

SENATE FLOOR AMENDMENTS

2015 Regular Session

Amendments proposed by Senator Johns to Engrossed Senate Bill No. 38 by Senator Johns

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 33:2473(20)," delete the remainder of the line and insert
3 "2481.4(C)(1), 2481.6(C)(1), 2488, 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C),
4 and 2498, relative to the city"

5 AMENDMENT NO. 2

6 On page 1, line 9, after "R.S. 33:2473(20)," delete the remainder of the line and insert
7 "2481.4(C)(1), 2481.6(C)(1), 2488, 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C),
8 and 2498 are hereby amended and"

9 AMENDMENT NO. 3

10 On page 2, between lines 26 and 27, insert the following:

11 §2481.4. Deputy chief of police; competitive appointment

12 * * *

13 C.(1) Any person who is appointed from a position in the classified
14 police service to serve as deputy chief of police shall not forfeit his
15 **departmental or promotional** seniority accumulated to the date of his
16 appointment, and he shall continue to accumulate **departmental or**
17 **promotional** seniority in accordance with the provisions of this Part during
18 the time he holds the position of deputy chief of police. The deputy chief of
19 police shall serve indefinitely in the classified competitive position and shall
20 be evaluated every three years by the chief of police. After each evaluation
21 by the chief of police, the chief may reconfirm the deputy chief for another
22 three year period, or may, at his discretion, demote the deputy chief to his
23 former class of positions.

24 * * *

25 §2481.6. Chief of administration of fire department; competitive appointment

26 * * *

27 C.(1) Any person who is appointed from a position in the classified
28 fire service to serve as chief of administration of fire department shall not
29 forfeit his **departmental** seniority accumulated to the date of his
30 appointment, and he shall continue to accumulate **departmental** seniority in
31 accordance with the provisions of this Part during the time he holds the
32 position of chief of administration of fire department.

33 * * *

34 §2488. Demotion

35 **A.** Demotions of regular employees shall be made by the appointing
36 authority when it becomes necessary to reduce the number of employees in
37 the classified service or in any class therein. Demotions from any class,
38 except for disciplinary action or because of the abolition of an entire class in
39 the classified service, shall be made by demoting employees from lowest to
40 highest in point of total **departmental** seniority earned in positions of the
41 class plus that earned in any higher classes in the classified service. The
42 names of regular employees demoted for any reason, except for disciplinary
43 action, shall be recorded upon the reinstatement list for the class from which
44 they are demoted in the order in which the demotions are made.

45 **B. Notwithstanding Subsection A of this Section, in the Lake**
46 **Charles Police Department, demotions of regular employees shall be**
47 **made by the appointing authority when it becomes necessary to reduce**
48 **the number of employees in the classified service or in any class therein.**
49 **Demotions from any class, except for disciplinary action or because of**

the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total promotional seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

* * *

§2490. Reinstatement and reemployment

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E. Any regular employee who resigns or retires from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his resignation or retirement or in a position in any lower class. Any such employee may be reemployed at any time after his resignation or retirement, but he shall be qualified for the position to which he is reemployed. In addition, the employee shall be reemployed with the **departmental and promotional** seniority accumulated through the date of reinstatement; however, a regular employee shall be reemployed as provided in this Subsection only if his resignation or retirement occurred as a result of the employee being unable to perform the essential functions of his job upon sustaining any injury that is compensable pursuant to the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950.

F. Any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job, may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his retirement or in a position in any lower class. Any such employee may be reemployed at any time after his retirement, but he shall be qualified for the position to which he is reemployed and be able to perform the essential functions of the position. In addition, the employee shall be reemployed with the **departmental and promotional** seniority accumulated through the date of retirement. This Subsection shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act.

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AMENDMENT NO. 4

On page 4, between lines 2 and 3, insert the following:

"§2491.3. Promotional employment lists; limitations

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B. Notwithstanding the provisions of R.S. 33:2491 and Article XIV, Section 15.1, Paragraph 21 of the Louisiana Constitution of 1921 made statutory by Article X, Section 18 of the Louisiana Constitution of 1974, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and police civil service board of the city in determining the total **departmental or promotional** seniority in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as a chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department.

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1 AMENDMENT NO. 5

2 On page 5, between lines 14 and 15, insert the following:

3 "§2498. Abolition of positions in the classified service

4 A. Whenever the appointing authority abolishes a position in the
5 classified service and there is no position vacant in the respective class to
6 which the regular employee of the abolished position may be transferred, the
7 employee shall be transferred to any position of the same class which may
8 be held by a provisional employee. If there is no such position he shall be
9 transferred to another position in the respective class, and the holder of that
10 position shall thereupon be demoted in the order provided by R.S. 33:2488.

11 B. Whenever an entire class is abolished in the classified service, the
12 regular employees of the class shall be demoted to lower classes and priority
13 to positions shall be governed by total seniority earned in the departmental
14 service in the order of highest to lowest.

15 C. **Notwithstanding the provisions of Subsection B of this**
16 **Section, in the Lake Charles Police Department, whenever an entire**
17 **class is abolished in the classified service, the regular employees of the**
18 **class shall be demoted to lower classes and priority to positions shall be**
19 **governed by total promotional seniority earned in the class in the order**
20 **of highest to lowest.**"