

## RÉSUMÉ DIGEST

ACT 552 (HB 859)

2016 Regular Session

Montoucet

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law provides, with some exceptions, that every person appointed to a position in the classified service is a probational employee, and he must be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position. Prior law provided that any probational employee could appeal a removal to the board only upon the following grounds:

- (1) He was unable or unwilling to perform satisfactorily the duties of the position to which he had been appointed.
- (2) His habits and dependability did not merit his continuance therein.

New law instead provides that any probational employee may be removed from his position, rather than appeal his removal, on such grounds.

New law requires the appointing authority to appoint any person who is certified as eligible but who, because of a work-related illness, injury, or incapacity, is unable to immediately begin a working test. Provides that the working test is immediately interrupted and cannot commence until the employee has fully recovered and returns to full duty. Requires the board to declare him ineligible and to appoint the next eligible person if the employee fails to recover and return to full duty within six months. Further provides that the working test is considered interrupted by any absence greater than 30 consecutive days, but the test period cannot last longer than an aggregate of one year.

Existing law requires that when a position is filled by promotion, then the position must be filled by the eligible person with the greatest seniority in departmental service. Prior law, relative to the Lafayette Police Department, provided for promotions based on promotional seniority rather than departmental seniority. New law limits this Lafayette exception to the ranks of lieutenant and above.

New law additionally provides an exception for the DeRidder Police Department by providing for promotions based on promotional seniority rather than departmental seniority. If two or more persons possess an equal amount of promotional seniority, then the vacancy must be filled by a person with the greatest departmental seniority.

New law, relative to the position of deputy police chief in a municipality with a population between 6,000-6,150 located in a parish with a population between 50,000-52,250, provides that the position is in the unclassified service. Provides that the right of selection, appointment, supervision, and discharge for the position is vested in the police chief. Provides that the appointee does not forfeit his seniority accumulated to the date of his appointment and continues to accumulate seniority during the time he holds the position.

Multiple effective dates.

(Amends R.S. 33:2494(C)(1) and (2)(intro. para.) and (G), 2554(B), (C), and (G), and 2555(B)(3)(a); Adds R.S. 33:2494(C)(2)(e), 2495(F), 2555(F), and 2585.10)