

2015 Regular Session

SENATE BILL NO. 29

BY SENATOR CORTEZ

MUNICIPALITIES. Provides relative to the city of Lafayette municipal fire and police civil service system. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:2473(20), 2491(D) and (H), and 2494(C), relative to the city
3 of Lafayette; to provide relative to the municipal fire and police civil service system;
4 to provide for definitions; to provide relative to the certification and appointment of
5 eligible persons in the police department; to provide for an effective date; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2473(20), 2491(D) and (H), and 2494(C) are hereby amended and
10 reenacted to read as follows:

11 §2473. Definitions

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

14 * * *

15 20. "Seniority" means the following:

16 (a) "**Departmental seniority**" means the total employment computed for
17 an employee beginning with the last date on which he was regularly and permanently

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

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

23 * * *

24 §2491. Establishment and maintenance of employment lists

25 The board shall establish and maintain employment lists containing names
 26 of persons eligible for appointment to the various classes of positions in the
 27 classified service, as follows:

28 * * *

29 **D.(1) Except as provided for in Paragraph (2) of this Subsection, names**

1 reemployment as above provided, the board shall next certify the names of the
2 persons upon the promotional list, in the order in which they appear thereon, for the
3 class in which the vacancy is to be filled. The appointing authority shall select and
4 appoint to the first vacancy to be filled the one person certified to him who has the
5 greatest seniority in the departmental service. Any remaining positions to be filled
6 in the same class shall be filled by appointing to each such successive vacancy the
7 one of the remaining persons certified therefor who has the next highest seniority in
8 the departmental service. If any one or more persons so certified should refuse the
9 appointment, the appointing authority shall then select and appoint one of the
10 persons certified by the board with the next highest seniority in the departmental
11 service. This procedure shall be followed until the position has been filled by
12 appointment of the one person who has the greatest seniority in the departmental
13 service, and who is willing to accept the appointment, or until each person whose
14 name appears upon the list, has in this order been certified and offered the
15 appointment for the vacancy.

16 **(2) Notwithstanding any other provision of law to the contrary, the**
17 **municipal fire and police civil service system for the city of Lafayette shall fill**
18 **a vacant position in the police department in the following manner:**

19 **(a) In the event a vacancy cannot be filled by reinstatement, or by**
20 **reemployment as provided in Subsections A and B of this Section, the board**
21 **shall next certify the names of the persons upon the promotional list, in the**
22 **order in which they appear thereon, for the class in which the vacancy is to be**
23 **filled.**

24 **(b) The appointing authority shall select and appoint to the first vacancy**
25 **to be filled the one person certified to him who has the greatest promotional**
26 **seniority in the next lower rank. Any remaining positions to be filled in the same**
27 **class shall be filled by appointing to each such successive vacancy the one of the**
28 **remaining persons certified therefor who has the next highest promotional**
29 **seniority in the next lower class.**

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2473(20), 2491(D) and (H), and 2494(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds definition of "promotional seniority".
2. Adds authority for the municipal civil service board for the Lafayette Police Department to maintain and generate employment lists based on promotional seniority.