
DIGEST

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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))