANY MEDICATIONS THAT YOU HAVE TAKEN AS THEY COULD RESULT IN A POSITIVE DRUG SCREEN. YOU MAY ALSO BE ASKED TO PRODUCE PRESCRIPTIONS OR THE NAME OF PRESCRIBING PHYSICIAN AT A LATER DATE.

# TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL

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*The following is Section 2-14 through 2-31 of the Town of Church Point Code of Ordinances:*

## ARTICLE II. OFFICERS AND EMPLOYEES

### DIVISION 1. GENERALLY\*

#### Sec. 2-14. Drug testing.

(a) The mayor and city council declares in the interest of the Town in ensuring that those who are elected to serve in public office are persons who have a respect for the laws they are to uphold and are persons of integrity, sound judgment, reliability, communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in a proceeding, hearing or civil litigation for a violation of this section.

(2) The results of a positive initial test shall only be disclosed to the tested official or employee, but may be disclosed to the council should the confirmatory test also indicate the presence of illegal drugs.

(e) No elected official or town employee shall test positive for illegal drugs nor refuse to submit to a drug test when requested to do so by the mayor pursuant to the provision of this section. A violation of this section shall subject the elected official or town employee to the penalties provided by this chapter. However, the mayor shall not impose any penalty on an elected official or town employee for testing positive for illegal drugs unless he has tested positive for illegal drugs on two (2) separate occasions. For the purpose of this subsection, a positive initial test and the confirmatory test of such positive initial test shall be considered one occasion.

(f) Any person applying for employment with the town shall be asked to submit to a drug test before any consideration is given to his or her application for employment. (Ord. of 2-2-99)

#### Sec. 2-14.1. Penalties for drug use.

(a) Any elected official who tests positive for illegal drug use after a confirmatory drug test shall submit to another drug test within six (6) months of initial positive test. If at that time such official is found to test positive for illegal drug use again he/she will be asked to resign his/her position.

(b) Any town employee who test positive for illegal drug use after a confirmatory drug test shall submit to another drug test within six (6) months of initial positive test. If at that time they are found to test positive for illegal drug use again they will be immediately

## TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL

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dismissed.

(b) If it shall prove necessary for employees to work beyond the hours established for the standard work day, the mayor or authorized department head may authorize overtime work.

(c) A workday shall be defined, for full-time employees, by the number of hours a department is required to fulfill a shift. An employee of the police department will be required to work a twelve-hour shift. Employees of all other departments will be required to fulfill an eight-hour shift. Annual leave, holidays and sick leave will be based on the hours required to fulfill a workday.  
(Ord. of 1-6-86; Ord. of 1-4-2000)

### Sec. 2-17 Vacation and holidays.

(a) The following holidays shall be observed by all town employees:

(1) New Year's Day.

(2) Good Friday.

(3) Memorial Day.

(4) July Fourth.

(5) Labor Day.

(6) Thanksgiving Day

(7) Day after Thanksgiving Day.

(8) Christmas Day.

(9) Each employee's birthday shall be a holiday for that employee.

(10) All employees must report to work the day before and the day after paid holidays to be able to collect for paid holidays unless the day before or the day after said holiday is scheduled as a vacation day. The same shall hold true for employee's birthday.

(a) If any holiday falls on a Saturday, the employee will be allowed to take Friday off.

(b) If any holiday falls on a Sunday, the employee will be allowed to take Monday off.

(c) Town employees, shall be granted sick leave according to the following schedule:

(1) One (1) to five (5) years' service, seven (7) working days; (2) Six (6) to ten (10) years' service, ten (10) working days.

(d) Hospital confinement shall not be counted against sick leave.

(e) Any day after the 3rd sick leave day shall require a doctor's excuse to be paid for any additional sick leave pay.

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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(19 Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave.

(g) Sick leave shall not be granted for material leave purposes. Maternity leave without pay may be granted at the discretion of the mayor.

(h) Sick leave can be accumulated for two (2) years; if not used during such two-year period, one (1) year's leave will be lost.  
(Ord. of 1-6-86; Ord. of 2-2-99)

### Sec. 2-19. Civil leave.

A municipal employee called for jury duty or as a witness for the federal or state governments or a subdivision thereof shall be entitled to leave with pay for such duty during the required absence. Municipal employees may keep all fees received from jury duty in addition to regular compensation. Law enforcement officers may not receive or keep any witness fees for appearing in mayor's court in connection with their official duties.  
(Ord. of 1-6-86)

### Sec. 2-20. 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 board. Conflicting outside employment shall be grounds for dismissal.  
(Ord. of 1-6-86)

### Sec. 2-21. Gifts and favors.

No official or employee shall accept any valuable gift, whether in a 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.  
(Ord. of 1-6-86)

### Sec. 2-22. Compensation.

Wages and salaries of town employees shall be as established by the mayor and board of aldermen from time to time.

### Sec. 2-23. Full-time employees to be officially employed prior to commencement of work.

# TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL

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All full-time employees of the town shall be officially employed by the mayor and board of aldermen before going to work for the town.

## Sec. 2-29. Withholdings authorized.

Withholdings from salaries and wages of town officers and employees for the purpose provided in section 2-27 are hereby authorized to be made in the amounts and at such 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 such amounts and at such times as are designated by state laws and regulations of such agency.  
(Ord. of 12-7-65, § 3)

## Sec. 2-30. Employer 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 such agency.  
(Ord. of 12-7-65, § 4)

## Sec. 2-31. Records and reports required.

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

*The Following is **LOUISIANA TITLE 42. PUBLIC OFFICERS AND EMPLOYEES CODE OF GOVERNMENTAL ETHICS** that governs all Municipal Employees it is your responsibility to be in compliance at all times:*

### **PART I. GENERAL PROVISIONS**

#### **§1101. Declaration of policy**

A. Whereas the people of the state of Louisiana have in Article X, Section 21 of the Louisiana Constitution mandated that the legislature enact a code of ethics for officials and employees of this state and its political subdivisions, the legislature does hereby enact a Code of Governmental Ethics.

B. It is essential to the proper operation of democratic government that elected officials and public employees be independent and impartial; that governmental decisions and policy be made in the proper channel of the governmental structure; that public office and employment not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one



## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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or more of these ends is impaired when a conflict exists between the private interests of an elected official or a public employee and his duties as such. The public interest, therefore, requires that the law protect against such conflicts of interest and that it establish appropriate ethical standards with respect to the conduct of elected officials and public employees without creating unnecessary barriers to public service. It is the purpose of this Chapter to implement these policies and objectives.

### **§1102. Definitions**

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

(1) "Action of a governmental entity" means any action on the part of a governmental entity or agency thereof including, but not limited to:

(a) Any decision, determination, finding, ruling, or order, including the judgment or verdict of a court or a quasi-judicial board, in which the governmental entity or any of its agencies has an interest, except in such matters involving criminal prosecutions.

(b) Any grant, payment, award, license, contract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act with respect thereto; and in which the governmental entity or any of its agencies has an interest, except in matters involving criminal prosecutions.

(c) As the term relates to a public servant of the state, any disposition of any matter by the legislature or any committee thereof; and as the term relates to a public servant of a political subdivision, any disposition of any matter by the governing authority or any committee thereof.

(2)(a) "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:

(i) For public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities; except that in the case of the secretary, deputy secretary, or undersecretary of any such department and officials carrying out the responsibilities of such department officers it shall mean the department in which he serves; and except that in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it shall mean the board or commission.

(ii) For the governor and lieutenant governor, it shall mean the executive branch of state government.

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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(iii) For public servants in the office of the governor or the lieutenant governor it shall mean their respective offices.

(iv) For public servants in the legislative branch of state government, it shall mean the agency or house of the legislature by which a public employee is employed and the legislative branch in the case of legislators.

(v) For public employees, except judges, of the supreme court, courts of appeal, district courts, and other courts authorized by Article V of the Constitution of 1974, it shall mean the court in which the public employee serves and any other court in which decisions of that court may be reviewed.

(vi) For public servants of political subdivisions, it shall mean the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. Public servants of political subdivisions shall include, but shall not be limited to, elected officials and public employees of municipalities, parishes, and other political subdivisions; sheriffs and their employees; district attorneys and their employees; coroners and their employees; and clerks of court and their employees.

(b) The board may adopt rules and regulations to provide for the application of this definition.

(3) "Agency head" means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

(4) "Assist" means to act in such a way as to help, advise, furnish information to, or aid a person with the intent to assist such person.

(5) "Board" means the Board of Ethics.

(6) *Repealed by Acts 1996, 1st Ex. Sess., No. 64, §10, eff. Jan. 1, 1997.*

(7) "Compensation" means any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services to any person.

(8) "Controlling interest" means any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

(9) "Elected official" means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate. It shall also include any person appointed to fill a vacancy in such offices.

(10) "Ethics body" means the Board of Ethics.

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(11) "Governing authority" means the body which exercises the legislative functions of a political subdivision.

(12) "Governmental entity" means the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(13) "Immediate family" as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

(14) "Legislator" means any person holding office in the Senate or the House of Representatives of the Louisiana Legislature which is filled by the vote of the appropriate electorate.

(15) "Participate" means to take part in or to have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

(16) "Person" means an individual or legal entity other than a governmental entity, or an agency thereof.

(17) "Political subdivision" means any unit of local government, including a special district, authorized by law to perform governmental functions.

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

(a) An administrative officer or official of a governmental entity who is not filling an elective office.

(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 governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.

(c) Engaged in the performance of a governmental function.

(d) Under the supervision or authority of an elected official or another employee of the governmental entity.

A public employee shall be in such status on days on which he performs no services as well as days on which he performs services. The termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced.

(19) "Public servant" means a public employee or an elected official.

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(19.1) "Regulatory employee" means a public employee who performs the function of regulating, monitoring, or enforcing regulations of any agency.

(20) "Responsibility" in connection with a transaction involving a governmental entity means the direct administration or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through or with others or subordinates, to effectively direct action of the governmental entity, as the case may be, in respect to such transaction.

(20.1) "Service" means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

(21) "Substantial economic interest" means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except:

(a) The interest that the public servant has in his position, office, rank, salary, per diem, or other matter arising solely from his public employment or office.

(b) The interest that a person has as a member of the general public.

(22)(a) "Thing of economic value" means money or any other thing having economic value, except promotional items having no substantial resale value; food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person, and, with reference to legislators and employees in the legislative branch of state government only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto, and includes but is not limited to:

(i) Any loan, except a bona fide loan made by a duly licensed lending institution at the normal rate of interest, any property interest, interest in a contract, merchandise, service, and any employment or other arrangement involving a right to compensation.

(ii) Any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option.

(iii) Any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

(b) In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, regardless of the conditions to its exercise, and the time when the promise or undertaking is made, regardless of the conditions to its performance.

(c) Things of economic value shall not include salary and related benefits of the public employee due to his public employment or salary and other emoluments of the office held by the elected official. Salary and related benefits of public employees of higher

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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education institutions, boards, or systems shall include any supplementary compensation, use of property, or other benefits provided to such employees from funds or property accruing to the benefit of the institution, board, or system, as approved by the appropriate policy or management board, from an alumni organization recognized by the management board of a college or university within the state or from a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner.

(d)(i) With reference to legislators and employees in the legislative branch of state government only, and for purposes of this Section, "reasonable transportation", when organized primarily for educational or for informational purposes, including on-site inspections, shall include transportation to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana. With reference to employees in the legislative branch of state government, such transportation shall only be for official legislative purposes and shall have prior approval from the presiding officer of the respective house wherein such legislative employee is employed.

(ii) With references to legislators only, "reasonable transportation", when organized primarily for entertainment purposes incidental to food, drink, or refreshments, shall include transportation to any point within this state that is within a fifty-mile radius of the perimeter of the legislator's district, or within a fifty-mile radius of the perimeter of the parish wherein the state capitol is located if the legislator is conducting official business in said parish.

(23) "Transaction involving the governmental entity" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know:

(a) Is, or will be, the subject of action by the governmental entity.

(b) Is one to which the governmental entity is or will be a party.

(c) Is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency.

### **PART II. ETHICAL STANDARDS FOR PUBLIC SERVANTS**

#### **§1111. Payment from nonpublic sources**

A.(1) Payments for services to the governmental entity. No public servant shall receive anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position; however, supplementary compensation or

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benefits provided to an employee of a public higher education institution, board, or system from funds or property accruing to the benefit of the institution, board, or system as approved by the appropriate policy or management board, through an alumni organization recognized by the management board of a college or university within the state or through a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner shall be deemed for purposes of this Subsection as compensation and benefits from the government to which he is duly entitled.

(2) Any supplementary compensation or benefits provided to the commissioner of higher education or to an employee of the Board of Regents from funds or property accruing to the benefit of the board as approved by appropriate policy through a foundation organized to support higher education, including the Board of Regents, the charter of which specifically provides that the purpose of the foundation is to aid higher education in a philanthropic manner shall be deemed for purposes of this Subsection as compensation and benefits from the government to which he is duly entitled.

(3) Any supplementary compensation or benefits provided to a member of the faculty, administration, or staff of the New Orleans Center for Creative Arts/Riverfront from funds or property accruing to the benefit of the center pursuant to the approval of the board of directors for use as provided in R.S. 17:1970.27 through a foundation organized to support the center which is chartered specifically to provide aid to the center in a philanthropic manner shall be deemed for purposes of this Subsection as a supplement to his compensation to which he is duly entitled. Such a supplement shall not, however, be considered as regular compensation from his governmental employer nor shall it form any basis for governmentally supported benefits.

B. Finder's fees. No public servant shall receive any thing of economic value from a person to whom the public servant has directed business of the governmental entity.

C. Payments for nonpublic service.

(1) No public servant shall receive any thing of economic value for any service, the subject matter of which:

(a) Is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated; or

(b) Draws substantially upon official data or ideas which have not become part of the body of public information.

(2) No public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are:

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(a) Bona fide and actually performed by the public servant or by the entity;

(b) Not within the course of his official duties;

(c) Not prohibited by R.S. 42:1112 or by applicable laws or regulations governing nonpublic employment for such public servant; and

(d) Neither performed for nor compensated by any person from whom such public servant would be prohibited by R.S. 42:1115(A)(1) or (B) from receiving a gift.

(3)(a) Notwithstanding any other provision of the law to the contrary, and specifically the provisions of this Section, an employee of the office of the clerk of court may research public records, prepare chains of title, or perform any other title abstract related work, for compensation from nonpublic sources, with the approval of the clerk of court, provided such services are not performed during the employee's assigned working hours, and does not interfere with the performance of his assigned duties.

(b) No clerk of court shall receive any compensation or any portion of compensation received by any employee from nonpublic sources for the performance of any services related to the preparation of chains of title or any other title abstract related work approved by the clerk of court to be done by an employee during his nonworking hours.

(c) A willful violation of this Paragraph shall subject the clerk of court to a conviction of a misdemeanor and a fine of not less than five hundred dollars nor more than two thousand dollars.

(d) The clerk of court of each parish in conjunction with the parish governing authority shall promulgate rules and regulations for the use of its facilities, records, and equipment by all abstractors, including deputy clerks, regarding availability, costs, and procedures.

D. Payments for future services. No public servant shall receive, directly or indirectly, any thing of economic value during the term of his public service in consideration of personal services to be rendered to or for any person subsequent to the term of such public service; however, a public servant may enter into a contract for prospective employment during the term of his public service unless otherwise prohibited by R.S. 42:1116.

E. Payments for rendering assistance to certain persons.

(1) No public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

(2)(a) No elected official of a governmental entity shall receive or agree to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies,

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unless he shall file a sworn written statement with the board prior to or at least ten days after initial assistance is rendered.

(b) The contents of the sworn written statement required by this Subsection shall be prescribed by the board and such statement shall be a public record.

(c) The board shall review all sworn statements filed in accordance with this Subsection. If the board determines that any such sworn statement is deficient or may suggest a possible violation of this Part, it shall, within ten days of the receipt of such statement, notify the elected official filing the statement of its findings. Such notification shall be deemed confidential and privileged and shall only be made public in connection with a public hearing by the board for an alleged violation of this Part where such would be relevant to the alleged violation for which the elected official is being investigated.

### **§1112. Participation in certain transactions involving the governmental entity**

A. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

B. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any of the following persons has a substantial economic interest:

(1) Any member of his immediate family.

(2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know.

(3) Any person of which he is an officer, director, trustee, partner, or employee.

(4) Any person with whom he is negotiating or has an arrangement concerning prospective employment.

(5) Any person who is a party to an existing contract with such public servant, or with any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.

C. Every public employee, excluding an appointed member of any board or commission, shall disqualify himself from participating in a transaction involving the governmental entity when a violation of this Part would result. The procedures for such disqualification shall be established by regulations issued pursuant to R.S. 42:1134(1).



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D. No appointed member of any board or commission, except as provided in R.S. 42:1120.1 and R.S. 42:1120.2, shall participate or be interested in any transaction involving the agency when a violation of this Part would result.

### **§1113. Prohibited contractual arrangements**

A. No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

B. Other than a legislator, no appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

C. No legislator, member of his immediate family, or legal entity in which he has a controlling interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction involving the legislator's agency.

D.(1)(a) No legislator or person who has been certified by the secretary of state as elected to the legislature, or spouse of a legislator or person who has been certified as elected to the legislature, nor any corporation, partnership, or other legal entity in which the legislator or person who has been certified by the secretary of state as elected to the legislature or the spouse of a legislator or spouse of a person who has been certified by the secretary of state as elected to the legislature owns any interest in, except publicly traded corporations, shall enter into any contract or subcontract with any branch, agency, department, or institution of state government or with the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other quasi public entity created in law 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 or any similar competitive selection process in accordance with Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(b)(i) For the purposes of this Section, a provider agreement entered into with the Department of Health and Hospitals under the state medical assistance program shall not be considered a contract or subcontract.

(ii) For the purposes of this Section, a foster parent provider agreement or a child care provider agreement entered into with the Department of Social Services shall not be considered a contract or subcontract.

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(2) The provisions of this Subsection shall not prohibit the following:

(a) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to initial election to the legislature; however, no such contract or subcontract shall be renewed.

(b) Completion of any contract or subcontract otherwise prohibited by this Subsection which was entered into prior to July 1, 1995; however, no such contract or subcontract shall be renewed.

(c) Contracts for employment in a professional educational capacity in an elementary or secondary school or other educational institution.

(d) Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(e) Contracts of employment of a physician with the state or the charity hospitals of the state.

(f) Donation of professional veterinary services or the donation of any goods and services related to the provision of such veterinary services.

### **§1114. Financial disclosure**

A. Other than a legislator, each public servant and each member of his immediate family who derives any thing of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant, or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency of such public servant shall disclose the following:

(1) The amount of income or value of any thing of economic value derived;

(2) The nature of the business activity;

(3) Name and address, and relationship to the public servant, if applicable; and

(4) The name and business address of the legal entity, if applicable.

B. Each legislator and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the legislator's agency or who derives anything of economic value of which he may be reasonably expected to know through a person which has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction involving the legislator's agency shall disclose the following:

(1) The amount of income or value of anything of economic value derived;

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(2) The nature of the business activity;

(3) The name and address, and relationship to the legislator, if applicable; and

(4) The name and business address of the legal entity, if applicable.

C.(1) Other than a legislator, each elected official, his spouse, and any business enterprise in which he has a substantial economic interest, who derives anything of economic value through a contract or other subcontract from the state or any political subdivision shall disclose the following:

(a) The amount of income or value of anything of economic value derived;

(b) The nature of the business activity;

(c) The name and address, and relationship to the elected official, if applicable; and

(d) The name and business address of the political subdivision, if applicable.

(2) For the purposes of this Subsection, a "business enterprise", shall be included in the disclosure statement only if the elected official and/or his spouse owns at least ten percent of such enterprise.

*D. Repealed by Acts 1999, No. 2, §3, April 22, 1999.*

E. The disclosure statements required in this Section shall be filed each year with the appropriate ethics body by May first and shall include such information for the previous calendar year. Such statements shall be a matter of public record.

### **§1114.1. Financial disclosure; legislators**

A. Each member of the legislature shall file a report with the clerical officer of the house to which he belongs, by July first of each year of his or her term of office, showing the following:

(1) Any and all income exceeding two hundred fifty dollars received during the immediately preceding calendar year by such member, the spouse of such member, or any business enterprise in which such member and/or his spouse owns at least ten percent, which is received from any of the following:

(a) The state or any political subdivision as defined in Article VI of the Constitution of Louisiana.

(b) Services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2(L)(3)(a).

(2) A certification that such member has filed his or her federal and state income tax return, or has filed for an extension of time for filing such tax return.

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(3) Notwithstanding the provisions of this Subsection, any legislator who receives Medicaid funds may indicate on his financial disclosure report that information relative to ownership, financial interest and income derived there from, may be accessed through files on record with the Department of Health and Hospitals, Bureau of Health Standards.

B.(1) For purposes of this Section, "income" includes:

(a) Any remuneration received under any verbal or written contract of employment.

(b) Fees received for professional services, less expenses paid to third parties.

(c) With respect to the sale or lease of immovable property, merchandise, or equipment, the net income, prior to taxation, received from the sale or lease of such immovable property, merchandise, or equipment.

(2) For purposes of this Section, "income" shall not include remuneration from the legislature, salary from the full-time employment of the member's spouse, salary of the member's spouse when such spouse is an elected official, and benefits from a statewide public retirement system, and such amounts need not be reported.

C. The secretary of the Senate and the clerk of the House of Representatives jointly shall prescribe the form for filing of reports by members of the legislature, as required by this Section. On or before June first of each year, the secretary shall notify each member of the Senate and the clerk shall notify each member of the House of Representatives that the report is due on July first. On or before July fifteenth, the secretary of the Senate and the clerk of the House of Representatives shall transmit to the Board of Ethics copies of all disclosure reports filed with them, respectively, and shall notify the Board of Ethics in writing of any members who have not filed such reports. Reports transmitted by the secretary of the Senate and the clerk of the House of Representatives shall be deemed to have been filed with the Board of Ethics by the member, as of the date of filing with such clerical officer.

D. Failure to file a report, failure to timely file a report, failure to disclose required information, or filing a false report shall subject a member to penalties as provided by this Chapter, and also shall constitute contempt of the house to which the member belongs.

### **§1114.2. Financial disclosure; retirement systems**

A. Each person who has or is seeking to obtain contractual or other business or financial relationships with a state or statewide public retirement system shall file with the Board of Ethics, in the manner provided in this Section, a report of all expenditures for a retirement official or retirement officials.

B. A report shall be filed semiannually as follows:

(1) By August fifteenth for the period from January first through June thirtieth.

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(2) By February fifteenth for the period from July first through December thirty-first.

C. The report shall be filed on forms prescribed by the board, shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report.

D. Each report shall include, in the manner prescribed by the Board of Ethics, the following:

(1) The total of all expenditures per retirement system made during each reporting period, which shall include all expenditures for retirement officials associated with that system whether such expenditures are attributable to an individual retirement official or not.

(2) The aggregate total of expenditures attributable to an individual retirement official as provided in Subsection E of this Section during each reporting period, including the name of the retirement official.

(3) The aggregate total of expenditures per retirement system for all reporting periods during the same calendar year, which shall include all expenditures for retirement officials associated with that system whether such expenditures are attributable to an individual retirement official or not.

(4) The aggregate total of all expenditures attributable to an individual retirement official as provided in Subsection E of this Section for all reporting periods during the same calendar year, including the name of the retirement official.

E. When the aggregate expenditure for any one retirement official exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one retirement official exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the retirement official during the reporting period shall be attributable to the individual retirement official.

(1) For the purposes of this Section "retirement official" shall mean a member of a board of trustees of a state or a statewide public retirement system, a public employee of such a system, or an employee of the Department of the Treasury whose function is to assist any such system or systems.

(2) For the purposes of this Section "expenditure" shall mean a purchase, payment, donation, advance, deposit, or gift or payment of money or anything of economic value or the purchase, donation, or gift of promotional items, food, drink, or refreshment, transportation, and entertainment for a retirement official.

F.(1) The chairman of the board of trustees of each state or statewide public retirement system shall provide notice to every person associated with his system whom such chairman knows or reasonably should know is required to file a report pursuant to this Section. The chairman shall forward a copy of each such notification to the Board of Ethics no later than fifteen days after the original notification was sent. The failure of a

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chairman to give notice as required by the provisions of this Subsection shall not relieve any person from the reporting requirements of this Section or any penalties as provided in this Section.

(2) The contents of the notice required to be given pursuant to this Subsection shall be prescribed by the Board of Ethics.

G.(1) Failure to file a report, failure to timely file a report, failure to disclose required information, or filing a false report shall subject a person required to file to penalties as provided by this Chapter.

(2) Whoever fails to file a report required by this Section, or knowingly and willfully fails to timely file any such report, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Section shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such report or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

H. Notwithstanding any other provision of this Section to the contrary, if a person makes expenditures as defined in this Section of less than five hundred dollars in a calendar year, such person shall not be required to file a report pursuant to this Section.

### **§1115. Gifts**

A. No public servant shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person:

(1) Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency, or

(2) Is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

B. No public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public employee knows or reasonably should know that such person:

(1) Conducts operations or activities which are regulated by the public employee's agency.

(2) Has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

### **§1116. Abuse of office**

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A. No public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with any thing of economic value. This Subsection shall not be construed to limit that authority authorized by law, statute, ordinance, or legislative rule in carrying out official duties.

B. No public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to engage in political activity. For the purposes of this Subsection, "political activity" means an effort to support or oppose the election of a candidate for political office in an election. This Subsection shall not be construed to limit that authority authorized by law, statute, ordinance, or legislative rule in carrying out official duties.

C. No regulatory employee shall participate in any way in the sale of goods or services to a person regulated by his public agency, or to any officer, director, agent, or employee of such person, if a member of the immediate family of the regulatory employee, or any business enterprise in which such regulatory employee or member of his immediate family owns at least twenty-five percent, receives or will receive a thing of economic value by virtue of the sale.

**§1116.1.** *Repealed by Acts 2003, No. 1292, §1.*

**NOTE:** *Statute requiring elected officials to submit to random drug testing violated search and seizure clause and therefore is unconstitutional; no special need which would justify departure from Fourth Amendment's requirement of individualized suspicion for search. O'Neill v. La., E.D. La. 1998, 61 F.Supp.2d 485, affirmed 197 F.3d 1169, cert. denied 120 S.Ct. 2740, 530 U.S. 1274, 147 L.Ed.2d 1005.*

### **§1117. Illegal payments**

No public servant or other person shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of this Part.

### **§1118. Influencing action by legislature or governing authority**

No public servant shall solicit or receive any thing of economic value, directly or indirectly, for, or to be used by him or a member of his immediate family principally to aid in, (1) the accomplishment of the passage or defeat of any matter affecting his agency by the legislature, if his agency is a state agency, or by the governing authority, if his agency is an agency of a political subdivision, or (2) the influencing, directly or indirectly, of the passage or defeat of any matter affecting his agency by the legislature, if his agency is a state agency, or by the governing authority, if his agency is an agency of a political subdivision.

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## **§1118.1. Studies or position papers on public policy**

A. If not otherwise prohibited by the code of ethics, any public employee of the executive, judicial, or legislative branch of state government or any local governmental subdivision who contracts with a person or governmental entity to provide political position papers, economic studies, or policy statements relative to public policy concerning any rule, regulation, or legislation proposed, passed, or adopted by the state or any of its political subdivisions, or any entity receiving public funds, shall disclose the name and address of the person or governmental entity engaging his services, the amount of the contract, and the nature of the business or relationship.

B. The disclosure statements required by this Section shall be filed with the appropriate ethics body for public employees prior to the publication, dissemination, or public release of such paper, study, or statement.

## **§1119. Nepotism**

A. No member of the immediate family of an agency head shall be employed in his agency.

B.(1) No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

(2) Notwithstanding the provisions of Paragraph (B)(1):

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching location of such employee.

(ii) In addition, within thirty days after the beginning of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.

(iii) Any local school board with a student enrollment population of four thousand nine hundred fifty or less may employ any member of the immediate family of any board member as a school electrician provided that such family member has at least twenty years of experience as an electrician. Any school board member whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such electrician.

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent federal decennial census may



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employ any member of the immediate family of any board member or of the superintendent as a school guidance counselor provided that such family member is certified as a guidance counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

(b)(i) Any hospital service district with a population of one hundred thousand persons or less as of the most recent federal decennial census or hospital public trust authority located in such a district may employ as a health care provider a licensed physician, a registered nurse, or an allied health professional who is a member of the immediate family of any district board, authority, or parish governing authority member or of the chief executive of the district or authority, provided that such family member is the only qualified applicant who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish where the hospital is located. The chief executive and any member of a board of a hospital service district or hospital public trust authority which employs such physician, registered nurse, or allied health professional shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of any such employee who is a member of his immediate family.

(ii) In addition, no later than January thirtieth of each year, any chief executive and any member of a board of a hospital service district or hospital public trust authority whose immediate family member is employed by the hospital service district or hospital public trust authority shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.

C.(1) Any person serving in public employment on the effective date of this Section, whose employment is in violation of this Section, may continue in such employment and the provisions of this Section shall not be construed to hinder, alter, or in any way affect normal promotional advancements in public employment for such employee.

(2) The provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

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(3) The provisions of the Section shall not apply to pilots appointed by the governor pursuant to R.S. 34:943, 34:992, 34:1043, and 34:1072.

(4) The provisions of this Section shall not apply to the hiring of immediate family members of members of a governing authority of a municipality with less than two thousand population and which owns an electrical or gas distribution system. Any member of the governing authority which employs an immediate family member shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of work of his immediate family member. However, the provisions of this Paragraph shall only apply when, after proper advertisement, there is no other resident of the municipality who is qualified and has applied for the position of employment.

(5) The provisions of this Section shall not be construed to prohibit the reemployment of a retiree whose employment was allowed under the provisions of this Section on the date of his retirement. Any such reemployment shall be in compliance with all other applicable laws.

(6) The provisions of this Section shall not apply to the employment of a volunteer firefighter or to any decision regarding the employment of a volunteer firefighter by an agency head, a chief executive of a governmental entity, or a member of a governing authority. For purposes of this Paragraph, "volunteer firefighter" shall mean a member of a volunteer fire department who participates in fire and rescue functions and who receives no remuneration for his services, and "decision regarding employment" shall include any decision involving the employment, promotion, discipline, discharge, or assignment of the firefighter.

D. A willful violation of this Section shall subject the agency head, member of the governing authority, or chief executive, as the case may be, the public employee having authority to hire and fire the employee, the immediate supervisor of the employee, and such employee, to disciplinary action and penalties provided by this Chapter.

### **§1120. Recusal from voting**

A. If any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. Notwithstanding the foregoing, an elected official shall not be required to recuse himself if he prepares and files the statement required by this Section as provided herein. In such case, the elected official shall prepare in writing a statement describing the matter in question, the nature of the conflict or potential conflict, and the reasons why, despite the conflict, the elected official is able to cast a vote that is fair, objective, and in the public interest. Such statement shall be filed within three days of the vote with the chief clerical officer of the respective house of the legislature, of the legislative committee, of the governing authority, or of any other body in which the vote is taken, as the case may be, who shall cause the statement to be recorded in the official journal, minutes, or other official record of the body. In addition, the elected official shall be required to file a copy of such statement as it appears in such

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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published or recorded official journal, minutes, or record, with the appropriate ethics body.

B. This Section shall not be applicable when the elected official is the sole decisionmaker in the discharge of the particular duty or responsibility of his office or position.

C. This Section shall not extend to any act of participation other than voting.

### **§1120.1. Recusal from voting; Board of Commissioners of the Port of New Orleans**

If any member of the Board of Commissioners of the Port of New Orleans, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112 or 1113(B), he shall recuse himself from voting.

### **§1120.2. Recusal from voting; Housing Authority Members**

If a tenant of a housing authority who also serves as a member of the board of commissioners of that housing authority, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting.

### **§1121. Assistance to certain persons after termination of public service**

A.(1) No former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

(2) No former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission.

B. General rule for other public employees. 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 governmental entity by which he was formerly employed, 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

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former public employee had rendered to the agency during the term of his public employment.

C. No legal entity in which a former public servant 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 servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

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. Termination of public service. 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.

F.(1) Each officer and employee of the office of financial institutions, including the commissioner, shall be prohibited for a period of two years following the termination of his employment with the office of financial institutions from:

(a) Assisting another person for compensation in a particular transaction or in an appearance in connection with a particular transaction for which the officer or employee had responsibility to effectively direct the action of the office of financial institutions at any time during his employment and which involves the office of financial institutions; or

(b) Rendering on a contractual basis to or for the office of financial institutions any service which the officer or employee rendered to the office of financial institutions during his employment there.

(2) However, the provisions of Paragraph (1) of this Subsection shall not apply to post-employment work done for or with a federally chartered agency regulating financial institutions or their holding companies.

(3) A legal entity in which a former officer or employee of the office of financial institutions is an officer, director, trustee, partner, or employee shall be prohibited for a period of two years following the termination of his employment, from assisting another person for compensation in a particular transaction or in an appearance in connection with a particular transaction for which such officer or employee had responsibility to effectively direct the action of the office of financial institutions at any time during his employment and which involves the office of financial institutions. This restriction shall not apply to a legal entity which is a federally chartered agency regulating financial institutions or their holding companies. Subject to the provisions of Paragraphs (1), (2), and (4) of this

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Subsection, such a legal entity may continue to participate in particular transactions commenced prior to termination of the employment with the office of financial institutions of the former officer or employee.

(4) No former officer or employee shall share in any compensation received by another person for assistance which such former officer or employee is prohibited from rendering by this Subsection.

(5) Notwithstanding any other law to the contrary, this Subsection shall be applicable to each officer and employee of the office of financial institutions and shall be the sole controlling provision on post-employment restrictions for such officers and employees.

G. Nothing in this Section shall prohibit a former member of a municipal governing authority from being appointed to fill a vacancy in the office of mayor regardless of the amount of time that has elapsed since the termination of the former member's service as a member of the municipal governing authority.

### **§1122. Continuation in certain pension and other plans by public servants**

A. 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.

B. 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.

### **§1123. Exceptions**

This Part shall not preclude:

(1) Participation in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations, bona fide organized public volunteer fire departments when no compensation is received, or the activities of political parties not proscribed by law. Provided, however, that the Code of Governmental Ethics shall apply to the purchase of fire trucks by bona fide organized public fire departments.

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

(b) Awards of anything of economic value received by teachers, principals, or school employees pursuant to the provisions of R.S. 17:432, 432.1, 433, or 433.1 for their

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outstanding achievement in the performance of their duties or responsibilities as teachers, principals, or school employees given by any person. However, this exception shall not apply to any award from any person or from any officer, director, agent, or employee of such person, if the teacher, principal, or school employee receiving the award knows or reasonably should know that the person has substantial economic interests which may be substantially affected by the performance or nonperformance of the teacher's, principal's, or school employee's official duty.

(3) Sharing in any compensation received from the governmental entity 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 R.S. 42:1113.

(4) Sharing in any compensation received from the governmental entity 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 R.S. 42:1113.

(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) Any activity of any public employee of a public higher education institution in this state who is covered by the tenure policy of the Board of Regents or the tenure policies and the administration of the tenure policies by the three higher education management boards and which activity is required by either regional or professional accreditation standards of organizations recognized by the Council on Postsecondary Accreditation.

(7) The employment with the office of mental health of the Department of Health and Hospitals of a licensed physician who is a member of the psychiatric faculty of and compensated by Tulane University.

(8) Any individual employed in the maritime industry from serving as an appointed member of the Board of Commissioners of the Port of New Orleans.

(9)(a) The receipt of or sharing in the proceeds of any patent, copyright, licensing right, or royalty by faculty or staff members of a public higher education institution or management board resulting from any activity of the faculty or staff member, which is consistent with and pursuant to the mission of the college or university to advance knowledge or further the economic development of the state and which activity has been approved by the campus head and the management board of the employing college or university.

(b) The performance of services for compensation for any person, by faculty or staff members of a public higher education institution, provided the services consist of

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consulting related to the academic discipline or expertise of said public employee, or the continued performance of such services by former faculty or staff members of a public higher education institution subsequent to the termination of their public service and notwithstanding contrary provisions of R.S. 42:1121, and provided the services have been approved in writing by the chief administrative officer of the public employee's institution in accordance with rules and procedures established by the management board of the institution, which rules and procedures have been approved by the Board of Regents and the Board of Ethics.

(10)(a) The negotiation or entering into a contract as defined in Subparagraph (b) of this Paragraph, provided that such contract has been approved in accordance with a procedure established by the appropriate higher education management board which procedure has been approved by the Board of Regents and the Board of Ethics. Such an approval procedure shall require a finding and certification by the appropriate management board to the Board of Regents that entering into such contract will contribute to the economic development of the state and that entering into such contract will not interfere or conflict with the employee's obligation to the university. Semiannually, the Board of Regents shall report all such certifications to the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs Committee or any subcommittee designated by either standing committee.

(b) A contract between an institution of higher education and a member of its faculty, research staff, or athletic coaching staff or a legal entity in which such employee has a substantial economic interest, regarding the disposition of any patent, copyright, licensing right, or royalty which is attached to a discovery, technique, or technology resulting from the research done by such employee in the course of his employment with the institution, or regarding an activity related to or resulting from the athletic coaching or research activity of such employee conducted in the course of his employment with the institution.

(11)(a) The employment with the office of public health of the Department of Health and Hospitals of retired public health physicians by professional services contracts for part-time clinician services in parish health units. However, a yearly contract shall not exceed twenty percent of the retired employee's former salary. A retired physician shall be employed under this Subparagraph only if there are no public health physicians available to perform the services.

(b) The employment with the Department of Health and Hospitals of retired registered nurses by contract to perform health care services. However, such a contract shall be deemed to be null and void in the event that a registered nurse becomes available to perform the services. A retired registered nurse shall be employed under this Subparagraph only if the nurse was retired on April 1, 1990, and there are no registered nurses available to perform the services.

(12) Any tenant of a housing authority, as defined in R.S. 40:382, from serving on the board of commissioners of that housing authority.

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(13) The acceptance by an elected official of anything of economic value as a gift or gratuity from any person when the value of such gift does not exceed one hundred dollars per event, up to an aggregate amount of five hundred dollars in a calendar year from any person, and when the nature of the gift is limited to a cultural or sporting event within the boundaries of this state including the territorial waters thereof, including entertainment reasonably incidental thereto. The provisions of this Paragraph shall also be applicable to an elected official who is on official business of his governmental entity outside of the boundaries of this state as long as said elected official is entitled to compensation or reimbursement from his agency for such official business.

(14) Persons employed by public school systems to provide special education and related services pursuant to R.S. 17:1941 et seq. to exceptional children, as defined by R.S. 17:1943(1), from performing, on a private fee basis and outside of school hours, those same special education and related services for their own students or any other persons eligible to receive such services from their school system during school hours, provided that the child's parents or guardian are advised, in writing, of the procedures through which their child may be evaluated for eligibility to receive such services for free through the school system. With respect to any child already receiving such services for free through the school system, the notice shall explain the procedures through which the child's eligibility to receive additional services for free from the school system may be reviewed.

(15) 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 law enforcement officer's public employer, which policy shall be published in the official journal of the parish prior to becoming effective and shall provide for appropriate charges for the use of public vehicles for private employment.

(16)(a) Notwithstanding the provisions of R.S. 42:1102(22), when making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the United States or Canada and provided such member of the legislature files an affidavit with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation.

(b) For the purposes of this Paragraph, the phrase "public speech" shall mean a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or



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eleemosynary group or organization by a member of the legislature in his capacity as a legislator.

(17)(a) Notwithstanding the provisions of R.S. 42:1111(C)(2)(d) or 1113(A), in municipalities with a population no greater than five thousand, in accordance with the most recent decennial census, a member of any municipal governing authority or any mayor from being a compensated director, officer, or employee of any national or state bank or state or federally chartered savings and loan association or savings bank into which funds of the municipality are deposited.

(b) This exception shall be effective only when the following conditions are met:

(i) Publication of notice has been made on two separate occasions in the official journal of the municipality, the first of which is at least fifteen days prior to public hearing on the matter. Such notice shall include the name of the financial institution(s) in which municipal funds are to be deposited and the amount of such deposit(s).

(ii) In municipalities where more than one financial institution is located, average annual deposits of municipal funds in one such financial institution shall not exceed the average annual deposits in any other such financial institution by more than ten percent, except in cases where funds are deposited pursuant to competitive bid.

(iii) The municipal funds are deposited with the approval of the municipal governing authority and the mayor.

(c) This exception shall not affect the application of R.S. 42:1112.

(18)(a) A licensed physician who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of twenty-five thousand or less from contracting or subcontracting from another provider with the hospital over which the board exercises jurisdiction. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to any contracts entered into by him and permitted by this Paragraph.

(b) A licensed physician who is a cardiologist and who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of forty-five thousand or less from contracting or subcontracting from another provider with the hospital over which the board exercises jurisdiction, or from owning an interest in an entity that contracts with the hospital over which the board exercises jurisdiction. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to any contracts entered into by him or by any entity in which he owns an interest that are permitted by this Paragraph.

(c) Any physician serving as a member of a hospital service district board or commission, if such hospital service district board or commission is required by law or by local

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ordinance, rule, or regulation adopted by a municipal or parish governing authority to have one or more physician members on its board or commission, from leasing space for the provision of health care services from a hospital under the jurisdiction of the board or commission for fair market value. However, such licensed physician shall recuse himself from participating in any transaction involving a lease agreement to which he is permitted by this Subparagraph to be a party.

(19) Any member of the Louisiana Wildlife and Fisheries Commission from holding or obtaining a renewal of oyster leases with the state, personally or through legal entities in which he has ownership interests, even though such leases are subject to the supervision and jurisdiction of the commission, provided that the member shall recuse himself or be disqualified by the commission from participating in any transaction involving the said oyster leases.

(20) An airport authority member or employee in an airport in any parish having a population of less than two hundred thousand persons, according to the most recent census, or an airport authority member or employee in an airport in any parish having a population of two hundred thousand persons or more according to the most recent census if the airport over which such an airport authority has jurisdiction does not have scheduled air service, from using any of the services available at the airport over which he exercises jurisdiction or by which he is employed; provided the services are available to the member or employee subject to the same terms, conditions, and availability as to any other member of the public, whether such services are obtained directly from the airport or from a fixed-based operator. The provisions of this Paragraph shall not apply to the Louisiana Airport Authority.

(21) A building inspector employed by a municipality with a population of twenty-five thousand persons or less as of the most recent federal decennial census, 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 agency or governmental entity of the building inspector, 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 agency or governmental entity of the building inspector. 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. A "building inspector" shall mean any person employed by a municipality who tests, examines, or issues a permit for compliance with a building code as defined in R.S. 33:4771.

(22)(a) Any mayor or member of a governing authority of a municipality with a population of five thousand or less, or legal entity in which he has a controlling interest, from entering into any transaction that is under the supervision or jurisdiction of the municipality.

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(b) A mayor or member of a governing authority who enters into a transaction as provided for in Subparagraph (a) of this Paragraph shall do so under the supervision or jurisdiction of the municipality, provided that the municipality submits a plan to the Louisiana Board of Ethics for approval and the board approves the plan. The municipality's plan shall be developed in accordance with the following:

(i) The elected official involved shall immediately recuse himself from acting in his governmental capacity in matters affecting the transaction and file quarterly affidavits concerning the recusal with the clerk of the municipality and the board. The affidavits shall set out the name and address of the elected official, the name and population of the municipality, and a description of the transactions that occurred during the preceding quarter. The plan of the municipality shall set out the due dates of the quarterly affidavits.

(ii) The plan developed by the municipality shall address how the transactions shall be supervised after an elected official is recused.

(iii) Individual transactions of two hundred fifty dollars or less are not required to be subject to the following rules. However, if such transactions involving a single elected official exceed two thousand five hundred dollars in the aggregate within the calendar year, the provisions contained in Items (iv) and (v) of this Subparagraph apply.

(iv) For transactions in excess of two hundred fifty dollars, but less than two thousand five hundred dollars, telephone quotations with written confirmation or facsimile quotations shall be solicited from at least three vendors within the municipality, the parish, or within a fifty mile radius of the municipality. However, in the case of an emergency, no quotations shall be required so long as the elected official recuses himself from the transaction and files an affidavit as required in Item (i) of this Subparagraph within three business days of the occurrence of the transaction. "Emergency" shall be defined in the plan adopted by the municipality and subject to board approval.

(v) In the case of a transaction in excess of two hundred fifty dollars but less than two thousand five hundred dollars, if the quotation submitted by the elected official or legal entity in which the elected official has a controlling interest is the lowest bid received by the municipality the transaction is allowed. The plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official or his legal entity may be accepted even if it was not the lowest bid received by the municipality.

(vi) An elected official or legal entity in which the elected official has a controlling interest may enter into transactions with the municipality in excess of two thousand five hundred dollars only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official or his legal entity, and upon specific advance approval by the board. Any such request for approval shall include the details of the proposed transaction, a copy of the written invitation, copies of the bids received in response to the invitation, and the method of recusal developed by the municipality. The plan developed by the municipality shall set out the details of the bid process.

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(23) Any member of the state or regional advisory committees for the office for citizens with developmental disabilities from being employed by a private, nonprofit, corporation, agency, organization, or association that receives state funds under contractual agreement with the office for citizens with developmental disabilities. However, such member shall recuse himself from participating in any action of the committee specifically relating to such contracts with the office for citizens with developmental disabilities for the receipt of state funds.

(24)(a) Any member of the State Licensing Board for Contractors from serving on such board even if he, a member of his immediate family, or a business in which he has a substantial economic interest has participated in a transaction that comes before such board for administrative action. However, such member shall recuse himself from participating in any administrative hearing specifically relating to such transaction. Investigations of such transactions by the staff of the State Licensing Board for Contractors without the direct involvement of such board shall not constitute a violation of this Chapter.

(b) Any member of the State Licensing Board for Contractors, or any legal entity in which he has an interest, from entering into a contract for commercial or residential contractor services or related consulting services for compensation with a person licensed by the board; provided that no member of the board shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person to enter into such a contract or to provide such board member or any other person with any thing of economic value. However, such member shall be specifically prohibited from providing consulting services for transactions that come before the board for administrative action. In addition, such member shall recuse himself from participating in any administrative hearing involving any licensee with whom he has an existing contractual relationship.

(25) Any client who is not also a vendor of a charitable organization from serving on its board of directors or advisory board, provided that such clients do not constitute twenty percent or more of the board of directors or advisory board. For the purposes of this Paragraph, "charitable organization" shall mean a nonprofit board or association of a community-based HIV/AIDS service corporation or organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under Section 501(c)(3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code.

(26) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed one hundred dollars per event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.

(27) Any board member of the Sabine River Authority who owns a lot contiguous to the "lease back" or "shore line" area of Toledo Bend Reservoir from exercising his option to

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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lease the shore line area contiguous to his lot and obtain a permit for "domestic use", as defined in R.S. 38:2329, of the authority's water. As used in this Paragraph, the "lease back" area, which is also known as the "shore line", is that area owned by the Sabine River Authority, state of Louisiana, that is the property lying between the contour of 172 feet above mean sea level (the normal pool stage) and the contour of 175 feet above mean sea level, or a distance of 50 feet running horizontally from the 172 contour, whichever is greater, and which area is subject to an option to lease by the landowner of the contiguous lot as is provided in the Policy, Rules and Regulations of the Sabine River Authority as adopted by the board of commissioners on August 24, 1967.

(28) The lease of school buses by city, parish, and other local public school boards as provided in R.S. 17:158.7.

(29) A mayor of a municipality with a population not in excess of five thousand persons who is a licensed physician from contracting for the provision of health care services with the health insurer for the employees of his municipality.

(30) A public servant, a legal entity in which he has a controlling interest, or a member of his immediate family, from donating services, movable property, or funds to his agency. Nothing herein shall be construed to allow a public servant to make an appointment of a person which is otherwise prohibited by this Chapter.

(31)(a) Any former city, parish, or other local public school board member who holds a valid Louisiana teaching certificate from being employed by his former school board for any classroom teacher position with such board which requires a valid Louisiana teaching certificate.

(b) Any former city, parish, or other local school board member who holds a valid ancillary certificate in school psychology issued by the state Department of Education from being employed by his former school board for any certified school psychologist position with such board which requires such certificate.

(c) These exceptions shall apply only in parishes with a population not in excess of thirty-six thousand people, as determined by the latest federal decennial census.

(32) Any person who has a contract for advertising services with the Department of Culture, Recreation, and Tourism from entering into contracts with any other person who engages in any transaction with the Department of Culture, Recreation, and Tourism.

(33) The Metropolitan Council for the city of Baton Rouge and the parish of East Baton Rouge from appointing any one of its members to any board, commission, or other entity created by home rule charter, plan of government, state law, or local ordinance or resolution including but not limited to the Capital Transportation Corporation, the Baton Rouge Area Convention and Visitors Bureau, and the city-parish planning commission.

(34) A member of a municipal or parish governing authority in a parish or municipality with a population of twenty-five thousand persons or less according to the latest federal

## **TOWN OF CHURCH POINT EMPLOYEE POLICY MANUAL**

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decennial census or a member of such elected official's immediate family or a legal entity in which he has a controlling interest from making application for the approval of the subdivision or resubdivision of property and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided that (a) the zoning of such subdivided property shall not be less restrictive than the zoning of the original parcel, (b) no variance or special exception from any planning or zoning regulation or requirement or any building code or permit shall be requested or granted, (c) the subdivision, resubdivision, or zoning of such property shall be for residential purposes only, (d) the application or applications submitted by or on behalf of the elected official, a member of his immediate family, or legal entity in which he has a controlling interest, collectively, shall be limited to the subdivision, resubdivision, or zoning of not more than twelve lots per calendar year and the construction of not more than twelve residential units per calendar year, (e) no public funds shall be used to construct any infrastructure for the use or benefit of such property or development, (f) the elected official shall file written notice containing all details regarding the transaction deemed necessary by the Board of Ethics with his governing authority and with the Board of Ethics no later than ten days prior to any hearing pertaining to any such application, or if no hearing is held pertaining to such application, shall file such notice at least ten days prior to final action on any such application, and (g) any such member of a governing authority shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

(35) Any volunteer fireman or uncompensated law enforcement officer or legal entity in which he has an interest from bidding on or entering into a contract, subcontract, or other transaction under the supervision and jurisdiction of his agency; provided that the volunteer fireman or uncompensated law enforcement officer shall receive no compensation or thing of economic value for his service as a volunteer fireman or uncompensated law enforcement officer, that the volunteer fireman or uncompensated law enforcement officer shall not be an agency head, and that the volunteer fireman or uncompensated law enforcement officer shall not participate on behalf of his agency in any capacity regarding such contract, subcontract, or other transaction.

**TOWN OF CHURCH POINT  
EMPLOYEE POLICY MANUAL**

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**Employee Acknowledgment**

I hereby acknowledge the reading and/or receipt of the personnel policy manual. I understand that the contents are for information and guidance and do not constitute a contract. I further understand that all the contents are subject to change at any time. I further acknowledge that this manual consists of twenty-seven (62) pages including this acknowledgment page.

I have read the TOWN OF CHURCH POINT Handbook, and I understand this HANDBOOK, and all questions I had, have been answered.

Signed:\_\_\_\_\_

Date:\_\_\_\_\_

- \* This acknowledgment is to be signed by each employee
- \* Original signed acknowledgment is to be filed in the employee's personnel file