

**CONFERENCE COMMITTEE REPORT
Senate Bill No. 549 By Senator Gallot**

June 1, 2014

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 549 by Senator Gallot, recommend the following concerning the Engrossed bill:

1. That House Floor Amendments Nos. 2 and 3 proposed by Representative Lopinto (HFASB549 552 4897) and adopted by the House of Representatives on May 27, 2014 be adopted.
2. That House Floor Amendments Nos. 1, 4, 5 and 6 proposed by Representative Lopinto (HFASB549 552 4897) and adopted by the House of Representatives on May 27, 2014 be rejected.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "2002(A)(3)(a)" insert "and to enact R.S. 33:2490(F) and 2550(F)"

AMENDMENT NO. 2

On page 1, line 5, after "Act;" and before "and to" insert "to provide relative to the reinstatement, reemployment, and seniority of firefighters who retire due to an injury;"

AMENDMENT NO. 3

On page 1, at the end of line 7, after "reenacted" insert "and R.S. 33:2490(F) and 2550(F) are hereby enacted"

AMENDMENT NO. 4

On page 2, after line 16, insert the following:

"§2490. Reinstatement and reemployment

* * *

F. Any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job, may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his retirement or in a position in any lower class. Any such employee may be reemployed at any time after his retirement, but he shall be qualified for the position to which he is reemployed and be able to perform the essential functions of the position. In addition, the employee shall be reemployed with the seniority accumulated through the date of retirement. This Paragraph shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act.

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§2550. Reinstatement and reemployment

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F. Any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job, may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his retirement or in a position in any lower class. Any such employee may be reemployed at any time after his retirement, but he shall be qualified for the position to which he is reemployed and be able to perform the essential functions of the position. In addition, the employee shall be reemployed with the seniority accumulated through the date of retirement. This Paragraph shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act."

Respectfully submitted,

Senators:

Representatives:

Senator Richard "Rick" Gallot, Jr.

Representative Karen G. St. Germain

Senator Yvonne Dorsey-Colomb

Representative Austin Badon

Senator Barrow Peacock

Representative Jack Montoucet

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Watson.

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 549 by Senator Gallot

Keyword and summary of the bill as proposed by the Conference Committee

LOCAL EMPLOYEES. Provides relative to firefighters. (8/1/14)

Report adopts House amendments to:

1. Amend the title of the bill.

Report rejects House amendments which would have:

1. Changed the qualifications for reinstatement and reemployment of a former of employee of the classified fire service who resigned or retired as a result of an injury from requiring the injury be an injury that is compensable pursuant to the state workers' compensation law to requiring the injury be an injury that resulted in the employee being unable to perform the essential functions of his job.

Report amends the bill to:

1. Provide that an employee of the classified fire service who retires as a result of an injury or medical condition which prevents him from performing the essential functions of his job, may, with the approval of the board, be reemployed, provided he is qualified for the position to which he is reemployed and can perform the essential functions of the position.
2. Provide that proposed law shall not apply to employees whose injury or medical condition resulted from their own negligent or intentional act.

Digest of the bill as proposed by the Conference Committee

Present law, relative to the wages of firemen, requires that the minimum monthly salaries of firemen in municipalities having a population of 12,000 or more and in the city of Bastrop and of all parish and fire protection districts with paid firemen, including salaries payable out of the avails of any special tax provided by the constitution for increasing the pay of firemen, is \$400 per month and paid semi-monthly not later than the fifth and twentieth day of each calendar month.

Proposed law requires the minimum monthly salary be based on a regular hourly rate of pay compliant with the Fair Labor Standards Act, 29 U.S.C. 201 et seq., exclusive of state supplemental pay.

Present law provides that a municipality, parish, fire protection district, or other political subdivision maintaining a fire department, or the Chitimacha Tribe of Louisiana or the Coushatta Indian Tribe of Louisiana, or any nonprofit corporation contracting with any such political subdivision to provide fire protection services may enhance the first-year salary of every paid, regularly employed employee in the amount equivalent to the state supplemental pay, or any portion thereof, that the employee shall be entitled to be paid after one year of service.

Proposed law retains present law and provides condition that the first-year salary, exclusive of the enhancement, meets the minimum wage obligations of the Fair Labor Standards Act, 29 U.S.C. 201 et seq.

Present law provides for reemployment of certain persons in the fire and police civil service for municipalities between 13,000 and 250,000 and for small municipalities having a population between 7,000 and 13,000 and all parishes and fire protection districts.

Present law provides that 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. Provides that 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 and shall be reemployed with the seniority accumulated through the date of reinstatement. Provides however that a regular employee shall be reemployed 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 the state workers' compensation laws.

Proposed law provides that any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job, may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his retirement or in a position in any lower class. Provides that such employee may be reemployed at any time after his retirement, but requires that he be qualified for the position to which he is reemployed and able to perform the essential functions of the position. Provides that the employee shall be reemployed with the seniority accumulated through the date of his retirement. Provides that proposed law shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act.

Effective August 1, 2014.

(Amends R.S. 33:1992(A)(1), 2002(A)(3)(a); adds R.S. 33:2490(F) and 2550(F))