

Regular Session, 2013

HOUSE BILL NO. 399

BY REPRESENTATIVE DANAHAAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE/FIRE & POL: Provides relative to the offices of state examiner and deputy state examiner of the municipal fire and police civil service

1 AN ACT

2 To amend and reenact Subparagraphs (a), (b), (c), (d), and (e) of Paragraph 9 of Article XIV,  
3 Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X,  
4 Section 18 of the Louisiana Constitution of 1974, and R.S. 33:2479(B), (D), and (H),  
5 and to repeal Subparagraph (g) of Paragraph 9 of Article XIV, Section 15.1 of the  
6 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the  
7 Louisiana Constitution of 1974, relative to the municipal fire and police civil service;  
8 to provide relative to the offices of state examiner and deputy state examiner; to  
9 provide relative to the powers and functions of the State Civil Service Commission  
10 with respect to such offices; to provide relative to the qualifications of persons  
11 appointed to such offices and the salaries paid to such persons; and to provide for  
12 other related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Subparagraphs (a), (b), (c), (d), and (e) of Paragraph 9 of Article XIV,  
15 Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X, Section 18  
16 of the Louisiana Constitution of 1974 are hereby amended and reenacted to read as follows:

17 §15.1. Fire and police civil service; municipalities of 13,000 to 250,000

18 \* \* \*

19 9. State Examiner and Deputy State Examiner of Municipal Fire and Police  
20 Civil Service.

1 a. The office of state examiner of municipal fire and police civil service is  
2 created. The state examiner shall be a resident and qualified voter of the state. He  
3 shall be a person who has had experience in personnel administration, classification,  
4 or employment testing in a classified civil service system and shall serve on a full-  
5 time basis. He shall receive and be paid a salary set by the State Civil Service  
6 Commission in accordance with the State Civil Service Commission's uniform pay  
7 plan. The position of state examiner shall be assigned to the same pay range to  
8 which the deputy director of state civil service is assigned. The state examiner shall  
9 be paid traveling and living expenses while away from his place of residence.

10 b. The office of ~~Deputy State Examiner of Municipal Fire and Police Civil~~  
11 ~~Service~~ deputy state examiner of municipal fire and police civil service is created,  
12 subject to the supervision and orders of the state examiner; ~~he~~. The deputy state  
13 examiner is authorized and empowered to exercise the authority and perform the  
14 duties of the state examiner as ~~herein provided~~; provided in this Section. He shall  
15 be a resident and qualified voter of the state. He shall be a person who has had  
16 experience in personnel administration, classification, or employment testing in a  
17 classified civil service system and shall serve on a full-time basis. He shall receive  
18 and be paid a salary in the amount fixed by the Governor set by the state examiner  
19 in accordance with the State Civil Service Commission's uniform pay plan. The  
20 position of deputy state examiner shall be assigned to the pay range which is two  
21 levels below the pay range to which the deputy director of state civil service is  
22 assigned. The deputy state examiner ~~and~~ shall be paid traveling and living expenses  
23 while away from the place of his residence.

24 c. ~~The state examiner shall be a resident and qualified voter of the state. He~~  
25 ~~shall be a person who has had experience in the field of personnel administration.~~  
26 ~~He~~ The state examiner and the deputy state examiner of the municipal fire and police  
27 civil service shall come within and be bound under and amenable to the ~~Classified~~  
28 ~~Service of the State~~ classified service of the state as established and existing, ~~except~~  
29 ~~no pay plan thereunder shall be applicable to the said state examiner or deputy state~~

1 ~~examiner.~~ The state examiner and deputy state examiner shall be subject to the rules  
2 adopted and promulgated by the State Civil Service Commission. The state  
3 examiner and deputy state examiner shall be subject to removal and other  
4 disciplinary action by the State Civil Service Commission only for a good and  
5 sufficient cause set forth in written charges filed with the ~~Commission~~ commission  
6 by any one of the ~~Municipal Fire and Police Civil Service Board~~ municipal fire and  
7 police civil service boards created by this amendment or by any qualified elector of  
8 the ~~State~~ state, and only after a public hearing by the State Civil Service Commission  
9 to be held in accordance with rules to be adopted by the ~~said Commission~~  
10 commission.

11 d.(i) The State Civil Service Commission shall exercise no administrative  
12 control over the ~~State Examiner or Deputy State Examiner~~ state examiner or deputy  
13 state examiner. Its functions and powers relating to ~~this office~~ these offices shall  
14 consist solely of the right of appointment, hearing of charges for removal or other  
15 disciplinary action legally brought against the incumbents of these offices, and the  
16 ordering of their removal or the rendering of such other judgment of a disciplinary  
17 nature as it may deem proper after a hearing.

18 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph the State  
19 Civil Service Commission's functions and powers shall also include approval of pay  
20 actions for the state examiner.

21 e. When a vacancy occurs in the office of the ~~said State Examiner or Deputy~~  
22 ~~State Examiner~~ state examiner or deputy state examiner, the State Civil Service  
23 Commission shall, within thirty days, make a provisional appointment of any person  
24 it deems qualified to fill the vacancy ~~until a~~. A competitive examination can be  
25 ~~given by and~~ shall be prepared, administered, and scored under the direction of the  
26 State Civil Service Commission; ~~and until in order that~~ a list of persons eligible for  
27 appointment to the office can be established. As soon as such list can be and is  
28 established, the State Civil Service Commission shall appoint ~~one of the three~~  
29 ~~persons ranking highest upon said eligible~~ any person upon the eligibility list who

1        has the experience required in Subparagraphs (a) and (b) of this Paragraph to fill the  
 2        office; ~~and the person thus~~ however, selection preference may be given to any person  
 3        having such experience in the municipal fire and police classified civil service  
 4        system. ~~The person~~ appointed shall serve a working test period of six ~~(6)~~ months  
 5        which shall be considered a portion of the examination. At the termination of such  
 6        working test period, if successfully completed, the appointee shall become a regular  
 7        employee as defined in the State Civil Service Law ~~and subject and amenable thereto~~  
 8        ~~to the same extent as the original State Examiner as hereinbefore set forth; and may~~  
 9        ~~be subjected to removal or other disciplinary action by the State Civil Service~~  
 10       ~~Commission only for a good and sufficient cause set forth in written charges filed~~  
 11       ~~with the Commission by any one of the Municipal Fire and Police Civil Service~~  
 12       ~~Boards created by this Act, or by any qualified elector of the State, and only after a~~  
 13       ~~public hearing by the State Commission to be held in accordance with rules to be~~  
 14       ~~adopted by the State Civil Service Commission.~~

\* \* \*

15  
 16        Section 2. R.S. 33:2479(B), (D), and (H) are hereby amended and reenacted to read  
 17 as follows:

18        §2479. State examiner of municipal fire and police civil service

19        \* \* \*

20        B. The state examiner shall be a resident and qualified voter of the state. He  
 21 shall be a person who has had experience in the field of personnel administration,  
 22 classification, or employment testing in a classified civil service system; however,  
 23 selection preference may be given to persons having such experience in the  
 24 municipal fire and police classified civil service system.

25        \* \* \*

26        D. The state examiner shall serve on a full-time basis. He shall receive and  
 27 be paid a salary ~~of not less than forty-two hundred dollars per year~~ set by the State  
 28 Civil Service Commission in accordance with the State Civil Service Commission's  
 29 uniform pay plan. ~~He~~ The position of state examiner shall be assigned to the same



not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 Constitution made statutory by the Constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law creates the office of state examiner of municipal fire and police civil service and additionally creates the office of deputy state examiner, subject to the supervision and orders of the state examiner.

Proposed law retains present law.

Present law requires that the state examiner be a resident and qualified voter of the state and requires him to serve on a full-time basis. Requires the state examiner to have experience in personnel administration. Requires that he be paid a salary of not less than \$4,200 per year and that the deputy state examiner be paid a salary in an amount fixed by the governor. Further requires that the state examiner be paid for his traveling and living expenses while away from the city of Baton Rouge and that the deputy state examiner be paid for his traveling and living expenses while away from his place of residence. Present law provides that no state civil service pay plan shall be applicable to the state examiner or deputy state examiner.

Proposed law instead requires that the state examiner be paid a salary set by the State Civil Service Commission and the deputy state examiner be paid a salary set by the state examiner. Requires that salaries be set in accordance with the commission's uniform pay plan. Requires that the position of state examiner be assigned to the same pay range to which the deputy director of state civil service is assigned and the position of deputy state examiner be assigned to the pay range which is two levels below the pay range to which the deputy director of state civil service is assigned. Requires the state examiner and the deputy state examiner to have experience in personnel administration, classification, or employment testing in a classified civil service system; provides however, that selection preference may be given to persons with such experience in the municipal fire and police civil service system. Requires both the state examiner and the deputy state examiner to serve on a full-time basis and each to be paid for his traveling and living expenses while away from his place of residence. Proposed law removes present law provisions relative to state civil service pay plans not being applicable to the state examiner or deputy state examiner.

Present law provides that the state examiner and the deputy state examiner shall come within and be bound under and amenable to the classified service of the state but provides however, that the State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Provides that its functions and powers relating to these offices shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

Proposed law retains present law and additionally requires that the state examiner and the deputy state examiner be subject to rules adopted and promulgated by the State Civil Service Commission. Provides that the commission's functions and powers shall also include pay actions for the state examiner.

Present law requires the State Civil Service Commission, when a vacancy occurs in the office of state examiner or deputy state examiner, to make a provisional appointment of any person it deems qualified to fill the vacancy until a competitive examination can be given by and under the direction of the commission and until a list of persons eligible for appointment to the office can be established. Requires the commission to appoint one of the three persons ranking highest upon the eligible list to fill the office and requires the person

appointed to serve a working test period of six months which shall be considered a portion of the examination. Provides that the appointee shall become a regular employee as defined by the State Civil Service Law at the termination of the working test period, if successfully completed.

Proposed law requires the commission to make a provisional appointment within 30 days of a vacancy. Requires that a competitive examination be prepared, administered, and scored under the direction of the commission. Requires the commission to appoint any person upon the eligibility list who has experience in personnel administration, classification, and employment testing in a classified civil service system; provides however, that selection preference may be given to any person with such experience in the municipal fire and police classified civil service system. Retains present law provisions that require the person appointed to serve a six-month working test period and provisions that provide that the appointee shall become a regular employee upon successful completion of the working test period.

Present law provides that a person appointed to fill a vacancy in the office of state examiner and deputy state examiner may be subjected to removal or other disciplinary action by the commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards or by any qualified elector of the state. Provides that removal shall take place only after a public hearing held by the commission in accordance with rules to be adopted by the commission.

Proposed law removes present law.

(Amends Art. XIV, §15.1(9)(a), (b), (c), (d), and (e) of 1921 Const. of La. and R.S. 33:2479(B), (D), and (H); Repeals Art. XIV, §15.1(9)(g) of 1921 Const. of La.)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Added requirement that persons appointed to the office of state examiner or deputy state examiner have experience in classification or employment testing in a classified civil service system. Additionally required the person appointed to serve as deputy state examiner to have experience in personnel administration in a classified civil service system. Added provisions that provide that selection preference may be given to persons with such experience in the municipal fire and police classified civil service system. Required that the person appointed to the office of deputy state examiner be a qualified voter of the state and serve on a full-time basis.
2. Removed proposed law provisions that provided that the deputy state examiner shall receive and be paid a salary set by the State Civil Service Commission in accordance with the commission's uniform pay plan and instead provided that he shall receive and be paid a salary set by the state examiner in accordance with the commission's uniform pay plan. Added proposed law provisions that provide the pay range to which the positions of state examiner and deputy state examiner are assigned.
3. Added provisions that require that the state examiner and the deputy state examiner be subject to the rules adopted and promulgated by the State Civil Service Commission.
4. Removed proposed law provisions that included the evaluation of job performance and the approval of pay actions for the offices of state examiner and deputy state examiner in the list of functions and powers granted to the State Civil Service Commission. Added proposed law provisions that specify that the

commission's functions and powers shall include approval of pay actions for the state examiner.

5. Added requirement that the State Civil Service Commission make a provisional appointment within 30 days of a vacancy in the office of state examiner or deputy state examiner. Specified that competitive examinations shall be prepared, administered, and scored under the direction of the commission. Removed present law requirement that the commission appoint one of three persons highest ranking on the eligibility list and instead added proposed law requirement that the commission appoint any person on the eligibility list with experience required by proposed law.
6. Removed present law provisions that provide that a person appointed to fill a vacancy in the office of state examiner or deputy state examiner may be subjected to removal or other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards or by any qualified elector of the state. Removed present law provisions that authorize removal only after a public hearing held by the commission in accordance with rules to be adopted by the commission.