

SENATE BILL NO. 84

BY SENATOR GATTI AND REPRESENTATIVES ADAMS, AMEDEE, ARMES, BAGLEY, BERTHELOT, BILLIOT, CHAD BROWN, TERRY BROWN, COX, DAVIS, GISCLAIR, GLOVER, GUINN, HAZEL, HODGES, HOFFMANN, HORTON, HOWARD, JACKSON, JENKINS, ROBERT JOHNSON, LYONS, MAGEE, MONTOUCET, NORTON, REYNOLDS, RICHARD, THIBAUT, WHITE, WILLMOTT AND ZERINGUE

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AN ACT

To amend and reenact Subparagraphs (b) and (c) of Paragraph 34 of Article XIV, Section 15.1 of the Louisiana Constitution of 1921, and R.S. 33:2504(B) and (C) and 2564(B) and (C), relative to municipal fire and police civil service; to provide relative to classified employees; to provide for investigation of any such employee for prohibited political activities; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subparagraphs (b) and (c) of Paragraph 34 of Article XIV, Section 15.1 of the Louisiana Constitution of 1921 are hereby amended and reenacted to read as follows:

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

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34. Political Activities Prohibited.

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b. The appointing authority shall ~~discharge from the service any employee whom he deems guilty of violating any one or more of the provisions of this Section. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Section. The board shall, within thirty days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the~~

1 service and the appointing authority shall forthwith discharge the employee conduct
 2 an investigation of any person alleged to have violated a provision of this
 3 Paragraph, unless a request by the appointing authority is made to the board
 4 to conduct such an investigation. If as a result of such investigation the
 5 employee is determined to be guilty of violating one or more provisions of this
 6 Paragraph, he shall be suspended for thirty work days without pay for a first
 7 violation and discharged for a second violation. However, any employee found
 8 to have violated R.S. 33:2504(A)(4)(c) shall be terminated upon the
 9 determination of such a violation. The board may, upon its own initiative or
 10 upon the request of the appointing authority, investigate any officer or
 11 employee in the classified service whom it reasonably believes guilty of violating
 12 any one or more of the provisions. Any citizen, taxpayer, municipal officer, or
 13 employee may file with the board detailed charges in writing against any
 14 employee in the classified service for violating any provision of this Paragraph.
 15 The board shall, within thirty days after receiving the written charges, hold a
 16 public hearing and investigation and determine whether such charges are true
 17 and correct. If the board finds, upon its investigation, that an employee has
 18 violated any provision of this Paragraph, the board shall order the appointing
 19 authority to suspend the employee without pay for thirty work days for a first
 20 violation and mandate educational training on prohibited political activities. If
 21 the board determines an employee has violated any provision of this Paragraph
 22 for a second time, the board shall order the discharge of the employee from the
 23 service, and the appointing authority shall discharge the employee.

24 c. Whoever ~~violates this Section~~ is found to have violated a provision of
 25 this Paragraph twice shall be subject to the penalties provided in ~~paragraph 37~~ R.S.
 26 33:2507. In addition any employee in the classified service who is discharged
 27 because of violating a ~~foregoing~~ provision of this Paragraph shall not again be
 28 eligible for employment or public office in the classified service for a period of six
 29 years from the time of his discharge.

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1 Section 2. R.S. 33:2504(B) and (C) and 2564(B) and (C) are hereby amended and
2 reenacted to read as follows:

3 §2504. Political activities prohibited

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5 B. The appointing authority shall ~~discharge from the service any employee~~
6 ~~whom he deems guilty of violating any one or more of the provisions of this Section~~
7 **conduct an investigation of any person alleged to have violated a provision of**
8 **this Section, unless a request by the appointing authority is made to the board**
9 **to conduct such an investigation. If as a result of such investigation the**
10 **employee is determined to be guilty of violating one or more provisions of this**
11 **Section, he shall be suspended for thirty work days without pay for a first**
12 **violation or discharged for a second violation. However, any employee found to**
13 **have violated Subparagraph (A)(4)(c) of this Section shall be terminated upon**
14 **the determination of a violation of the offense.** The board may, upon its own
15 initiative, **or upon the request of the appointing authority,** investigate any officer
16 or employee in the classified service whom it reasonably believes guilty of violating
17 any one or more of the provisions. Any citizen, taxpayer, municipal officer, or
18 employee may file with the board detailed charges in writing against any employee
19 in the classified service for violating any one or more of the provisions of this
20 Section. The board shall, within thirty days after receiving the written charges, hold
21 a public hearing and investigation and determine whether such charges are true and
22 correct. If the board should find upon its investigation of any employee that he has
23 violated any of the ~~foregoing~~ provisions **of this Section,** the board shall order the
24 appointing authority to ~~forthwith~~ **suspend the employee without pay for thirty**
25 **work days for a first violation and mandate educational training on prohibited**
26 **political activities. If the board determines an employee has violated any of the**
27 **provisions of this Section for a second time, the board shall order the** discharge
28 ~~the guilty of the~~ employee from the service and the appointing authority shall
29 ~~forthwith~~ discharge the employee.

30 C. Whoever ~~violates~~ **is found to have violated a provision of** this Section

1 twice shall be subject to the penalties provided in R.S. 33:2507. In addition any
 2 employee in the classified service who is discharged because of violating a ~~foregoing~~
 3 provision **of this Section** shall not again be eligible for employment or public office
 4 in the classified service for a period of six years from the time of his discharge.

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6 §2564. Political activities prohibited

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8 B. The appointing authority shall ~~discharge from the service any employee~~
 9 ~~whom he deems guilty of violating any one or more of the provisions of this Section~~
 10 **conduct an investigation of any person alleged to have violated a provision of**
 11 **this Section, unless a request by the appointing authority is made to the board**
 12 **to conduct such an investigation. If as a result of such investigation the**
 13 **employee is determined to be guilty of violating one or more provisions of this**
 14 **Section, he shall be suspended for thirty work days without pay for a first**
 15 **violation or discharged for a second violation. However, any employee found to**
 16 **have violated Subparagraph (A)(4)(c) of this Section shall be terminated upon**
 17 **the determination of a violation of the offense.** The board may, upon its own
 18 initiative, **or upon the request of the appointing authority,** investigate any officer
 19 or employee in the classified service whom it reasonably believes guilty of violating
 20 any one or more of the provisions of this Part. The board shall, within thirty days
 21 after receiving the written charges, hold a public hearing and investigation and
 22 determine whether such charges are true and correct. If the board should find upon
 23 its investigation of any employee that he has violated any of the ~~foregoing~~ provisions
 24 **of this Section,** the board shall order the appointing authority to ~~forthwith~~ **suspend**
 25 **the employee without pay for thirty work days for a first violation and mandate**
 26 **educational training on prohibited political activities. If the board determines**
 27 **an employee has violated any of the provisions of this Section for a second time,**
 28 **the board shall order the** ~~discharge the guilty of the~~ employee from the service and
 29 the appointing authority shall ~~forthwith~~ discharge the employee.

30 C. Whoever ~~violates~~ **is found to have violated** this Part twice shall be

1 subject to the penalties provided in R.S. 33:2567. In addition any employee in the
 2 classified service who is discharged because of violating a ~~foregoing~~ provision **of**
 3 **this Section** shall not again be eligible for employment or public office in the
 4 classified service for a period of six years from the time of his discharge.

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6 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
 7 change any and all references relative to the prohibition from political activity by an
 8 employee in the classified service in current law, not already amended by Section 2 of this
 9 Act, in the manner it deems appropriate in order to make those provisions consistent with
 10 the provisions of Section 2 of this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____