

2016 Regular Session

HOUSE BILL NO. 861

BY REPRESENTATIVE MONTOUCET

1 AN ACT

2 To amend and reenact R.S. 33:2473 and 2533, relative to the municipal fire and police civil
3 service; to provide relative to defined terms within the provisions governing the
4 classified service; to add the term "regular paid or regularly paid department" as a
5 defined term; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2473 and 2533 are hereby amended and reenacted to read as
8 follows:

9 §2473. Definitions

10 The following words and phrases when used in this Part shall have the
11 following meaning, unless the context clearly requires otherwise:

12 1. "Allocation" means the official determination of the class to which a
13 position in the classified service belongs.

14 2. "Appointing authority" means any official, officer, board, commission,
15 council, or person having the power to make appointments to positions in the
16 municipal fire and police services.

17 3. "Appointment" means the designation of a person, by due authority, to
18 become an employee in a position, and his induction into employment in the
19 position.

20 4. "Board" means the municipal fire and police civil service board.

21 5. "Class" or "class of position" means a definitely recognized kind of
22 employment in the classified service, designated to embrace positions that are so

1 nearly alike in the essential character of their duties, responsibilities, and consequent
 2 qualification requirements, that they can fairly and equitably be treated alike under
 3 like conditions for all personnel purposes.

4 6. "Classification plan" means all the classes of positions established for the
 5 classified service.

6 7. "Classified service" means every appointive office and position of trust
 7 or employment in the municipal government which has as its primary duty one of the
 8 functions specifically set forth to be included in the classified service by the
 9 provisions of this Part; and excludes all elective and appointive offices and positions
 10 of trust or employment which have a primary duty specifically set forth to be
 11 included in the unclassified service by the provisions of this Part.

12 8. "Demotion" means a change of an employee in the classified service from
 13 a position of one class to a position of a lower class which generally affords less
 14 responsibility and pay.

15 9. "Departmental service" means employment in the public services offered
 16 and performed separately by the fire and by the police departments of the
 17 municipality.

18 10. "Eligible" means a person whose name is on a list.

19 11. "Employee" means a person legally occupying a position.

20 12. "Employment list" or "list" means a reinstatement employment list, a
 21 promotional employment list, a competitive employment list, and a reemployment
 22 list.

23 13. "Position" means any office and employment in the municipal fire and
 24 police services, the duties of which call for services to be rendered by one person.

25 14. "Promotion" means a change of an employee in the classified service
 26 from a position of one class to a position of a higher class which generally affords
 27 increased responsibilities and pay.

28 15. "Promotion employment list" or "promotion list" means an employment
 29 list containing the names of eligible persons established from the results of

1 promotion tests given for a particular class of positions which is not specifically
2 required by this Part to be established from the results of a competitive test.

3 16. "Promotion test" means a test for positions in a particular class which is
4 not specifically required by this Part to be filled by competitive tests, admission to
5 which is limited to regular employees of the next lower class, or the next lower
6 classes when authorized by the rules, in the classified service.

7 17. "Reemployment list" means an employment list for the entrance or
8 lowest ranking class in the classified service, or in any group of classes as may have
9 been grouped in the classification plan, containing names of regular employees who
10 have been laid off under the "lay off" provisions of this Part. This list shall not be
11 applicable to persons who have resigned or have been discharged.

12 18. "Regular employee" or "permanent employee" means an employee who
13 has been appointed to a position in the classified service in accordance with this Part
14 after completing his working test period.

15 19. "Regular paid and regularly paid department" means any fire or police
16 department in any municipality that employs personnel in positions of the classified
17 service as defined in this Section and compensates such personnel at regular
18 intervals.

19 ~~19:20.~~ "Reinstatement employment list" or "reinstatement list" means an
20 employment list containing names of persons eligible for reinstatement in positions
21 of a class from which they have been demoted for reasons other than disciplinary
22 action.

23 ~~20:21.~~ "Seniority" means the following:

24 (a) "Departmental seniority" means the total employment computed for an
25 employee beginning with the last date on which he was regularly and permanently
26 appointed and has worked continuously to and including the date of computation.
27 Time during which an employee has served in the armed forces of the United States
28 subsequent to May 1, 1940, not to exceed four years, shall be construed to mean
29 continuous service and shall be included in the computation of his departmental
30 seniority. Total departmental seniority, including positions of any and all classes,

1 or seniority in any one or more given classes, may be computed for an employee, but
 2 in either case employment shall be continuous and unbroken by a resignation or
 3 discharge of the respective employee. An employee who is finally discharged or
 4 resigns from his position shall forfeit all accumulated departmental seniority. An
 5 employee who is suspended and returns to his position immediately following the
 6 expiration of his suspension shall not forfeit his departmental seniority accumulated
 7 to the date of his suspension, but he shall not be given credit for the lost time at any
 8 future computation.

9 (b) "Promotional seniority" means the total cumulative employment in a
 10 class of positions of the next lower class from which a promotion is to be made.
 11 Employment counted toward seniority in the next lower class shall include the
 12 aggregate of all temporary appointments, the working test period, and employment
 13 as a regular and permanent employee in the class, less the aggregate of suspensions
 14 without pay while serving in a position of the class. The appointing authority shall
 15 maintain accurate records of appointments and suspensions, and shall report such
 16 appointments and suspensions to the board in strict compliance with R.S. 33:2503.

17 ~~21.22.~~ "Temporary appointment" means the appointment of an employee for
 18 a limited period of service without acquisition by the appointee of any continuing
 19 right to be retained beyond the period.

20 * * *

21 §2533. Definitions

22 The following words and phrases, when used in this Part, shall have the
 23 following meaning unless the context clearly requires otherwise:

24 1. "Allocation" means the official determination of the class to which a
 25 position in the classified service belongs.

26 2. "Appointing authority" means any official, officer, board, commission,
 27 council or person having the power to make appointments to positions in the
 28 municipal, parish or fire protection district fire service.

1 3. "Appointment" means the designation of a person, by due authority, to
2 become an employee in a position, and his induction into employment in the
3 position.

4 4. "Board" means the municipal, parish, or fire protection district fire and
5 police civil service board.

6 5. "Class" or "class of position" means a definitely recognized kind of
7 employment in the classified service, designated to embrace positions that are so
8 nearly alike in the essential character of their duties, responsibilities and consequent
9 qualification requirements that they may fairly and equitably be treated alike under
10 like conditions for all personnel purposes.

11 6. "Classification plan" means all the classes of positions established for the
12 classified service.

13 7. "Classified service" means every appointive office and position of trust
14 or employment in the municipal government, parish government, or fire protection
15 district government which has as its primary duty one of the functions specifically
16 set forth to be included in the classified service by the provisions of this Part; and
17 excludes all elective and appointive offices and positions of trust or employment
18 which have a primary duty specifically set forth to be included in the unclassified
19 service by the provisions of this Part.

20 8. "Demotion" means a change of an employee in the classified service from
21 a position of one class to a position of a lower class which generally involves less
22 responsibility and provides less pay.

23 9. "Department service" means employment in the public service offered and
24 performed separately by the fire or police department of the municipality, parish or
25 fire protection district.

26 10. "Eligible" means a person whose name is on a list.

27 11. "Employee" means a person legally occupying a position.

28 12. "Employment list" or "lists" means a reinstatement employment list, a
29 promotional employment list, a competitive employment list and a re-employment
30 list.

1 13. "Position" means any office or employment in the municipal, parish or
2 fire protection district, fire or police service, the duties of which call for services to
3 be rendered by one person.

4 14. "Promotion" means a change of an employee in the classified service
5 from a position of one class to a position of a higher class which generally involves
6 increased responsibilities and provides increased pay.

7 15. "Promotion employment list" or "promotion list" means an employment
8 list, containing the names of eligible persons established from the results of
9 promotion tests given for a particular class of positions; which is not specifically
10 required by this Part to be established from the results of a competitive test.

11 16. "Promotion test" means a test for positions in a particular class which are
12 not specifically required by this Part to be filled by competitive tests, admission to
13 which is limited to regular employees of the next lower class, or the next lower
14 classes when authorized by the rules, in the classified service.

15 17. "Re-employment list" means an employment list for the entrance or
16 lowest ranking class in the classified service, or any group of classes that may be
17 grouped in the classification plan, containing names of regular employees who have
18 been laid off under the "lay off" provisions of this Part. This list shall not be
19 applicable to persons who have resigned or have been discharged.

20 18. "Regular employee" or "permanent employee" means an employee who
21 has been appointed to a position in the classified service in accordance with this Part
22 after completing his working test period.

23 19. "Regular paid and regularly paid department" means any fire or police
24 department in any municipality, parish, or fire protection district that employs
25 personnel in positions of the classified service as defined in this Section and
26 compensates such personnel at regular intervals.

27 ~~19.20.~~ "Reinstatement employment list" or "reinstatement list" means an
28 employment list containing names of persons eligible for reinstatement in positions
29 of a class from which they have been demoted for reasons other than disciplinary
30 action.

1 ~~20~~21. "Seniority" means the total employment computed for an employee
2 beginning with the last date on which he was regularly and permanently appointed
3 and has worked continuously, to and including the date of computation. Time during
4 which an employee has served in the armed forces of the United States subsequent
5 to May 1, 1940 shall be construed to mean continuous service and shall be included
6 in the computation of his seniority. Total seniority in the departmental service,
7 including positions of any and all classes, or seniority in any one or more given
8 classes, may be computed for an employee, but in either case employment shall be
9 continuous and unbroken by a resignation or discharge of the respective employee.
10 An employee who is finally discharged or resigns from his position shall forfeit all
11 accumulated seniority. An employee who is suspended and returns to his position
12 immediately following the expiration of his suspension shall not forfeit his seniority
13 accumulated to the date of his suspension, but he shall not be given credit for the lost
14 time at any future compensation.

15 ~~21~~22. "Temporary appointment" means the appointment of an employee for
16 limited period of service without acquisition by the appointee of any continuing right
17 to be retained beyond such period.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____