

2024 Regular Session

HOUSE BILL NO. 691

BY REPRESENTATIVE LACOMBE

CIVIL SERVICE/FIRE & POL: Provides relative to the reemployment of employees who have resigned or retired from the classified service due to injury or medical condition

1 AN ACT

2 To amend and reenact R.S. 33:2490(D), (E), and (F) and 2550(D), (E), and (F), relative to  
3 the municipal fire and police civil service; to provide relative to employees who have  
4 resigned or retired from the classified service due to injury or medical condition; to  
5 provide relative to the position and class to which the employees may be  
6 reemployed; to provide relative to qualifications and seniority of any such employee;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2490(D), (E), and (F), and 2550(D), (E), and (F), are hereby  
10 amended and reenacted to read as follows:

11 §2550. Reinstatement and reemployment

12 \* \* \*

13 D. Any regular employee who resigns from a position in the classified  
14 service may, with the prior approval of the board, be reemployed in a position of the  
15 class or in a position of any lower class for which he is qualified, provided the  
16 reemployment is made within four years of the date of resignation, and provided no  
17 person whose name appears upon either the reinstatement, promotional employment,  
18 or reemployment list for a class to which any such person is reemployed is willing  
19 to accept an appointment therein. Any person who is reemployed shall be physically  
20 fit to perform the duties of the position to which he is appointed. He shall furnish

1 a favorable medical certificate to the appointing authority and the board after a recent  
2 examination by a ~~practicing physician~~ health care provider.

3 E.(1) Subject to the requirements of this Subsection, any regular employee  
4 who ~~resigns or retires as specified in Paragraph (3) of this Subsection~~ separates from  
5 service from a position in the classified service and who applies for reemployment  
6 shall be reemployed in a position of the class ~~in which he was employed immediately~~  
7 ~~preceding his resignation or retirement~~ with all departmental and promotional  
8 seniority the employee accrued during his employment including any such seniority  
9 and longevity pay provided for in R.S. 33:1992(B) at the time of his separation from  
10 service, provided that the reemployment is due to clearance from a health care  
11 provider from an injury, illness or medical condition that existed at the time of his  
12 separation that rendered the employee unable to perform the essential functions of  
13 his job, regardless of whether said injury or medical condition arose during the  
14 course and scope of his employment. However, if there are no available positions  
15 in his former class, he may be temporarily placed in a position in any lower class or  
16 a higher class if said employee is qualified for and on the promotional list for said  
17 position. If the employee is temporarily placed in a position in a lower class, he shall  
18 receive the same rate of pay, including longevity pay, that he would have otherwise  
19 received for the position in which he was to be reemployed in his former class. In  
20 addition, during his temporary placement, he shall be placed first on the eligibility  
21 list for a position in his former class and shall not be required to retest for any such  
22 position. The employee shall remain first on such list until he is appointed to a  
23 position in his former class.

24 (2)(a) Prior to reemployment, an employee shall give notice to the  
25 appointing authority that the employee is able to return to work. An authorization  
26 from the employee's ~~treating physician~~ health care provider certifying that the  
27 employee is able to perform the essential functions of the position said employee is  
28 returning to that were required at the time he was originally confirmed in such  
29 position shall be included with the employee's notice to the appointing authority.

1           Upon furnishing such notice and certification to the appointing authority, the  
2           employee shall be deemed qualified for ~~the~~ said position. The board shall approve  
3           the reemployment of the employee and the appointing authority shall reemploy such  
4           employee. The employee shall be considered a permanent employee and shall not  
5           be required to serve a working test. ~~In addition, the employee shall be reemployed~~  
6           ~~with the departmental and promotional seniority the employee accrued during his~~  
7           ~~employment including any such seniority that he would have accumulated from the~~  
8           ~~date of his separation through the date of reinstatement as if he remained in~~  
9           ~~continuous service.~~

10                   (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
11           if the appointing authority has a specific cause to dispute the certification of the  
12           employee's ~~treating physician~~ health care provider, the appointing authority may  
13           have the employee evaluated by another physician health care provider for the  
14           limited purpose of confirming that the injury or medical condition that ~~resulted in his~~  
15           ~~resignation or retirement~~ existed at the time of his separation from service no longer  
16           prevents him from performing the essential functions of the position to which he is  
17           returning. If there is a disagreement between ~~the employee's treating physician and~~  
18           ~~the physician selected by the appointing authority, the two physicians shall select a~~  
19           ~~third physician whose opinion shall be determinative~~ those two health care providers,  
20           those two health care providers shall select a third health care provider whose  
21           opinion shall be determinative.

22                   (3) ~~The reemployment provided for in this Subsection applies only if a~~  
23           ~~resignation or retirement occurred as a result of the employee's being unable to~~  
24           ~~perform the essential functions of his job after sustaining an injury or developing a~~  
25           ~~medical condition during the course and scope of his employment as determined by~~  
26           ~~the employee's treating physician. In addition, the reemployment provided for in this~~  
27           ~~Subsection is available at any time after the resignation or retirement of the~~  
28           ~~employee.~~

1           (3) The reemployment provided for in this Subsection is available at any  
2           time after the employee's separation from service.

3           (4) If the injury, illness or medical condition referenced in Paragraph (1) of  
4           this Subsection was sustained, developed or is related to the course and scope of his  
5           employment, as determined by the employee's health care provider, the employee  
6           shall be reemployed with the departmental and promotional seniority the employee  
7           accrued during his employment including any such seniority and longevity pay  
8           provided for in R.S. 33:1992(B) that he would have accrued from the date of his  
9           separation through the date of reinstatement as if he remained in continuous service.

10           ~~F.(1) Subject to the requirements of this Subsection, any regular employee~~  
11           ~~who retires from a position in the classified fire service as a result of an injury or a~~  
12           ~~medical condition which prevents him from performing the essential functions of his~~  
13           ~~job and who applies for reemployment shall be reemployed in a position of the class~~  
14           ~~in which he was employed immediately preceding his retirement. However, if there~~  
15           ~~are no available positions in his former class, he may be temporarily placed in a~~  
16           ~~position in any lower class. If the employee is temporarily placed in a position in a~~  
17           ~~lower class, he shall receive the same rate of pay, including longevity pay, that he~~  
18           ~~would have otherwise received for the position in which he was to be reemployed in~~  
19           ~~his former class. In addition, during his temporary placement, he shall be placed first~~  
20           ~~on the eligibility list for a position in his former class and shall not be required to~~  
21           ~~retest for any such position. The employee shall remain first on such list until he is~~  
22           ~~appointed to a position in his former class.~~

23           ~~(2)(a) Prior to reemployment, an employee shall give notice to the~~  
24           ~~appointing authority that the employee is able to return to work. An authorization~~  
25           ~~from the employee's treating physician certifying that the employee is able to~~  
26           ~~perform the essential functions of the position that were required at the time he was~~  
27           ~~originally confirmed in such position shall be included with the employee's notice~~  
28           ~~to the appointing authority. Upon furnishing such notice and certification to the~~  
29           ~~appointing authority, the employee shall be deemed qualified for the position. The~~

1 board shall approve the reemployment of the employee and the appointing authority  
2 shall reemploy such employee. The employee shall be considered a permanent  
3 employee and shall not be required to serve a working test. In addition, the  
4 employee shall be reemployed with the departmental and promotional seniority the  
5 employee had accrued as of the date of his retirement.

6 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
7 if the appointing authority has a specific cause to dispute the certification of the  
8 employee's treating physician, the appointing authority may have the employee  
9 evaluated by another physician for the limited purpose of confirming that the injury  
10 or medical condition that resulted in his retirement no longer prevents him from  
11 performing the essential functions of the position. If there is a disagreement between  
12 the employee's treating physician and the physician selected by the appointing  
13 authority, the two physicians shall select a third physician whose opinion shall be  
14 determinative.

15 (3) The reemployment provided for in this Subsection is available at any  
16 time after the retirement of the employee.

17 To the extent there is any conflict between the provisions of this Section and  
18 any other law, including R.S. 11:2258, regarding reinstatement or reemployment of  
19 employees, the provisions of this Section shall govern.

20 \* \* \*

21 §2490. Reinstatement and reemployment

22 \* \* \*

23 D. Any regular employee who resigns from a position in the classified  
24 service may, with the prior approval of the board, be reemployed in a position of the  
25 class or in a position of any lower class for which he is qualified, provided, that the  
26 reemployment is made within four years of the date of resignation, and that no  
27 person whose name appears upon either the reinstatement, promotional employment,  
28 or re-employment list for a class to which any such person is reemployed is willing  
29 to accept an appointment therein. Any person who is reemployed shall be physically

1 fit to perform the duties of the position to which he is appointed. He shall furnish  
2 a favorable medical certificate to the appointing authority and the board after a recent  
3 examination by a ~~practicing physician~~ health care provider.

4 E.(1) Subject to the requirements of this Subsection, any regular employee  
5 who ~~resigns or retires as specified in Paragraph (3) of this Subsection~~ separates from  
6 service from a position in the classified service and who applies for reemployment  
7 shall be reemployed in a position of the class ~~in which he was employed immediately~~  
8 ~~preceding his resignation or retirement~~ with all departmental and promotional  
9 seniority the employee accrued during his employment including any such seniority  
10 and longevity pay provided for in R.S. 33:1992(B) at the time of his separation from  
11 service, provided that the reemployment is due to clearance from a health care  
12 provider from an injury, illness or medical condition that existed at the time of his  
13 separation that rendered the employee unable to perform the essential functions of  
14 his job, regardless of whether said injury or medical condition arose during the  
15 course and scope of his employment. However, if there are no available positions  
16 in his former class, he may be temporarily placed in a position in any lower class or  
17 a higher class if said employee is qualified for and on the promotional list for said  
18 position. If the employee is temporarily placed in a position in a lower class, he shall  
19 receive the same rate of pay, including longevity pay, that he would have otherwise  
20 received for the position in which he was to be reemployed in his former class. In  
21 addition, during his temporary placement, he shall be placed first on the eligibility  
22 list for a position in his former class and shall not be required to retest for any such  
23 position. The employee shall remain first on such list until he is appointed to a  
24 position in his former class.

25 (2)(a) Prior to reemployment, an employee shall give notice to the  
26 appointing authority that the employee is able to return to work. An authorization  
27 from the employee's ~~treating physician~~ health care provider certifying that the  
28 employee is able to perform the essential functions of the position said employee is  
29 returning to that were required at the time he was originally confirmed in such

1 position shall be included with the employee's notice to the appointing authority.  
2 Upon furnishing such notice and certification to the appointing authority, the  
3 employee shall be deemed qualified for ~~the said position~~. The board shall approve  
4 the reemployment of the employee and the appointing authority shall reemploy such  
5 employee. The employee shall be considered a permanent employee and shall not  
6 be required to serve a working test. ~~In addition, the employee shall be reemployed~~  
7 ~~with the departmental and promotional seniority the employee accrued during his~~  
8 ~~employment including any such seniority that he would have accumulated from the~~  
9 ~~date of his separation through the date of reinstatement as if he remained in~~  
10 ~~continuous service.~~

11 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
12 if the appointing authority has a specific cause to dispute the certification of the  
13 employee's ~~treating physician~~ health care provider, the appointing authority may  
14 have the employee evaluated by another ~~physician~~ health care provider for the  
15 limited purpose of confirming that the injury or medical condition that ~~resulted in his~~  
16 ~~resignation or retirement~~ existed at the time of his separation from service no longer  
17 prevents him from performing the essential functions of the position to which he is  
18 returning. If there is a disagreement between the ~~employee's treating physician and~~  
19 ~~the physician selected by the appointing authority, the two physicians shall select a~~  
20 ~~third physician whose opinion shall be determinative~~ those two health care providers,  
21 those two health care providers shall select a third health care provider whose  
22 opinion shall be determinative.

23 (3) ~~The reemployment provided for in this Subsection applies only if a~~  
24 ~~resignation or retirement occurred as a result of the employee's being unable to~~  
25 ~~perform the essential functions of his job after sustaining an injury or developing a~~  
26 ~~medical condition during the course and scope of his employment as determined by~~  
27 ~~the employee's treating physician. In addition, the reemployment provided for in this~~  
28 ~~Subsection is available at any time after the resignation or retirement of the~~  
29 ~~employee.~~

1           (3) The reemployment provided for in this Subsection is available at any  
2           time after the employee's separation from service.

3           (4) If the injury, illness or medical condition referenced in Paragraph (1) of  
4           this Subsection was sustained, developed or is related to the course and scope of his  
5           employment, as determined by the employee's health care provider, the employee  
6           shall be reemployed with the departmental and promotional seniority the employee  
7           accrued during his employment including any such seniority and longevity pay  
8           provided for in R.S. 33:1992(B) that he would have accrued from the date of his  
9           separation through the date of reinstatement as if he remained in continuous service.

10           ~~F.(1) Subject to the requirements of this Subsection, any regular employee~~  
11           ~~who retires from a position in the classified fire service as a result of an injury or a~~  
12           ~~medical condition which prevents him from performing the essential functions of his~~  
13           ~~job and who applies for reemployment shall be reemployed in a position of the class~~  
14           ~~in which he was employed immediately preceding his retirement. However, if there~~  
15           ~~are no available positions in his former class, he may be temporarily placed in a~~  
16           ~~position in any lower class. If the employee is temporarily placed in a position in a~~  
17           ~~lower class, he shall receive the same rate of pay, including longevity pay, that he~~  
18           ~~would have otherwise received for the position in which he was to be reemployed in~~  
19           ~~his former class. In addition, during his temporary placement, he shall be placed first~~  
20           ~~on the eligibility list for a position in his former class and shall not be required to~~  
21           ~~retest for any such position. The employee shall remain first on such list until he is~~  
22           ~~appointed to a position in his former class.~~

23           ~~(2)(a) Prior to reemployment, an employee shall give notice to the~~  
24           ~~appointing authority that the employee is able to return to work. An authorization~~  
25           ~~from the employee's treating physician certifying that the employee is able to~~  
26           ~~perform the essential functions of the position that were required at the time he was~~  
27           ~~originally confirmed in such position shall be included with the employee's notice~~  
28           ~~to the appointing authority. Upon furnishing such notice and certification to the~~  
29           ~~appointing authority, the employee shall be deemed qualified for the position. The~~



1 board shall approve the reemployment of the employee and the appointing authority  
2 shall reemploy such employee. The employee shall be considered a permanent  
3 employee and shall not be required to serve a working test. In addition, the  
4 employee shall be reemployed with the departmental and promotional seniority the  
5 employee had accrued as of the date of his retirement.

6 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
7 if the appointing authority has a specific cause to dispute the certification of the  
8 employee's treating physician, the appointing authority may have the employee  
9 evaluated by another physician for the limited purpose of confirming that the injury  
10 or medical condition that resulted in his retirement no longer prevents him from  
11 performing the essential functions of the position. If there is a disagreement between  
12 the employee's treating physician and the physician selected by the appointing  
13 authority, the two physicians shall select a third physician whose opinion shall be  
14 determinative.

15 (3) The reemployment provided for in this Subsection is available at any  
16 time after the retirement of the employee.

17 To the extent there is any conflict between the provisions of this Section and  
18 any other law, including R.S. 11:2258, regarding reinstatement or reemployment of  
19 employees, the provisions of this Section shall govern.

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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)]

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HB 691 Original

2024 Regular Session

LaCombe

**Abstract:** Relative to the reemployment of employees who have resigned or retired from the classified service due to injury of medical condition, provide for the qualifications and seniority of such employees.

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, 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.

Present 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 or medical condition 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 retains present law but removes reference to employees who resign or retire and instead refers to employees who separate from service. Proposed law also removes reference to treating physician and instead refers to health care provider.

Present 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. Proposed law removes present law.

Present law provides that if there are no positions in the employee's former class, he 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.

Proposed law retains present law and additionally provides that the employee may be temporarily placed in a higher class if he is qualified for and on the promotional list for the position.

Present law, relative to any employee who resigns or retires due to a medical condition, or injury that occurred as a result of the employee being unable to perform the essential functions of his job after sustaining an injury or developing a medical condition during the course and scope of his employment as determined by his physician, requires that the employee be reemployed with departmental and promotional seniority accrued during his

employment including seniority that he would have accumulated from the date of his separation through the date of reinstatement as if he remained in continuous service.

Proposed law instead provides that if the injury or medical condition was sustained, developed or is related to the course and scope of his employment, as determined by the employee's health care provider, the employee shall be reemployed with the departmental and promotional seniority the employee accrued during his employment including seniority and longevity pay provided for in present law (R.S. 33:1992(B)) that he would have accrued from the date of his separation through the date of reinstatement as if he remained in continuous service. Proposed law additionally provides that if reemployment is due to clearance from a health care provider from an injury or medical condition that existed at the time of an employee's separation that rendered him unable to perform the essential functions of his job, regardless of whether said injury or medical condition arose during the course and scope of his employment, the employee shall be reemployed with all departmental and promotional seniority the employee accrued during his employment including any seniority and longevity pay provided for in present law R.S. 33:1992(B) at the time of his separation from service.

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