

ACT No. 312

2021 Regular Session

HOUSE BILL NO. 412

BY REPRESENTATIVE LACOMBE

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AN ACT

To amend and reenact R.S. 33:2490(E) and (F) and 2550(E) and (F), relative to the municipal fire and police civil service; to provide relative to employees who have resigned or retired from the classified service due to injury or medical condition; to provide relative to the position and class to which employees may be reemployed; to provide relative to the qualifications, compensation, and seniority of any such employee; to provide limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2490(E) and (F) and 2550(E) and (F) are hereby amended and reenacted to read as follows:

§2490. Reinstatement and reemployment

* * *

E.(1) ~~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~~

1 ~~of Title 23 of the Louisiana Revised Statutes of 1950.~~ Subject to the requirements
2 of this Subsection, any regular employee who resigns or retires as specified in
3 Paragraph (3) of this Subsection from a position in the classified service and who
4 applies for reemployment shall be reemployed in a position of the class in which he
5 was employed immediately preceding his resignation or retirement. However, if
6 there are no available positions in his former class, he may be temporarily placed in
7 a position in any lower class. If the employee is temporarily placed in a position in
8 a lower class, he shall receive the same rate of pay, including longevity pay, that he
9 would have otherwise received for the position in which he was to be reemployed in
10 his former class. In addition, during his temporary placement, he shall be placed first
11 on the eligibility list for a position in his former class and shall not be required to
12 retest for any such position. The employee shall remain first on such list until he is
13 appointed to a position in his former class.

14 (2)(a) Prior to reemployment, an employee shall give notice to the
15 appointing authority that the employee is able to return to work. An authorization
16 from the employee's treating physician certifying that the employee is able to
17 perform the essential functions of the position that were required at the time he was
18 originally confirmed in such position shall be included with the employee's notice
19 to the appointing authority. Upon furnishing such notice and certification to the
20 appointing authority, the employee shall be deemed qualified for the position. The
21 board shall approve the reemployment of the employee and the appointing authority
22 shall reemploy such employee. The employee shall be considered a permanent
23 employee and shall not be required to serve a working test. In addition, the
24 employee shall be reemployed with the departmental and promotional seniority the
25 employee accrued during his employment including any such seniority that he would
26 have accumulated from the date of his separation through the date of reinstatement
27 as if he remained in continuous service.

28 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
29 if the appointing authority has a specific cause to dispute the certification of the
30 employee's treating physician, the appointing authority may have the employee

1 evaluated by another physician for the limited purpose of confirming that the injury
2 or medical condition that resulted in his resignation or retirement no longer prevents
3 him from performing the essential functions of the position. If there is a
4 disagreement between the employee's treating physician and the physician selected
5 by the appointing authority, the two physicians shall select a third physician whose
6 opinion shall be determinative.

7 (3) The reemployment provided for in this Subsection applies only if a
8 resignation or retirement occurred as a result of the employee's being unable to
9 perform the essential functions of his job after sustaining an injury or developing a
10 medical condition during the course and scope of his employment as determined by
11 the employee's treating physician. In addition, the reemployment provided for in this
12 Subsection is available at any time after the resignation or retirement of the
13 employee.

14 ~~F.(1) Any regular employee who retires from a position in the classified fire~~
15 ~~service as a result of an injury or a medical condition which prevents him from~~
16 ~~performing the essential functions of his job, may, with the prior approval of the~~
17 ~~board, be reemployed in a position of the class in which he was employed~~
18 ~~immediately preceding his retirement or in a position in any lower class. Any such~~
19 ~~employee may be reemployed at any time after his retirement, but he shall be~~
20 ~~qualified for the position to which he is reemployed and be able to perform the~~
21 ~~essential functions of the position. In addition, the employee shall be reemployed~~
22 ~~with the departmental and promotional seniority accumulated through the date of~~
23 ~~retirement. This Subsection shall not be applicable to employees whose injury or~~
24 ~~medical condition resulted from their own negligent or intentional act. Subject to the~~
25 requirements of this Subsection, any regular employee who retires from a position
26 in the classified fire service as a result of an injury or a medical condition which
27 prevents him from performing the essential functions of his job and who applies for
28 reemployment shall be reemployed in a position of the class in which he was
29 employed immediately preceding his retirement. However, if there are no available
30 positions in his former class, he may be temporarily placed in a position in any lower

1 class. If the employee is temporarily placed in a position in a lower class, he shall
2 receive the same rate of pay, including longevity pay, that he would have otherwise
3 received for the position in which he was to be reemployed in his former class. In
4 addition, during his temporary placement, he shall be placed first on the eligibility
5 list for a position in his former class and shall not be required to retest for any such
6 position. The employee shall remain first on such list until he is appointed to a
7 position in his former class.

8 (2)(a) Prior to reemployment, an employee shall give notice to the
9 appointing authority that the employee is able to return to work. An authorization
10 from the employee's treating physician certifying that the employee is able to
11 perform the essential functions of the position that were required at the time he was
12 originally confirmed in such position shall be included with the employee's notice
13 to the appointing authority. Upon furnishing such notice and certification to the
14 appointing authority, the employee shall be deemed qualified for the position. The
15 board shall approve the reemployment of the employee and the appointing authority
16 shall reemploy such employee. The employee shall be considered a permanent
17 employee and shall not be required to serve a working test. In addition, the
18 employee shall be reemployed with the departmental and promotional seniority the
19 employee had accrued as of the date of his retirement.

20 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
21 if the appointing authority has a specific cause to dispute the certification of the
22 employee's treating physician, the appointing authority may have the employee
23 evaluated by another physician for the limited purpose of confirming that the injury
24 or medical condition that resulted in his retirement no longer prevents him from
25 performing the essential functions of the position. If there is a disagreement between
26 the employee's treating physician and the physician selected by the appointing
27 authority, the two physicians shall select a third physician whose opinion shall be
28 determinative.

1 (3) The reemployment provided for in this Subsection is available at any
2 time after the retirement of the employee.

3 * * *

4 §2550. Reinstatement and reemployment

5 * * *

6 ~~E.(1) Any regular employee who resigns or retires from a position in the~~
7 ~~classified service may, with the prior approval of the board, be reemployed in a~~
8 ~~position of the class in which he was employed immediately preceding his~~
9 ~~resignation or retirement or in a position in any lower class. Any such employee~~
10 ~~may be reemployed at any time after his resignation or retirement, but he shall be~~
11 ~~qualified for the position to which he is reemployed. In addition, the employee shall~~
12 ~~be reemployed with the departmental and promotional seniority accumulated through~~
13 ~~the date of reinstatement; however, a regular employee shall be reemployed as~~
14 ~~provided in this Subsection only if his resignation or retirement occurred as a result~~
15 ~~of the employee being unable to perform the essential functions of his job upon~~
16 ~~sustaining any injury that is compensable pursuant to the provisions of Chapter 10~~
17 ~~of Title 23 of the Louisiana Revised Statutes of 1950. Subject to the requirements~~
18 ~~of this Subsection, any regular employee who resigns or retires as specified in~~
19 ~~Paragraph (3) of this Subsection from a position in the classified service and who~~
20 ~~applies for reemployment shall be reemployed in a position of the class in which he~~
21 ~~was employed immediately preceding his resignation or retirement. However, if~~
22 ~~there are no available positions in his former class, he may be temporarily placed in~~
23 ~~a position in any lower class. If the employee is temporarily placed in a position in~~
24 ~~a lower class, he shall receive the same rate of pay, including longevity pay, that he~~
25 ~~would have otherwise received for the position in which he was to be reemployed in~~
26 ~~his former class. In addition, during his temporary placement, he shall be placed first~~
27 ~~on the eligibility list for a position in his former class and shall not be required to~~
28 ~~retest for any such position. The employee shall remain first on such list until he is~~
29 ~~appointed to a position in his former class.~~

1 (2)(a) Prior to reemployment, an employee shall give notice to the
2 appointing authority that the employee is able to return to work. An authorization
3 from the employee's treating physician certifying that the employee is able to
4 perform the essential functions of the position that were required at the time he was
5 originally confirmed in such position shall be included with the employee's notice
6 to the appointing authority. Upon furnishing such notice and certification to the
7 appointing authority, the employee shall be deemed qualified for the position. The
8 board shall approve the reemployment of the employee and the appointing authority
9 shall reemploy such employee. The employee shall be considered a permanent
10 employee and shall not be required to serve a working test. In addition, the
11 employee shall be reemployed with the departmental and promotional seniority the
12 employee accrued during his employment including any such seniority that he would
13 have accumulated from the date of his separation through the date of reinstatement
14 as if he remained in continuous service.

15 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
16 if the appointing authority has a specific cause to dispute the certification of the
17 employee's treating physician, the appointing authority may have the employee
18 evaluated by another physician for the limited purpose of confirming that the injury
19 or medical condition that resulted in his resignation or retirement no longer prevents
20 him from performing the essential functions of the position. If there is a
21 disagreement between the employee's treating physician and the physician selected
22 by the appointing authority, the two physicians shall select a third physician whose
23 opinion shall be determinative.

24 (3) The reemployment provided for in this Subsection applies only if a
25 resignation or retirement occurred as a result of the employee's being unable to
26 perform the essential functions of his job after sustaining an injury or developing a
27 medical condition during the course and scope of his employment as determined by
28 the employee's treating physician. In addition, the reemployment provided for in this
29 Subsection is available at any time after the resignation or retirement of the
30 employee.

1 ~~F.(1) Any regular employee who retires from a position in the classified fire~~
2 ~~service as a result of an injury or a medical condition which prevents him from~~
3 ~~performing the essential functions of his job, may, with the prior approval of the~~
4 ~~board, be reemployed in a position of the class in which he was employed~~
5 ~~immediately preceding his retirement or in a position in any lower class. Any such~~
6 ~~employee may be reemployed at any time after his retirement, but he shall be~~
7 ~~qualified for the position to which he is reemployed and be able to perform the~~
8 ~~essential functions of the position. In addition, the employee shall be reemployed~~
9 ~~with the departmental and promotional seniority accumulated through the date of~~
10 ~~retirement. This Subsection shall not be applicable to employees whose injury or~~
11 ~~medical condition resulted from their own negligent or intentional act. Subject to the~~
12 ~~requirements of this Subsection, any regular employee who retires from a position~~
13 ~~in the classified fire service as a result of an injury or a medical condition which~~
14 ~~prevents him from performing the essential functions of his job and who applies for~~
15 ~~reemployment shall be reemployed in a position of the class in which he was~~
16 ~~employed immediately preceding his retirement. However, if there are no available~~
17 ~~positions in his former class, he may be temporarily placed in a position in any lower~~
18 ~~class. If the employee is temporarily placed in a position in a lower class, he shall~~
19 ~~receive the same rate of pay, including longevity pay, that he would have otherwise~~
20 ~~received for the position in which he was to be reemployed in his former class. In~~
21 ~~addition, during his temporary placement, he shall be placed first on the eligibility~~
22 ~~list for a position in his former class and shall not be required to retest for any such~~
23 ~~position. The employee shall remain first on such list until he is appointed to a~~
24 ~~position in his former class.~~

25 (2)(a) Prior to reemployment, an employee shall give notice to the
26 appointing authority that the employee is able to return to work. An authorization
27 from the employee's treating physician certifying that the employee is able to
28 perform the essential functions of the position that were required at the time he was
29 originally confirmed in such position shall be included with the employee's notice
30 to the appointing authority. Upon furnishing such notice and certification to the

1 appointing authority, the employee shall be deemed qualified for the position. The
 2 board shall approve the reemployment of the employee and the appointing authority
 3 shall reemploy such employee. The employee shall be considered a permanent
 4 employee and shall not be required to serve a working test. In addition, the
 5 employee shall be reemployed with the departmental and promotional seniority the
 6 employee had accrued as of the date of his retirement.

7 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
 8 if the appointing authority has a specific cause to dispute the certification of the
 9 employee's treating physician, the appointing authority may have the employee
 10 evaluated by another physician for the limited purpose of confirming that the injury
 11 or medical condition that resulted in his retirement no longer prevents him from
 12 performing the essential functions of the position. If there is a disagreement between
 13 the employee's treating physician and the physician selected by the appointing
 14 authority, the two physicians shall select a third physician whose opinion shall be
 15 determinative.

16 (3) The reemployment provided for in this Subsection is available at any
 17 time after the retirement of the employee.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____