

## RÉSUMÉ DIGEST

ACT 230 (HB 739)

2024 Regular Session

Fontenot

Existing 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. Existing 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.

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

Existing 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. Existing law excludes the positions of entrance firefighter and entrance police officer. New law additionally excludes the following positions from such required lists: 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.

Existing 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. New law 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 is the primary duty.

Prior law provided that a person who 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 was the primary duty could have his name placed on the employment list of any municipality, parish, or fire protection district if the person's application and score were accepted by the board of the municipality, parish, or fire protection district in which he sought employment. Additionally provided that the original eligibility of a test applicant was for a period of not more than 18 months. New law removes prior law.

Prior 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, required the state examiner to publish notice at least four times during a 30-day period in the official journal of the state. Authorized the state examiner to post a notice on the bulletin board in each station of the respective department. Provided that the notice did not need to state the exact date on which tests were to be administered. New law removes prior law.

New law makes other aspects of existing law that apply to entrance firefighters and entrance police officers also applicable to 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, including the following provisions:

- (1) Require that the state examiner publish a notice regarding the location of tests for these positions on his website.
- (2) Exempt these positions from the requirement that the appointing authority request that the local fire and police civil service board certify names of persons eligible for appointment.

- (3) Require that the appointing authority request that the state examiner certify names of persons eligible for appointments whenever he proposes to fill a vacancy in these positions.
- (4) Require that the appointing authority verify that the applicant meets the minimum qualifications as established by the local fire and police civil service board when making appointments to these positions.
- (5) Exclude vacancies in these positions from provisions relative to provisional appointments when the local fire and police civil service board is unable to certify names of persons eligible for regular and permanent or substitute appointments.

Existing law authorizes the governing authority of a parish, municipality, or fire protection district to create, by ordinance, the classified competitive position of 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 existing law. Further provides for the qualifications, selection, appointment, supervision, and discharge for the position.

Existing law requires the deputy police chief to serve indefinitely in the classified competitive position. Prior law required that the deputy chief be evaluated every three years by the police chief. Authorized the police chief to reconfirm the deputy chief for another three-year period or demote the deputy chief to his former class of positions.

New law removes prior law and requires that the deputy police chief be evaluated three years from the date of his initial appointment and every year thereafter by the police chief. Authorizes the police chief to reconfirm the deputy chief for another one-year period or demote him to his former class of position. Provides that the demotion does not constitute corrective or disciplinary action.

Effective August 1, 2024.

(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))