

2026 Regular Session

HOUSE BILL NO. 1111

BY REPRESENTATIVE KERNER

CIVIL SERVICE/FIRE & POL: Provides relative to the reemployment of certain employees of the fire and police civil service

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §2490. Reinstatement and reemployment

12 \* \* \*

13 E.(1) Subject to the requirements of this Subsection, any regular employee  
14 who ~~resigns or retires~~ is separated from service as specified in Paragraph (3) of this  
15 Subsection from a position in the classified service and who applies for  
16 reemployment shall be reemployed in a position of the class in which he was  
17 employed immediately preceding his ~~resignation or retirement~~ separation. The  
18 determination of whether a separation from service is the result of an injury or  
19 medical condition arising out of and in the course and scope of employment, or is  
20 non-duty-related, shall be made by the employee's treating physician. However, if

1           there are no available positions in his former class, he ~~may be temporarily placed~~  
2           shall have the option to remain on an active reemployment eligibility list for the  
3           former class until such position becomes available or accept temporary placement  
4           in a position in any lower class. If the employee is temporarily placed in a position  
5           in a lower class, he shall receive the same rate of pay, including longevity pay, that  
6           he would have otherwise received for the position in which he was to be reemployed  
7           in his former class. ~~In addition, during his temporary placement, he shall be placed~~  
8           ~~first on the eligibility list for a position in his former class and shall not be required~~  
9           ~~to retest for any such position.~~ During any period of temporary placement or while  
10          remaining on an active reemployment eligibility list, the employee shall be placed  
11          first on the eligibility list for a position in his former class and shall not be required  
12          to retest. The employee shall remain first on such list until he is appointed to a  
13          position in his former class.

14                 (2)(a) Prior to reemployment, an employee shall give notice to the  
15                 appointing authority that the employee is able to return to work. An authorization  
16                 from the employee's treating physician certifying that the employee is able to  
17                 perform the essential functions of the position that were required at the time he was  
18                 originally confirmed in such position shall be included with the employee's notice  
19                 to the appointing authority. Upon furnishing such notice and certification to the  
20                 appointing authority, the employee shall be deemed qualified for the position. The  
21                 board shall approve the reemployment of the employee and the appointing authority  
22                 shall reemploy such employee. The employee shall be considered a permanent  
23                 employee and shall not be required to serve a working test. In addition, the  
24                 employee shall be reemployed with the departmental and promotional seniority the  
25                 employee accrued during his employment including any such seniority that he would  
26                 have accumulated from the date of his separation through the date of reinstatement  
27                 as if he remained in continuous service. The employee shall retain longevity, salary  
28                 step placement, and pay progression status. The employee shall receive all benefits,  
29                 rights, and privileges equal to those of similarly situated employees of the same rank,

1 classification, tenure, longevity, and seniority who remained continuously  
2 employed.

3 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
4 if the ~~appointing authority~~ board has a specific cause to dispute the certification of  
5 the employee's treating physician, the ~~appointing authority~~ board may have the  
6 employee evaluated by another physician for the limited purpose of confirming that  
7 the injury or medical condition that resulted in his ~~resignation or retirement~~  
8 separation from service no longer prevents him from performing the essential  
9 functions of the position. If there is a disagreement between the employee's treating  
10 physician and the physician selected by the ~~appointing authority~~ board, the two  
11 physicians shall select a third physician whose opinion shall be determinative. The  
12 physician selected by the board shall be independent and shall not be regularly  
13 retained by the appointing authority.

14 (3) The reemployment provided for in this Subsection ~~applies only if a~~  
15 ~~resignation or retirement occurred as a result of the employee's being unable to~~  
16 ~~perform the essential functions of his job after sustaining an injury or developing a~~  
17 ~~medical condition during the course and scope of his employment as determined by~~  
18 ~~the employee's treating physician~~ shall apply to any employee who is separated from  
19 service and who previously sustained an injury or developed a medical condition  
20 arising out of and in the course and scope of employment, which condition resulted  
21 in the employee being unable to perform the essential functions of the position,  
22 whether such inability was temporary or permanent, as determined by the employee's  
23 treating physician, and who is subsequently able to perform the essential functions  
24 of the position. Eligibility for reemployment under this Subsection shall be  
25 determined solely upon the existence of such job-related injury or medical condition,  
26 the resulting inability to perform the essential functions of the position, and the  
27 employee's current medical ability to perform those functions, and shall not be  
28 affected by the form, manner, cause, timing, or procedural classification of the  
29 employee's separation from service. In addition, the reemployment provided for in

1 this Subsection is available at any time after ~~the resignation or retirement of the~~  
2 ~~employee~~ separation from service.

3 F.(1) Subject to the requirements of this Subsection, any regular employee  
4 who ~~retires~~ is separated from service from a position in the classified fire service ~~as~~  
5 ~~a result of an injury or a medical condition which prevents him from performing the~~  
6 ~~essential functions of his job~~ and who previously sustained an injury or developed  
7 a medical condition which prevents or prevented him from performing the essential  
8 functions of his job as determined by the employee's treating physician, and who  
9 applies for reemployment shall be reemployed in a position of the class in which he  
10 was employed immediately preceding his ~~retirement~~ separation. Eligibility for  
11 reemployment under this Subsection shall not be affected by the form, manner,  
12 cause, timing, or procedural classification of the employee's separation from service.  
13 However, if there are no available positions in his former class, he ~~may be~~  
14 ~~temporarily placed~~ shall have the option to remain on an active reemployment  
15 eligibility list for the former class until such position becomes available or accept  
16 temporary placement in a position in any lower class. If the employee is temporarily  
17 placed in a position in a lower class, he shall receive the same rate of pay, including  
18 longevity pay, that he would have otherwise received for the position in which he  
19 was to be reemployed in his former class. In addition, during his temporary  
20 placement, he shall be placed first on the eligibility list for a position in his former  
21 class and shall not be required to retest for any such position. During any period of  
22 temporary placement or while remaining on an active reemployment eligibility list,  
23 the employee shall be placed first on the eligibility list for a position in his former  
24 class and shall not be required to retest. The employee shall remain first on such list  
25 until he is appointed to a position in his former class. The determination of whether  
26 a separation from service is duty-related or non-duty-related shall be made by the  
27 employee's treating physician.

28 (2)(a) Prior to reemployment, an employee shall give notice to the  
29 appointing authority that the employee is able to return to work. An authorization

1 from the employee's treating physician certifying that the employee is able to  
 2 perform the essential functions of the position that were required at the time he was  
 3 originally confirmed in such position shall be included with the employee's notice  
 4 to the appointing authority. Upon furnishing such notice and certification to the  
 5 appointing authority, the employee shall be deemed qualified for the position. The  
 6 board shall approve the reemployment of the employee and the appointing authority  
 7 shall reemploy such employee. The employee shall be considered a permanent  
 8 employee and shall not be required to serve a working test. In addition, the  
 9 employee shall be reemployed with the departmental and promotional seniority the  
 10 employee had accrued as of the date of his ~~retirement~~ separation. The employee  
 11 shall retain longevity, salary step placement, and pay progression status as they  
 12 existed at the time of separation. The employee shall receive all benefits, rights, and  
 13 privileges equal to those of similarly situated employees of the same rank,  
 14 classification, tenure, longevity, and seniority.

15 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
 16 if the ~~appointing authority~~ board has a specific cause to dispute the certification of  
 17 the employee's treating physician, the ~~appointing authority~~ board may have the  
 18 employee evaluated by another physician for the limited purpose of confirming that  
 19 the injury or medical condition that resulted in his ~~retirement~~ separation no longer  
 20 prevents him from performing the essential functions of the position. If there is a  
 21 disagreement between the employee's treating physician and the physician selected  
 22 by the ~~appointing authority~~ board, the two physicians shall select a third physician  
 23 whose opinion shall be determinative. The physician selected by the board shall be  
 24 independent and shall not be regularly retained by the appointing authority.

25 (3) The reemployment provided for in this Subsection is available at any  
 26 time after the ~~retirement~~ separation of service of the employee.

27 \* \* \*

28 §2550. Reinstatement and reemployment

29 \* \* \*

1           E.(1) Subject to the requirements of this Subsection, any regular employee  
2           who ~~resigns or retires~~ is separated from service as specified in Paragraph (3) of this  
3           Subsection from a position in the classified service and who applies for  
4           reemployment shall be reemployed in a position of the class in which he was  
5           employed immediately preceding his ~~resignation or retirement~~ separation. The  
6           determination of whether a separation from service is the result of an injury or  
7           medical condition arising out of and in the course and scope of employment, or is  
8           non-duty-related, shall be made by the employee's treating physician. However, if  
9           there are no available positions in his former class, he ~~may be temporarily placed~~  
10          shall have the option to remain on an active reemployment eligibility list for the  
11          former class until such position becomes available or accept temporary placement  
12          in a position in any lower class. If the employee is temporarily placed in a position  
13          in a lower class, he shall receive the same rate of pay, including longevity pay, that  
14          he would have otherwise received for the position in which he was to be reemployed  
15          in his former class. ~~In addition, during his temporary placement, he shall be placed~~  
16          ~~first on the eligibility list for a position in his former class and shall not be required~~  
17          ~~to retest for any such position.~~ During any period of temporary placement or while  
18          remaining on an active reemployment eligibility list, the employee shall be placed  
19          first on the eligibility list for a position in his former class and shall not be required  
20          to retest. The employee shall remain first on such list until he is appointed to a  
21          position in his former class.

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

1 shall reemploy such employee. The employee shall be considered a permanent  
2 employee and shall not be required to serve a working test. In addition, the  
3 employee shall be reemployed with the departmental and promotional seniority the  
4 employee accrued during his employment including any such seniority that he would  
5 have accumulated from the date of his separation through the date of reinstatement  
6 as if he remained in continuous service. The employee shall retain longevity, salary  
7 step placement, and pay progression status. The employee shall receive all benefits,  
8 rights, and privileges equal to those of similarly situated employees of the same rank,  
9 classification, tenure, longevity, and seniority who remained continuously employed.

10 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
11 if the ~~appointing authority~~ board has a specific cause to dispute the certification of  
12 the employee's treating physician, the ~~appointing authority~~ board may have the  
13 employee evaluated by another physician for the limited purpose of confirming that  
14 the injury or medical condition that resulted in his ~~resignation or retirement~~  
15 separation from service no longer prevents him from performing the essential  
16 functions of the position. If there is a disagreement between the employee's treating  
17 physician and the physician selected by the ~~appointing authority~~ board, the two  
18 physicians shall select a third physician whose opinion shall be determinative. The  
19 physician selected by the board shall be independent and shall not be regularly  
20 retained by the appointing authority.

21 (3) The reemployment provided for in this Subsection ~~applies only if a~~  
22 ~~resignation or retirement occurred as a result of the employee's being unable to~~  
23 ~~perform the essential functions of his job after sustaining an injury or developing a~~  
24 ~~medical condition during the course and scope of his employment as determined by~~  
25 ~~the employee's treating physician~~ shall apply to any employee who is separated from  
26 service and who previously sustained an injury or developed a medical condition  
27 arising out of and in the course and scope of employment, which condition resulted  
28 in the employee being unable to perform the essential functions of the position,  
29 whether such inability was temporary or permanent, as determined by the employee's

1 treating physician, and who is subsequently able to perform the essential functions  
2 of the position. Eligibility for reemployment under this Subsection shall be  
3 determined solely upon the existence of such job-related injury or medical condition,  
4 the resulting inability to perform the essential functions of the position, and the  
5 employee's current medical ability to perform those functions, and shall not be  
6 affected by the form, manner, cause, timing, or procedural classification of the  
7 employee's separation from service. In addition, the reemployment provided for in  
8 this Subsection is available at any time after ~~the resignation or retirement of the~~  
9 ~~employee~~ separation from service.

10 F.(1) Subject to the requirements of this Subsection, any regular employee  
11 who ~~retires~~ is separated from service from a position in the classified fire service as  
12 ~~a result of an injury or a medical condition which prevents him from performing the~~  
13 ~~essential functions of his job~~ and who previously sustained an injury or developed  
14 a medical condition which prevents or prevented him from performing the essential  
15 functions of his job as determined by the employee's treating physician, and who  
16 applies for reemployment shall be reemployed in a position of the class in which he  
17 was employed immediately preceding his ~~retirement~~ separation. Eligibility for  
18 reemployment under this Subsection shall not be affected by the form, manner,  
19 cause, timing, or procedural classification of the employee's separation from service.  
20 However, if there are no available positions in his former class, he ~~may be~~  
21 ~~temporarily placed~~ shall have the option to remain on an active reemployment  
22 eligibility list for the former class until such position becomes available or accept  
23 temporary placement in a position in any lower class. If the employee is temporarily  
24 placed in a position in a lower class, he shall receive the same rate of pay, including  
25 longevity pay, that he would have otherwise received for the position in which he  
26 was to be reemployed in his former class. In addition, during his temporary  
27 placement, he shall be placed first on the eligibility list for a position in his former  
28 class and shall not be required to retest for any such position. During any period of  
29 temporary placement or while remaining on an active reemployment eligibility list,

1 the employee shall be placed first on the eligibility list for a position in his former  
2 class and shall not be required to retest. The employee shall remain first on such list  
3 until he is appointed to a position in his former class. The determination of whether  
4 a separation from service is duty-related or non-duty-related shall be made by the  
5 employee's treating physician.

6 (2)(a) Prior to reemployment, an employee shall give notice to the  
7 appointing authority that the employee is able to return to work. An authorization  
8 from the employee's treating physician certifying that the employee is able to  
9 perform the essential functions of the position that were required at the time he was  
10 originally confirmed in such position shall be included with the employee's notice  
11 to the appointing authority. Upon furnishing such notice and certification to the  
12 appointing authority, the employee shall be deemed qualified for the position. The  
13 board shall approve the reemployment of the employee and the appointing authority  
14 shall reemploy such employee. The employee shall be considered a permanent  
15 employee and shall not be required to serve a working test. In addition, the  
16 employee shall be reemployed with the departmental and promotional seniority the  
17 employee had accrued as of the date of his ~~retirement~~ separation. The employee  
18 shall retain longevity, salary step placement, and pay progression status as they  
19 existed at the time of separation. The employee shall receive all benefits, rights, and  
20 privileges equal to those of similarly situated employees of the same rank,  
21 classification, tenure, longevity, and seniority.

22 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
23 if the ~~appointing authority board~~ has a specific cause to dispute the certification of  
24 the employee's treating physician, the ~~appointing authority board~~ may have the  
25 employee evaluated by another physician for the limited purpose of confirming that  
26 the injury or medical condition that resulted in his ~~retirement~~ separation from service  
27 no longer prevents him from performing the essential functions of the position. If  
28 there is a disagreement between the employee's treating physician and the physician  
29 selected by the ~~appointing authority board~~, the two physicians shall select a third

1 physician whose opinion shall be determinative. The physician selected by the board  
2 shall be independent and shall not be regularly retained by the appointing authority.

3 (3) The reemployment provided for in this Subsection is available at any  
4 time after the ~~retirement~~ separation of service of the employee.

5 Section 2. This Act shall become effective upon signature by the governor or, if not  
6 signed by the governor, upon expiration of the time for bills to become law without signature  
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9 effective on the day following such approval.

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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 1111 Original

2026 Regular Session

Kerner

**Abstract:** Provides relative to the reemployment of employees of the fire and police civil service who separated from service due to an injury or medical condition.

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 the system applicable to municipalities with a population of fewer than 13,000, but not fewer than 7,000, provides that "departmental seniority" refers to the period of continuous employment in the department. Defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Specifies further relative to employment counted toward seniority in the next lower class.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal, parish, and fire protection district government. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list for the tested class, from highest to lowest, according to departmental seniority.

Proposed law retains present law.

Present law requires that vacant positions be filled by reinstatement or reemployment. Provides that any regular employee who resigns or retires due to an injury or medical condition who applies for reemployment shall be reemployed in a position of the class of which he was employed immediately preceding his resignation or retirement.

Proposed law removes reference to retirement and resignation and makes present law applicable to employees who are *separated* from service due to injury or medical condition. Provides that the determination of whether a separation from service is the result of an injury or medical condition arising out of and in the course and scope of employment, or is non-duty-related, shall be made by the employee's treating physician.

Proposed law provides that eligibility for reemployment shall not be affected by the form, manner, cause, timing, or procedural classification of the employee's separation from service. Relative to an employee who separated from service due to sustaining a duty related injury or developing a duty related medical condition who is subsequently able to perform the essential functions of the position, provides that eligibility for reemployment shall be determined solely upon the existence of such job-related injury or medical condition, the resulting inability to perform the essential functions of the position, and the employee's current medical ability to perform those functions.

Present law provides that if there are no available positions in the employee's former class, he may be temporarily placed in a position in any lower class.

Proposed law instead provides that the employee shall have the option to remain on an active reemployment eligibility list for the former class until such position becomes available or accept temporary placement in a position in any lower class.

Present law provides that during his temporary placement, an employee shall be placed first on the eligibility list for a position in his former class and shall not be required to retest. Provides that he shall remain first on the list until he is appointed to a position in his former class.

Proposed law retains present law and makes present law applicable to employees who remain on an active reemployment eligibility list.

Present law relative to an employee who sustains duty related injury or develops a duty related medical condition, requires that the employee be reemployed with the departmental and promotional seniority he accrued during his employment including any such seniority that he would have accumulated from the date of his separation through the date of reinstatement. Provides that an employee who sustains a non-duty related injury or develops a non-duty related medical condition shall be reemployed with the departmental and promotional seniority he accrued as of the date of separation.

Proposed law retains present law and additionally provides that the employee shall retain longevity, salary step placement, and pay progression status. Relative to an employee who sustains a duty related injury or develops a duty related medical condition, provides that the employee shall receive all benefits, rights, and privileges equal to those of similarly situated employees of the same rank, classification, tenure, longevity, and seniority who remained continuously employed. Relative to an employee who sustained a non-duty related injury or developed a non-duty related medical condition, provides that he shall receive such benefits, rights, and privileges of similarly situated employees to the date of separation.

Present law provides that if the appointing authority has a specific cause to dispute the certification of the employee's treating physician, the appointing authority may have the employee evaluated by another physician for the limited purpose of confirming that the injury or medical condition no longer prevents him from performing the essential functions of the position. Provides that if there is a disagreement between the employee's treating

physician and the physician selected by the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative.

Proposed law instead grants the board, rather than the appointing authority, the power to have the employee evaluated by another physician if the board has specific cause to dispute the certification of the employee's treating physician. Provides that if there is a disagreement between the employee's treating physician and the physician selected by the board, rather than the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative. Provides that the physician selected by the board shall be independent and shall not be regularly retained by the appointing authority.

Effective upon signature of governor or lapse of time for gubernatorial action.

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