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## DIGEST

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HB 739 Reengrossed

2024 Regular Session

Fontenot

**Abstract:** Provides relative to the establishment and maintenance of employment lists, appointments, tests, and evaluation procedures for certain positions in the classified fire and police civil service and provides that officers, employees, and positions with certain primary duties are in the unclassified 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 constitution and 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.

Proposed law retains present law and additionally provides that all officers, employees, and positions with primary duties that include wellness, mental health, or physical fitness are in the unclassified service.

Present law requires the board to establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, except the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally excludes the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty from the lists required to be maintained by the board.

Present law requires the state examiner to establish and maintain a statewide eligibility list containing names of persons eligible for appointment to the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally requires the state examiner to maintain such eligibility list for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law provides that a person who has attained a passing score on an examination administered by the state examiner for entrance jailer, secretary to the chief, departmental records clerk, or the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district if the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. Additionally provides that the original eligibility of a test applicant shall be for a period of not more than 18 months after the date on which the signature of the state examiner was affixed to his notification of score.

Proposed law removes present law.

Present law, relative to testing by the state examiner, requires the state examiner to publish a notice on his website for 10 days regarding the location where the tests for entrance firefighter and entrance police officer are to be held and the final date on which applications for admission to the tests will be received.

Proposed law retains present law and additionally requires the state examiner to publish such 10-day notice for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty.

Present law, relative to the administration of tests for the positions of entrance firefighter, entrance police officer, entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty, requires the state examiner to publish notice at least four times during a 30-day period in the official journal of the state. Authorizes the state examiner to post a notice on the bulletin board in each station of the respective department. Provides that the notice need not state the exact date on which tests shall be administered.

Proposed law removes present law.

Present law requires the appointing authority to request the board to certify names of persons eligible for appointment whenever he proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed 30 days. Excludes vacancies for the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally excludes vacancies for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty.

Present law requires the appointing authority to request the state examiner to certify names of persons eligible for appointments whenever the he proposes to fill a vacancy in the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and makes present law applicable to vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law, relative to appointments from the competitive list for the positions of entrance firefighter and entrance police officer, requires the appointing authority to verify that the applicant meets the minimum qualifications as established by the board.

Proposed law retains present law and makes present law applicable to appointments from the competitive list for the positions of entrance jailer, secretary to the chief, departmental records clerk, and for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law, relative to temporary appointments, authorizes the appointing authority to make a provisional appointment of any person considered qualified 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. Provides that whenever practicable, the appointment should be made by the provisional promotion of an employee of a lower class. Provides that a provisional appointment shall not continue for more than three months. Excludes vacancies in the positions of entrance firefighter or entrance police officer.

Proposed law retains present law and additionally excludes vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service in the primary duty.

Present law, relative to temporary appointments for vacancies in the positions of entrance firefighter and entrance police officer, authorizes the appointing authority to make provisional appointment of any person considered qualified. Provides that a provisional appointment shall not exceed 60 days. Provides that successive appointments in the classes of entrance firefighter and entrance police officer shall be prohibited.

Proposed law retains present law and makes present law applicable to temporary appointments for vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service in the primary duty.

Present law authorizes the governing authority of a parish, municipal, and fire protection district to create, by ordinance, the classified competitive position of a deputy police chief. Provides that the position of deputy police chief is not the same as the position of assistant police chief as provided in present law. Further provides for the qualifications, selection, appointment, supervision, and discharge for the position.

Proposed law retains present law.

Present law requires the deputy police chief to serve indefinitely in the classified competitive position and further requires that he be evaluated every three years by the chief of police. Authorizes the chief of police to reconfirm the deputy chief for another three-year period or demote the deputy chief to his former class of positions.

Proposed law removes present law and requires that the deputy police chief serve indefinitely in the classified competitive position and that he be evaluated three years from his initial appointment. Further requires that, thereafter, the deputy chief be evaluated every year by the chief of police. Authorizes the chief of police to reconfirm the deputy chief for another one-year period demote him to his former class of positions. Provides that the demotion shall not constitute corrective or disciplinary action.

(Amends R.S. 33:2481.4(C)(1), 2491(intro. para.) and (I), 2492(2) and (11), 2494(A) and (D), 2496(1)(a)(i) and (iii), 2541.1(C)(1)(b)(i), 2551(intro. para.) and (9), 2552(1)(a) and (c), (2), and (11), 2554(A) and (D), and 2556(1)(a)(i) and (iii); Adds R.S. 33:2481(B)(7) and 2541(B)(6))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Adds provisions to change the evaluation and reconfirmation procedures for the position of deputy chief of police.