

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)

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AN ACT

To amend and reenact R.S. 33:2492(1)(b), 2496(1)(a), and 2556(1)(a), 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 2556(1)(a) 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 administered, but all applicants shall be advised of the date, place, and time to report

1 for an announced test at least five days in advance thereof in any manner the board  
2 may prescribe.

3 \* \* \*

4 §2496. Temporary appointments

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

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

27 (ii) Any provisional appointment made to a position of the competitive  
28 classes, as provided for by R.S. 33:2492(7), shall be terminated upon the regular  
29 filling of the vacancy in any manner authorized under this Part and, in any event,

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

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

10 \* \* \*

11 §2556. Temporary appointments

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

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

1 days after a certification from which a regular or substitute appointment, as the case  
 2 may be, can be made under the provisions of this Part. A provisional appointment  
 3 shall be reported to the board within fifteen days following the appointment.

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

11 **(iii) When a vacancy is to be filled in the classes of entrance firefighter**  
 12 **or entrance police officer, the appointing authority may make a provisional**  
 13 **appointment of any person whom it deems qualified. A provisional appointment**  
 14 **shall not exceed sixty days. Successive appointments in the classes of entrance**  
 15 **firefighter and entrance police officer shall be prohibited.**

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

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DIGEST

SB 193 Engrossed

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 whom it deems 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 whom it deems 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 2556(1)(a))