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## DIGEST

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HB 412 Engrossed

2021 Regular Session

LaCombe

**Abstract:** Requires, rather than authorizes, the appointing authority to reemploy an employee who has resigned or retired from the classified service due to injury or medical condition if the employee meets certain conditions.

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 a municipal fire and police civil service board is created in each municipality, parish, and fire protection district composed of five members. Present law further provides that the classified service shall be comprised of every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal, parish, or fire protection government. Provides further with respect to which positions are in the classified and unclassified service and provides with respect to classification plans, allocation of positions, employment lists, and tests.

Proposed law retains present law.

Present law relative to any regular employee who resigns or retires from a position in the classified service due to a medical condition or injury, authorizes the appointing authority, if approved by the board, to reemploy any such employee in a position of the class in which he was employed immediately preceding his resignation or retirement or in a position in any lower class. Requires that the employee be qualified for the position to which he is reemployed.

Proposed law instead requires the board to approve the reemployment of the employee and the appointing authority to reemploy the employee if the employee notifies the board that he is able to return to work and has submitted a certification from his treating physician that certifies that the employee is able to perform the essential functions of the position that were required at the time he was originally confirmed. Provides that upon furnishing the notice and certification to the

appointing authority, the employee is deemed qualified for the position.

Proposed law provides that prior to reemployment, the appointing authority may have the employee evaluated by another physician. Provides that the evaluation is for the limited purpose of confirming that the injury that resulted in his resignation or retirement no longer prevents him from performing the essential functions of the position. Further provides that if the two physicians disagree, those two are required to select a third physician whose opinion will be determinative.

Proposed law requires the appointing authority to reemploy the employee in a position of the class in which he was employed immediately preceding his resignation or retirement. Provides, however, that if no positions are available, the employee may be temporarily employed in a position in any lower class. Requires that the employee receive the same pay during his temporary placement that he would have received if he had been placed in a position in his former class. Requires that the employee be placed first on the eligibility list for a position in his former class and requires that he remain on the list until he is reemployed in his former class. Provides that the employee cannot be required to retest for a position in his former class or required to serve a working test upon reemployment.

Present law provides that an employee may be reemployed at any time after his resignation or retirement. Present law relative to any regular employee who resigns or retires from a position in the classified service upon sustaining an injury that is compensable under present law (worker's compensation), requires that the employee be reemployed with the seniority accumulated through the date of reinstatement. Present law relative to any regular employee who retires from a position in the classified fire service due to a medical condition or injury, requires that the employee be reemployed with the seniority accumulated through the date of retirement.

Proposed law retains present law.

(Amends R.S. 33:2490(E) and (F) and 2550(E) and (F))