

2021 Regular Session

SENATE BILL NO. 193

BY SENATOR MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE. Provides relative to civil service vacancies. (8/1/21)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 33:2492(1)(b), 2496(1)(a) and (2), and 2556(1)(a) and (2), relative to entrance firefighter and police officer classes; to provide for testing notice requirements; to provide for provisional appointments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2492(1)(b), 2496(1)(a) and (2), and 2556(1)(a) and (2) are hereby amended and reenacted to read as follows:

§2492. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

(1)(a) * * *

(b) In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published **during the ten-day period** on the state examiner's website and ~~the municipality's website~~, if available, **the website of the municipality** ~~during the ten-day period~~ in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be

1 administered, but all applicants shall be advised of the date, place, and time to report
2 for an announced test at least five days in advance thereof in any manner the board
3 may prescribe.

4 * * *

5 §2496. Temporary appointments

6 Temporary appointments may be made to positions in the classified service
7 without the appointees acquiring any permanent status therein, as follows:

8 (1)(a)(i) ~~When~~ **Except for a vacancy in the classes of entrance firefighter**
9 **or entrance police officer, when** a vacancy is to be filled in a position of a class for
10 which the board is unable to certify names of persons eligible for regular and
11 permanent, or substitute, appointment, the appointing authority may make a
12 provisional appointment of any person ~~whom he deems~~ **considered** qualified.
13 Whenever practicable, the appointment should be made by the provisional promotion
14 of an employee of a lower class. A provisional appointment shall not continue for
15 more than three months. No position in the classified service shall be filled by one
16 or more provisional appointments for a period in excess of three consecutive months
17 and successive like periods shall not be permissible. The board may, however,
18 authorize the renewal of such appointment, or authorize such successive
19 appointments for a period not to exceed three additional months whenever it has
20 been impracticable or impossible to establish a list of persons eligible for
21 certification and appointment to the vacancy. Except as provided in Subparagraph
22 (b) of this Paragraph, any provisional appointment, if not terminated sooner, shall
23 terminate upon the regular filling of the vacancy in any manner authorized under this
24 Part and, in any event, within fifteen days after a certification from which a regular,
25 or substitute, appointment, as the case may be, can be made under the provisions of
26 this Part. A provisional appointment shall be reported to the board within fifteen days
27 following the appointment.

28 (ii) Any provisional appointment made to a position of the competitive
29 classes, as provided for by R.S. 33:2492(7), shall be terminated upon the regular

1 filling of the vacancy in any manner authorized under this Part and, in any event,
2 within sixty days after certification from which a regular or substitute appointment,
3 as the case may be, can be made under the provisions of this Part. A provisional
4 appointment shall be reported to the board within fifteen days following the
5 appointment.

6 (iii) When a vacancy is to be filled in the classes of entrance firefighter
7 or entrance police officer, the appointing authority may make a provisional
8 appointment of any person considered qualified. A provisional appointment
9 shall not exceed sixty days. Successive appointments in the classes of entrance
10 firefighter and entrance police officer shall be prohibited.

11 * * *

12 (2) A substitute appointment may be made to any position in the classified
13 service (1) from which the regular and permanent employee is away on an authorized
14 leave of absence, or (2) from which the regular employee is substituting for some
15 other regular employee who is authorized to be away from his respective position.
16 No position shall be filled by a substitute appointee for a time beyond that for which
17 the regular and permanent incumbent is away on an authorized leave. Whenever such
18 appointment shall continue for not more than thirty days, the appointing authority
19 may appoint thereto any one ~~whom he deems~~ **considered** qualified. Substitute
20 appointments made for a period exceeding thirty days shall be made in the same
21 manner as provided in R.S. 33:2494 for the filling of a vacancy by a regular and
22 permanent appointment. Any person employed on a substitute basis shall, for the
23 duration of the temporary employment, enjoy the class title and be entitled and
24 receive the rate of pay for the class and position in which he is employed. The
25 appointing authority shall notify the board within fifteen days following any
26 substitute appointment made for a period to exceed thirty days, the name of the
27 appointee, the class of position filled, the period for which the appointment was
28 made and attach to the notification a signed copy of the leave of absence granted the
29 employee for whom the appointee is substituting.

1 * * *

2 §2556. Temporary appointments

3 Temporary appointments may be made to positions in the classified service
4 without the appointees acquiring any permanent status therein, as follows:

5 (1)(a)(i) ~~When~~ **Except for a vacancy in the classes of entrance firefighter**
6 **or entrance police officer, when** a vacancy is to be filled in a position of a class for
7 which the board is unable to certify names of persons eligible for regular and
8 permanent or substitute appointment, the appointing authority may make a
9 provisional appointment of any person ~~whom it deems~~ **considered** qualified. When
10 practicable, the appointment shall be made by the provisional promotion of any
11 employee of a lower class. A provisional appointment shall not continue for more
12 than three months. No position in the classified service shall be filled by one or more
13 provisional appointments for a period in excess of three consecutive months and
14 successive like periods shall not be permissible. The board may, however, authorize
15 the renewal of such appointment, or authorize such successive appointments for a
16 period not to exceed three additional months whenever it has been impracticable or
17 impossible to establish a list of persons eligible for certification and appointment to
18 a vacancy. Except as provided in Item (ii) of this Subparagraph, any provisional
19 appointment, if not terminated sooner, shall terminate upon the regular filling of the
20 vacancy in any manner authorized under this Part and, in any event, within fifteen
21 days after a certification from which a regular or substitute appointment, as the case
22 may be, can be made under the provisions of this Part. A provisional appointment
23 shall be reported to the board within fifteen days following the appointment.

24 (ii) Any provisional appointment made to a position of the competitive
25 classes, as provided for by R.S. 33:2552(7), shall be terminated upon the regular
26 filling of the vacancy in any manner authorized under this Part and, in any event,
27 within sixty days after certification from which a regular or substitute appointment,
28 as the case may be, can be made under the provisions of this Part. A provisional
29 appointment shall be reported to the board within fifteen days following the

1 appointment.

2 (iii) When a vacancy is to be filled in the classes of entrance firefighter
3 or entrance police officer, the appointing authority may make a provisional
4 appointment of any person considered qualified. A provisional appointment
5 shall not exceed sixty days. Successive appointments in the classes of entrance
6 firefighter and entrance police officer shall be prohibited.

7 * * *

8 (2) A substitute appointment may be made to any position in the classified
9 service (1) from which the regular and permanent employee is away on an authorized
10 leave of absence, or (2) from which the regular employee is substituting for some
11 other regular employee who is authorized to be away from his position. No position
12 shall be filled by a substitute appointee for a time beyond that for which the regular
13 and permanent incumbent is away on an authorized leave. Whenever such
14 appointment shall continue for not more than thirty days, the appointing authority
15 may appoint thereto any one ~~whom he deems~~ **considered** qualified. Substitute
16 appointments made for a period exceeding thirty days shall be made in the same
17 manner as provided in R.S. 33:2554 for the filling of a vacancy by a regular and
18 permanent appointment. Any person employed on a substitute basis shall, for the
19 duration of the temporary employment, enjoy the class title and be entitled to receive
20 the rate of pay for the class and position in which he is employed. The appointing
21 authority shall notify the board within fifteen days following any substitute
22 appointment made for a period to exceed thirty days, the name of the appointee, the
23 class of position filled, the period for which the appointment was made, and shall
24 attach to the notification a signed copy of the leave of absence granted the employee
25 for whom the appointee is substituting.

26 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 193 Reengrossed

2021 Regular Session

Morris

Present law provides that the public notice required to be physically posted for a continuous ten-day period prior to the date of administration for tests to determine eligibility of applicants for entry upon the promotional and competitive employment lists maintained by the municipal fire and police civil service board shall also be published on the state examiner's website and the municipality's website, if available, during the ten-day period in which the tests are to be held.

Proposed law provides that the notice be posted both physically and published on the website of the state examiner and, if available, the municipality, for the ten-day period prior to the date of administration.

Present law provides that in municipalities with a population between 7,000 and 13,000 and 13,000 and 250,000 when a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent or substitute appointment, the appointing authority may make a provisional appointment of any person considered qualified. When practicable, requires the appointment to be made by the provisional promotion of any employee of a lower class. Prohibits a provisional appointment from continuing for more than three months. Further provides no position in the classified service shall be filled by one or more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. Allows the board to authorize the renewal of the appointment, or authorize successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to a vacancy.

Proposed law for both classes of municipalities creates an exception to present law for the vacancies in the classes of entrance firefighter and entrance police officer. Provides that when a vacancy arises, the appointing authority may make a provisional appointment of any person considered qualified that shall not exceed sixty days. Prohibits successive appointments.

Effective August 1, 2021.

(Amends R.S. 33:2492(1)(b), 2496(1)(a) and (2), and 2556(1)(a) and (2))

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Makes technical changes to title and enacting clause.
2. Clarifies language relative to respective appointing authorities' ability to make a provisional appointment.