

RÉSUMÉ DIGEST

ACT 240 (SB 29)

2015 Regular Session

Cortez

Prior law, relative to municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, defined "seniority" as the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed to a particular department and has worked continuously to and including the date of computation.

New law provides that "departmental seniority" is defined as the term "seniority" was defined by prior law and adds "promotional seniority" as a defined term to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Requires that employment counted toward seniority in the next lower class include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class.

Prior law provided that any person who is appointed from a position in the classified service to serve as deputy police chief or chief of administration of fire department does not forfeit his "seniority" accumulated to the date of his appointment and continues to accumulate "seniority" during the time he holds his position.

New law provides that the deputy police chief does not forfeit his "departmental or promotional seniority" and the chief of administration of fire does not forfeit his "departmental seniority" accumulated to the date of appointment. Provides that the deputy police chief continues to accumulate "departmental or promotional seniority" and the chief of administration of fire continues to accumulate "departmental seniority" during the time that each person holds his position.

Prior law, relative to any regular employee who resigned or retired from a position in the classified service with the prior approval of the board, provides that the employee may be reemployed at any time after his resignation or retirement, but must be qualified for the position to which he is reemployed. Required that the person be reemployed with the "seniority" accumulated through the date of reinstatement. New law requires that the employee be reemployed with the "departmental and promotional seniority" accumulated through the date of reinstatement.

Prior law required the names of persons attaining a passing score on a promotion test to be placed on the promotion employment list for the class for which they were tested, from highest to lowest, according to their total "seniority".

New law instead requires the names of such persons to be placed on the promotion employment list, from highest to lowest, according to their total "departmental seniority". New law adds an exception for the Lafayette Police Department. Requires that names be placed on the promotion employment list, from highest to lowest, according to their total "promotional seniority" in the next lower class. Provides that if two or more employees share equal promotional seniority in a class, then those employees are to be listed in order of their "departmental seniority", from highest to lowest.

New law requires that when new names are placed on a promotion list for a given class, the remaining names are to be rearranged with the new names so that all names appear on the list for the class rank, from highest to lowest according to total promotional seniority in the next lower class from which the promotion list is established.

Prior law provided that departmental service in certain classified police positions, including police headquarters desk service, jailer, police matron, and operations and maintenance of radio, police alarm or signal system, cannot be counted by the municipal fire and police civil service board of the city in determining the total "seniority" in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for classified police positions with certain duties or responsibilities. New law provides that departmental service in these positions cannot be counted toward total "departmental or promotional seniority".

Prior law provided that promotions to vacant positions shall be filled by qualified applicants in order of seniority in total departmental service.

New law retains these provisions but makes an exception for the Lafayette Police Department as follows:

- (1) If a vacancy cannot be filled by reinstatement or reemployment then the names of persons on the promotional list are to be certified in the order in which they appear on the list for the class in which the vacancy is to be filled.
- (2) Appointment for the first vacancy is to be made with the person having the greatest promotional seniority in the next lower rank. Remaining positions to be filled are to be filled by appointing to each succeeding vacancy, the person who is certified to have the next highest promotional seniority in the next lower class.
- (3) If an appointment is refused then the person certified with the next highest promotional seniority in the next lower class is to be selected.
- (4) If two or more persons possess an equal amount of promotional seniority in a class, then those employees are to be placed on the promotional list in order of their "departmental seniority" from highest to lowest.

New law provides that whenever an entire class in the Lafayette Police Department is abolished in the classified service, the regular employees of the class are to be demoted to lower classes and priority to positions are to be governed by total promotional seniority earned in the class in the order of highest to lowest. Provides that if two or more employees possess an equal amount of promotional seniority, the names of those persons are to be placed on the promotional list in order of departmental seniority, from highest to lowest.

Effective upon August 1, 2016.

(Amends R.S. 33:2473(20), 2481.4(C)(1), 2481.6(C)(1), 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C), and 2498)