

CONFERENCE COMMITTEE REPORT

HB 859**2016 Regular Session****Montoucet**

June 3, 2016

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 859 by Representative Montoucet, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendments Nos. 1 through 3 by the Senate Committee on Local and Municipal Affairs (#3239) be adopted.
2. That Senate Committee Amendment No. 4 by the Senate Committee on Local and Municipal Affairs (#3239) be rejected.
3. That Senate Floor Amendments Nos. 1, 2, 3, and 5 by Senator Ward (#3560) be adopted.
4. That Senate Floor Amendment No. 4 by Senator Ward (#3560) be rejected.
5. That the set of Senate Floor Amendments by Senator Ward (#3557) be adopted.
6. That the following amendments to the engrossed bill be adopted:

In Senate Committee Amendment No. 1 by the Senate Committee on Local and Municipal Affairs (#3239), on page 1, line 5, after "33:2494(C)(2)(e)" and before "2555(F)" delete "and (F)," and insert a comma "," and insert "2495(F),"

In Senate Committee Amendment No. 3 by the Senate Committee on Local and Municipal Affairs (#3239), on page 1, at the end of line 13, insert a comma ","

In Senate Committee Amendment No. 3. by the Senate Committee on Local and Municipal Affairs (#3239), on page 1, at the beginning of line 14, delete "and (F)" and insert "2495(F),"

In Senate Committee Amendment No. 3 by the Senate Committee on Local and Municipal Affairs (#3239), on page 2, line 27, change "R.S. 33:2554," to "R.S. 33:2494,"

In Senate Committee Amendment No. 3 by the Senate Committee on Local and Municipal Affairs (#3239), on page 3, line 1, change "33:2496(2)" to "33:2556(2)"

In Senate Floor Amendment No. 1 by Senator Ward (#3560), on page 1, at the beginning of line 36, change "33:2496(2)" to "33:2556(2)"

In Senate Floor Amendment No. 1 by Senator Ward (#3560), on page 2, line 24, change "R.S. 33:2496(2)" to "R.S. 33:2556(2)"

Respectfully submitted,

Representative John A. Berthelot

Senator Yvonne Colomb

Representative Jack Montoucet

Senator Rick Ward

Representative Bryan Adams

Senator Conrad Appel

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 859

2016 Regular Session

Montoucet

Keyword and oneliner of the instrument as it left the House

CIVIL SERVICE/FIRE & POL: Provides relative to the appointment and removal of employees of the municipal fire and police civil service

Report adopts Senate amendments to:

1. Require the appointing authority to promote any person who is certified as eligible but who, because of a work-related illness, injury, or incapacity, is unable to immediately begin a working test.
2. Provide that the working test is considered interrupted by any absence greater than 30 consecutive days, but the test period cannot last longer than an aggregate of one year.
3. Provide that the position of deputy police chief in certain municipalities shall be in the unclassified service.
4. Establish new procedures for promotions to vacant positions in the classified police service for the city of DeRidder.
5. Limit to the rank of lieutenant or above present law provisions pertaining to the calculation of seniority in the Lafayette police department.
6. Change the effective date.

Report amends the bill to:

1. Make technical changes.

Digest of the bill as proposed by the Conference Committee

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 law.

Present law requires, with some exceptions, that every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive

employment list is a probational employee and he must be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

Proposed law retains present law.

Present law provides that any employee in a position of a competitive class of the classified police service, except entry level police officers and entry level radio, police alarm, or signal system operators, who has served less than six months of his working test may be removed only upon grounds as provided in present law, with prior approval of the board. With respect to any employee in a position of a promotional class of the classified police service, present law provides that any such employee who has served less than three months of his working test may be removed only with prior approval of the board. Provides that such employee may appeal to the board only upon the following grounds:

- (1) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.
- (2) His habits and dependability do not merit his continuance therein.

Proposed law retains present law except provides that such employee may be removed from his position on grounds provided for in present law. Removes reference to an employee's grounds for appeal to the board.

Present law requires that promotions to vacant positions be filled by reinstatement or reemployment. Provides that all employees whose names appear upon the reinstatement list for a respective class must be reinstated in a position thereof, in the reverse order from which their names are placed upon the list, before any other appointment is made.

Proposed law retains present law but makes a technical change.

Proposed law provides that any person certified to the appointing authority who, because of a work-related illness, injury, or incapacity, is unable to immediately begin a working test, shall be appointed to the position. Provides that the working test shall be immediately interrupted and shall not commence until the employee has fully recovered and returns to full duty. Provides that if the employee fails to recover and return to full duty within six months, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified. Also, any person appointed to substitute for the injured employee shall have the time count toward his working test period.

Proposed law provides that any employee who has commenced a working test shall have the working test considered interrupted by an absence greater than 30 consecutive days. Provides that the working test, even if interrupted, shall not be more than the aggregate period of one year.

Present law requires that promotions to vacant positions be filled by reinstatement or reemployment. If the position cannot be filled in this manner, then the position must be filled by the eligible person with the greatest seniority in departmental service.

Present law, relative to the Lafayette police dept., provides for promotions based on promotional seniority rather than departmental seniority. Proposed law limits applicability of present law to the ranks of lieutenant and above.

Proposed law makes an exception for the DeRidder Police Dept. 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.

Proposed law, relative to the position of deputy chief of police of a municipality with a population between 6,000-6,150 located in a parish with a population between 50,000-52,250 based on the latest federal decennial census, provides that the position shall be in the unclassified service. Provides that the right of selection, appointment, supervision and discharge for that position shall be vested in the chief of police of the municipality. Provides that the appointee shall not forfeit his seniority accumulated to the date of his appointment and shall continue to accumulate seniority during the time he holds the position.

Multiple effective dates.

(Amends R.S. 33:2494(C)(1) and (2)(intro. para.) and (G), 2554(B), (C), and (G), and 2555(B)(3)(a); Adds R.S. 33:2494(C)(2)(e), 2495(F), 2555(F), and 2585.10)