

2018 Regular Session

HOUSE BILL NO. 405

BY REPRESENTATIVE JAMES

CIVIL SERVICE/FIRE & POL: Provides that the positions of police chief and deputy police chief in the city of Baton Rouge are in the unclassified service

1 AN ACT

2 To enact R.S. 33:2481.7, relative to the municipal police civil service; to provide relative to
3 the positions of police chief and deputy police chief in the city of Baton Rouge; to
4 provide that such positions are in the unclassified service; to provide relative to the
5 appointment, supervision, and discharge of any person in any such position; to
6 provide relative to resignation from and return to the classified service; and to
7 provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2481.7 is hereby enacted to read as follows:

13 §2481.7. Police chief; deputy police chief; city of Baton Rouge; unclassified service

14 A. Notwithstanding any provision of law to the contrary, the positions of
15 chief of police and deputy chief of police for the city of Baton Rouge are in the
16 unclassified service, and the right of selection, appointment, supervision, and
17 discharge for such positions is vested in the mayor of the city.

18 B. Any person who resigns from a position in the classified service to accept
19 an appointment as chief of police or deputy chief of police shall not forfeit his
20 seniority accumulated to the date of his resignation, but he shall not accumulate

1 seniority during the time he is not in the classified service. If any such person
 2 resigns from the position of chief of police or deputy chief of police or is terminated
 3 for any reason other than malfeasance in office, he shall be eligible to be reemployed
 4 to the same position in the classified service in which he was employed immediately
 5 preceding his resignation from the classified service. If the position has been filled
 6 or no longer exists, then his employer shall employ him in a comparable position.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 405 Original

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James

Abstract: Relative to the positions of police chief and deputy police chief in the city of Baton Rouge, provides that the positions are in the unclassified service. Provides further with respect to the right of selection, appointment, supervision, and discharge for such positions and provides relative to the resignation from and return to the classified service.

Present 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.

Present 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.

Proposed law retains present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the positions of police chief and deputy police chief in the city of Baton Rouge. Provides that the positions are in the

unclassified service and provides that the right of selection, appointment, supervision, and discharge for the positions is vested in the mayor.

Proposed law provides that any person who resigns from a position in the classified service to be appointed police chief or deputy police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his former employer shall employ him to a comparable position.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2481.7)