

SENATE BILL NO. 193

BY SENATOR MORRIS

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

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §2492. Tests

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

12 (1)(a) * * *

13 (b) In addition to the posted notice, public notice for all tests to be given on
14 a competitive basis shall be published **during the ten-day period** on the state
15 examiner's website and ~~the municipality's website~~, if available, **the website of the**
16 **municipality** ~~during the ten-day period~~ in which such tests are to be held. This
17 notice of examination need not reveal the exact date on which tests shall be
18 administered, but all applicants shall be advised of the date, place, and time to report
19 for an announced test at least five days in advance thereof in any manner the board

1 may prescribe.

2 * * *

3 §2496. Temporary appointments

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

6 (1)(a)(i) ~~When~~ **Except for a vacancy in the classes of entrance firefighter**
7 **or entrance police officer, when** a vacancy is to be filled in a position of a class for

8 which the board is unable to certify names of persons eligible for regular and
9 permanent, or substitute, appointment, the appointing authority may make a
10 provisional appointment of any person ~~whom he deems~~ **considered** qualified.

11 Whenever practicable, the appointment should be made by the provisional promotion
12 of an employee of a lower class. A provisional appointment shall not continue for
13 more than three months. No position in the classified service shall be filled by one
14 or more provisional appointments for a period in excess of three consecutive months
15 and successive like periods shall not be permissible. The board may, however,
16 authorize the renewal of such appointment, or authorize such successive
17 appointments for a period not to exceed three additional months whenever it has
18 been impracticable or impossible to establish a list of persons eligible for
19 certification and appointment to the vacancy. Except as provided in Subparagraph
20 (b) of this Paragraph, any provisional appointment, if not terminated sooner, shall
21 terminate upon the regular filling of the vacancy in any manner authorized under this
22 Part and, in any event, within fifteen days after a certification from which a regular,
23 or substitute, appointment, as the case may be, can be made under the provisions of
24 this Part. A provisional appointment shall be reported to the board within fifteen days
25 following the appointment.

26 (ii) Any provisional appointment made to a position of the competitive
27 classes, as provided for by R.S. 33:2492(7), shall be terminated upon the regular
28 filling of the vacancy in any manner authorized under this Part and, in any event,
29 within sixty days after certification from which a regular or substitute appointment,
30 as the case may be, can be made under the provisions of this Part. A provisional

1 appointment shall be reported to the board within fifteen days following the
 2 appointment.

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

8 * * *

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

27 * * *

28 §2556. Temporary appointments

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

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

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

27 **(iii) When a vacancy is to be filled in the classes of entrance firefighter**
28 **or entrance police officer, the appointing authority may make a provisional**
29 **appointment of any person considered qualified. A provisional appointment**
30 **shall not exceed sixty days. Successive appointments in the classes of entrance**

1 firefighter and entrance police officer shall be prohibited.

2 * * *

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

21 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____