

2016 Regular Session

HOUSE BILL NO. 859

BY REPRESENTATIVE MONTOUCET

1 AN ACT

2 To amend and reenact R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and
3 (G), 2554(B), (C), and (G) and 2555(B)(3)(a), and to enact R.S. 33:2494(C)(2)(e),
4 2495(F), 2555(F) and 2585.10, relative to the municipal fire and police civil service;
5 to provide relative to the employees of the classified service; to provide relative to
6 the appointment and removal of such employees; to provide relative to working test
7 and work-related incapacities; to provide relative to the deputy chief of police
8 position in certain municipalities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2554(B) and 2555(B)(3)(a) are hereby amended and reenacted
11 to read as follows:

12 §2554. Certification and appointment

13 * * *

14 B. The board first shall certify the name of the person appearing upon the
15 reinstatement list who is eligible for the first reinstatement in the class of the vacant
16 position. The name of this person and all others appearing upon the reinstatement
17 list for the class shall be certified and offered the appointment in the order provided
18 by ~~R.S. 33:2550(A)~~ R.S. 33:2550(B) before the vacancy is filled by any subsequent
19 method provided by this Part. The appointing authority shall appoint to the vacant
20 position the first person so certified to it who is willing to accept the appointment.
21 If the position is one of a class from which lay-offs have been made as provided by
22 R.S. 33:2559, the names of eligible persons appearing upon the re-employment list

1 for the class shall be certified and offered the appointment in the order provided by
2 R.S. 33:2550(C) before any other appointment is made thereto.

3 * * *

4 §2555. Working tests

5 * * *

6 B.

7 * * *

8 (3)(a) Any probational employee in a position of a competitive class of the
9 classified police service, except an entry level police officer, and an entry level radio,
10 police alarm, or signal system operator, who has served less than six months of his
11 working test for any given position may be removed therefrom only with the prior
12 approval of the board. Any probational employee in a position of a promotional
13 class of the classified police service, who has served less than three months of his
14 working test for any given position may be removed therefrom only with the prior
15 approval of the board. Any such probational employee ~~may appeal to the board~~ may
16 be removed only upon one of the following grounds:

17 (i) He is unable or unwilling to perform satisfactorily the duties of the
18 position to which he has been appointed.

19 (ii) His habits and dependability do not merit his continuance therein.

20 * * *

21 Section 2. R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and (G),
22 and 2554(C) and (G) are hereby amended and reenacted and R.S. 33:2494(C)(2)(e), 2495(F),
23 and 2555(F) are hereby enacted to read as follows:

24 §2494. Certification and appointment

25 * * *

26 C.(1) In the event a vacancy cannot be filled by reinstatement, or by
27 reemployment as above provided, the board shall next certify the names of the
28 persons upon the promotional list, in the order in which they appear thereon, for the
29 class in which the vacancy is to be filled.

1 (e) Any person certified to the appointing authority who, because of work-
 2 related illness, injury, or incapacity, is unable to immediately begin a working test,
 3 shall be appointed in accordance with Subparagraph (b) of this Paragraph. However,
 4 the working test shall be immediately interrupted and shall not commence until the
 5 employee has fully recovered and returns to full duty. If the employee fails to
 6 recover and return to full duty within six months of the date of his appointment, the
 7 board shall declare him ineligible to continue therein, and the appointment shall be
 8 made to one of the remaining persons certified therefor who has the next highest
 9 promotional seniority. Any such person appointed in accordance with R.S.
 10 33:2496(2) to substitute for the injured employee during the period of interrupted
 11 working test shall have such time counted toward his twelve-month working test
 12 period.

* * *

14 G. ~~The~~ Except as provided in R.S. 33:2494(C)(1)(b) and (2)(e), the
 15 appointing authority shall fill each vacancy, including vacancies in classifications
 16 hereafter created, within sixty days after the occurrence of the vacancy. This
 17 Subsection shall not prevent the board from abolishing unnecessary classifications.
 18 §2495. Working tests

* * *

20 F. Any employee appointed in accordance with R.S. 33:2494, who has
 21 commenced a working test shall have the working test considered interrupted by any
 22 absence greater than thirty consecutive days. The working test, even if interrupted,
 23 shall not be more than the aggregate period of one year.

* * *

25 §2554. Certification and appointment

* * *

27 C. In the event a vacancy cannot be filled by reinstatement or by re-
 28 employment as above provided, the board next shall certify the names of the persons
 29 upon the promotional list, in the order in which they appear thereon, for the class in
 30 which the vacancy is to be filled.

1 employee has fully recovered and returns to full duty. If the employee fails to
2 recover and return to full duty within six months of the date of his appointment, the
3 board shall declare him ineligible to continue therein, and the appointment shall be
4 made to one of the remaining persons certified therefor who has the next highest
5 seniority in the departmental service. Any such person appointed in accordance with
6 R.S. 33:2556(2) to substitute for the injured employee during the period of
7 interrupted working test shall have such time counted toward his twelve-month
8 working test period.

9 (2) Notwithstanding any other provision of law to the contrary, in the city
10 of DeRidder a vacant position in the police department shall be filled in the
11 following manner:

12 (a) If a vacancy cannot be filled by reinstatement, or by reemployment as
13 provided in Subsections A and B of this Section, the board shall next certify the
14 names of the persons on the promotional list, in the order in which they appear
15 thereon, for the class in which the vacancy is to be filled.

16 (b) The appointing authority shall select and appoint to the first vacancy to
17 be filled the one person certified to him who has the greatest promotional seniority
18 in the next lower rank. Any remaining positions to be filled in the same class shall
19 be filled by appointing to each such successive vacancy the one of the remaining
20 persons certified therefor who has the next highest promotional seniority in the next
21 lower class.

22 (c) If any one or more persons so certified should refuse the appointment, the
23 appointing authority shall then select and appoint one of the persons certified by the
24 board with the next highest promotional seniority in the next lower class. This
25 procedure shall be followed until the position has been filled by appointment of the
26 one person who has the greatest promotional seniority in the next lower class and
27 who is willing to accept the appointment or until each person whose name appears
28 on the list has in this order been certified and offered an appointment to the vacancy.

1 unclassified service. The right of selection, appointment, supervision, and discharge
2 for the position shall be vested in the chief of police of the municipality.

3 (2) Any person who is appointed from a position in the classified police
4 service to serve as deputy chief of police shall not forfeit his seniority accumulated
5 to the date of his appointment and shall continue to accumulate seniority during the
6 time he holds the position of deputy chief of police.

7 Section 5. The provisions of Section 2 of this Act shall become effective on August
8 1, 2016.

9 Section 6. The provisions of Section 3 of this Act shall take effect and become
10 operative if and when the Act which originated as House Bill No. 157 of this 2016 Regular
11 Session of the Legislature is enacted and becomes effective. If the provisions of Section 3
12 of this Act become effective, they shall prevail over any conflicting provisions in Section
13 2 of this Act and any conflicting provisions in the Act which originated as House Bill No.
14 157 of this 2016 Regular Session.

15 Section 7. The provisions of Sections 1, 4, 5, 6 and 7 of this Act shall become
16 effective upon signature by the governor or, if not signed by the governor, upon expiration
17 of the time for bills to become law without signature by the governor, as provided by Article
18 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
19 approved by the legislature, this Act shall become effective on the day following such
20 approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____