

2022 Regular Session

HOUSE BILL NO. 874

BY REPRESENTATIVE STAGNI

CIVIL SERVICE/FIRE & POL: Provides relative to the office of deputy state examiner

1 AN ACT

2 To amend and reenact Subparagraphs(9)(b), (c), and (e), and Subsubparagraph(9)(d)(i) of
3 Article XIV, Section 15.1 of the 1921 Constitution of Louisiana, as amended,
4 continued as a statute pursuant to Article X, Section 18 of the 1974 Constitution of
5 Louisiana, and R.S. 33:2479(H), relative to the municipal fire and police civil
6 service; to provide relative to the appointment, supervision, and discharge of the
7 deputy state examiner; to remove certain powers granted to the State Civil Service
8 Commission with respect to the deputy state examiner; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subparagraphs(9)(b), (c), and (e), and Subsubparagraph(9)(d)(i) of Article
12 XIV, Section 15.1 of the 1921 Constitution of Louisiana, as amended, continued as a statute
13 pursuant to Article X, Section 18 of the 1974 Constitution of Louisiana, is hereby amended
14 and reenacted to read as follows:

15 §15.1. Fire and police civil service; municipalities of 13,000 to 250,000

16 * * *

17 9. State Examiner and Deputy State Examiner of Municipal Fire and Police
18 Civil Service.

19 * * *

1 b. The office of deputy state examiner of municipal fire and police civil
2 service is created, ~~subject to the supervision and orders of the state examiner.~~ The
3 right of appointment, supervision, and discharge of the deputy state examiner is
4 vested in the state examiner. The deputy state examiner is authorized and
5 empowered to exercise the authority and perform the duties of the state examiner as
6 provided in this Section. He shall be a resident and qualified voter of the state. He
7 shall be a person who has had experience in personnel administration, classification,
8 or employment testing in a classified civil service system and shall serve on a full-
9 time basis. He shall receive and be paid a salary set by the state examiner in
10 accordance with the State Civil Service Commission's uniform pay plan. The
11 position of deputy state examiner shall be assigned to the pay range which is two
12 levels below the pay range to which the deputy director of state civil service is
13 assigned. The deputy state examiner shall be paid traveling and living expenses
14 while away from the place of his residence.

15 c. The state examiner and the deputy state examiner of the municipal fire and
16 police civil service shall come within and be bound under and amenable to the
17 classified service of the state as established and existing. The state examiner and
18 deputy state examiner shall be subject to the rules adopted and promulgated by the
19 State Civil Service Commission. The state examiner ~~and deputy state examiner~~ shall
20 be subject to removal and other disciplinary action by the State Civil Service
21 Commission only for a good and sufficient cause set forth in written charges filed
22 with the commission by any one of the municipal fire and police civil service boards
23 created by this amendment or by any qualified elector of the state, and only after a
24 public hearing by the State Civil Service Commission to be held in accordance with
25 rules to be adopted by the commission.

26 d.(i) The State Civil Service Commission shall exercise no administrative
27 control over the state examiner ~~or deputy state examiner.~~ Its functions and powers
28 relating to ~~these offices~~ this office shall consist solely of the right of appointment,
29 hearing of charges for removal or other disciplinary action legally brought against

1 the incumbents of ~~these offices~~ this office, and the ordering of ~~their~~ his removal or
2 the rendering of such other judgment of a disciplinary nature as it may deem proper
3 after a hearing.

4 * * *

5 e. When a vacancy occurs in the office of the state examiner ~~or deputy state~~
6 ~~examiner~~, the State Civil Service Commission shall, within thirty days, make a
7 provisional appointment of any person it deems qualified to fill the vacancy. A
8 competitive examination shall be prepared, administered, and scored under the
9 direction of the State Civil Service Commission in order to establish a list of persons
10 eligible for appointment to the office. As soon as such list can be and is established,
11 the State Civil Service Commission shall appoint any person upon the eligibility list
12 who has the experience required in Subparagraphs (a) and (b) of this Paragraph to
13 fill the office; however, selection preference may be given to any person having such
14 experience in the municipal fire and police classified civil service system. The
15 person appointed shall serve a working test period of six months which shall be
16 considered a portion of the examination. At the termination of such working test
17 period, if successfully completed, the appointee shall become a regular employee as
18 defined in the State Civil Service Law.

19 * * *

20 Section 2. R.S. 33:2479(H) is hereby amended and reenacted to read as follows:

21 §2479. State examiner of municipal fire and police civil service

22 * * *

23 H. The office of deputy state examiner of municipal fire and police civil
24 service is created, ~~subject to the supervision and orders of the state examiner.~~ The
25 right of appointment, supervision, and discharge of the deputy state examiner shall
26 be vested in the state examiner. He is authorized and empowered to exercise the
27 authority and perform the duties of the state examiner as provided in this Part or Part
28 III of this Chapter. He shall receive and be paid a salary set by the state examiner
29 in accordance with the State Civil Service Commission's uniform pay plan. The

1 position of deputy state examiner shall be assigned to the pay range which shall be
2 two levels below the pay range to which the deputy director of state civil service is
3 assigned. He shall be paid traveling and living expenses while away from the place
4 of his residence.

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)]

HB 874 Engrossed

2022 Regular Session

Stagni

Abstract: Provides that the right of appointment, supervision, and discharge of the deputy state examiner is vested in the state examiner.

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 of Louisiana made statutory by the 1974 Constitution of Louisiana.

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.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in each municipality, parish, and fire protection district. Present law additionally creates the office of state examiner of the municipal fire and police civil service. Requires that the state examiner be a resident and qualified voter of the state and a person who has had experience in the field of personnel administration, classification, or employment testing in a classified civil service system. Provides that the state examiner is subject to appointment, removal, and other disciplinary action by the State Civil Service Commission.

Proposed law retains present law.

Present law also creates the office of deputy state examiner of the municipal fire and police civil service, subject to the supervision and orders of the state examiner. Provides that the deputy state examiner is subject to appointment, removal, and other disciplinary action by the State Civil Service Commission.

Proposed law instead provides that the right of appointment, supervision, and discharge of the deputy state examiner is vested in the state examiner.

Present law provides that when a vacancy occurs in the office of the state examiner or deputy state examiner, the State Civil Service Commission is required to make a provisional appointment within 30 days.

Proposed law removes the authority granted to the State Civil Service Commission with respect to filling vacancies in the office of the deputy state examiner.

(Amends Const. 1921, Art. XIV, Sec. 15.1(9)(b), (c), (d)(i), and (e) and R.S. 33:2479(H))