

Regular Session, 2013

HOUSE BILL NO. 399

BY REPRESENTATIVE DANAHAAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE/FIRE & POL: Provides relative to the offices of state examiner and deputy state examiner of the municipal fire and police civil service

1 AN ACT

2 To amend and reenact Subparagraphs (b), (c), (d), and (g) of Paragraph 9 of Article XIV,
3 Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X,
4 Section 18 of the Louisiana Constitution of 1974, and R.S. 33:2479(D) and (H),
5 relative to the municipal fire and police civil service; to provide relative to the
6 offices of state examiner and deputy state examiner; to provide relative to the powers
7 and functions of the State Civil Service Commission with respect to such offices; to
8 provide relative to the salaries paid to persons appointed to such offices; and to
9 provide for other related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subparagraphs (b), (c), (d), and (g) of Paragraph 9 of Article XIV, Section
12 15.1 of the Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the
13 Louisiana Constitution of 1974, and R.S. 33:2479(D) and (H) are hereby amended and
14 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~~ examiner and deputy state examiner of municipal fire and police civil
19 service.

20 * * *

1 b. The office of ~~Deputy State Examiner of Municipal Fire and Police Civil~~
2 Service deputy state examiner of municipal fire and police civil service is created,
3 subject to the supervision and orders of the state examiner; ~~he~~. He is authorized and
4 empowered to exercise the authority and perform the duties of the state examiner as
5 herein provided. He shall receive and be paid a salary ~~in the amount fixed by the~~
6 Governor set by the State Civil Service Commission in accordance with the State
7 Civil Service Commission's uniform pay plan to which the position of deputy state
8 examiner is assigned and shall be paid traveling and living expenses while away
9 from the place of his residence.

10 c. The state examiner shall be a resident and qualified voter of the state. He
11 shall be a person who has had experience in the field of personnel administration.
12 He and the deputy state examiner of the municipal fire and police civil service shall
13 come within and be bound under and amenable to the ~~Classified Service of the State~~
14 classified service of the state as established and existing, ~~except no pay plan~~
15 ~~thereunder shall be applicable to the said state examiner or deputy state examiner.~~
16 The state examiner and deputy state examiner shall be subject to removal and other
17 disciplinary action by the State Civil Service Commission only for a good and
18 sufficient cause set forth in written charges filed with the Commission by any one
19 of the ~~Municipal Fire and Police Civil Service Board~~ municipal fire and police civil
20 service boards created by this amendment or by any qualified elector of the ~~State~~
21 state, and only after a public hearing by the State Civil Service Commission to be
22 held in accordance with rules to be adopted by the ~~said~~ Commission.

23 d. The State Civil Service Commission shall exercise no administrative
24 control over the ~~State Examiner or Deputy State Examiner~~ state examiner or deputy
25 state examiner. Its functions and powers relating to ~~this office~~ these offices shall
26 consist solely of the right of appointment, evaluation of the job performance,
27 approval of pay actions, hearing of charges for removal or other disciplinary action
28 legally brought against the incumbents of these offices, and the ordering of their

1 removal or the rendering of such other judgment of a disciplinary nature as it may
2 deem proper after a hearing.

3 * * *

4 g. The state examiner shall serve on a full-time basis. He shall be paid a
5 salary ~~of not less than forty-two hundred dollars per year~~ set by the State Civil
6 Service Commission in accordance with the State Civil Service Commission's
7 uniform pay plan to which the position of state examiner is assigned. He shall be
8 paid for his traveling and living expenses while away from the city of Baton Rouge.

9 * * *

10 §2479. State examiner of municipal fire and police civil service

11 * * *

12 D. The state examiner shall serve on a full-time basis. He shall be paid a
13 salary ~~of not less than forty-two hundred dollars per year~~ set by the State Civil
14 Service Commission in accordance with the State Civil Service Commission's
15 uniform pay plan to which the position of state examiner is assigned. He shall be
16 paid for his traveling and living expenses while away from the city of Baton Rouge.

17 * * *

18 H. The office of ~~Deputy State Examiner of Municipal Fire and Police Civil~~
19 ~~Service~~ deputy state examiner of municipal fire and police civil service is created,
20 subject to the supervision and orders of the state examiner; ~~he.~~ He is authorized and
21 empowered to exercise the authority and perform the duties of the state examiner as
22 herein provided. He shall receive and be paid a salary ~~in the amount fixed by the~~
23 ~~Governor~~ set by the State Civil Service Commission in accordance with the State
24 Civil Service Commission's uniform pay plan to which the position of deputy state
25 examiner is assigned and shall be paid traveling and living expenses while away
26 from the place 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)]

Danahay

HB No. 399

Abstract: Relative to the offices of state examiner and deputy state examiner of the municipal fire and police civil service, provides relative to the functions and powers of the State Civil Service Commission with respect to these offices and provides relative to the salaries paid to persons appointed to these offices.

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 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. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 Constitution made statutory by the Constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law creates the office of state examiner of municipal fire and police civil service and additionally creates the office of deputy state examiner, subject to the supervision and orders of the state examiner.

Proposed law retains present law.

Present law requires the state examiner to serve on a full-time basis. Requires that he be paid a salary of not less than \$4,200 per year and that the deputy state examiner be paid a salary in an amount fixed by the governor. Further requires that the state examiner be paid for his traveling and living expenses while away from the city of Baton Rouge and that the deputy state examiner be paid for his traveling and living expenses while away from his place of residence. Present law provides that no state civil service pay plan shall be applicable to the state examiner or deputy state examiner.

Proposed law instead requires that the state examiner and the deputy state examiner be paid a salary set by the State Civil Service Commission and in accordance with the commission's uniform pay plan to which the position of state examiner and deputy state examiner are assigned. Otherwise retains present law.

Present law provides that the State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Provides that its functions and powers relating to these offices shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

Proposed law retains present law and adds the evaluation of job performance and the approval of pay actions to the list of functions and powers granted to the commission with respect to the offices.

(Amends Art. XIV, §15.1(9)(b), (c), (d), and (g) of 1921 Const. of La. and R.S. 33:2479 (D) and (H))