

DIGEST

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SB 38 Reengrossed

2015 Regular Session

Johns

Present law, relative to municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, defines "seniority" as the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed to a particular department and has worked continuously to and including the date of computation.

Proposed law provides that "departmental seniority" is defined as the term "seniority" is defined in present law and adds "promotional seniority" as a defined term to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Further provides that employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class.

Present law provides that any person who is appointed from a position in the classified service to serve as deputy police chief or chief of administration of fire department does not forfeit his "seniority" accumulated to the date of his appointment and continues to accumulate "seniority" during the time he holds his position.

Proposed law instead provides that the deputy police chief does not forfeit his "departmental or promotional seniority" and the chief of administration of fire does not forfeit his "departmental seniority" accumulated to the date of appointment. Provides that the deputy police chief continues to accumulate "departmental or promotional seniority" and the chief of administration of fire continues to accumulate "departmental seniority" during the time that each person holds his position.

Present law provides that demotions from any class, except for disciplinary action or because of the abolition of an entire class, must be made by demoting employees from lowest to highest in point of total "seniority" earned in positions of the class plus that earned in any higher classes.

Proposed law instead provides that demotions must be made by demoting employees from lowest to highest in point of total "departmental seniority". Proposed law adds an exception for the Lake Charles Police Department. Provides that demotions, except for disciplinary action or because of the abolition of an entire class, must be made by demoting employees from the lowest to highest in point of total "promotional seniority" earned in positions of the class plus that earned in any higher classes. Additionally provides that if two or more employees share identical "promotional seniority" in a class, then those employees must be demoted in order of their "departmental seniority" with the demotion of the employee with the least "departmental seniority" being demoted first amongst those with identical "promotional seniority."

Present law, relative to any regular employee who resigns or retires from a position in the classified service with the prior approval of the board, provides that any such employee may be reemployed at any time after his resignation or retirement, but must be qualified for the position to which he is reemployed. Requires that the person be reemployed with the "seniority" accumulated through the date of reinstatement.

Proposed law instead requires that any such employee be reemployed with the "departmental and promotional seniority" accumulated through the date of reinstatement. Otherwise retains present law.

Present law requires the names of persons attaining a passing score on a promotion test to be placed on the promotion employment list for the class for which they were tested, from highest to lowest, according to their total "seniority".

Proposed law instead requires the names of such persons to be placed on the promotion employment list, from highest to lowest, according to their total "departmental seniority". Proposed law adds an exception for the Lake Charles Police Department. Requires that names be placed on the promotion employment list, from highest to lowest, according their total "promotional seniority" in the next lower class. Additionally provides that if two or more employees share identical promotional seniority in a class, then those employees must be listed in order of their "departmental seniority", from highest to lowest, amongst those with identical "promotional seniority".

Present law provides that departmental service in certain classified police positions, including police headquarters desk service, jailer, police matron, and operations and maintenance of radio, police alarm or signal system, cannot be counted by the municipal fire and police civil service board of the city in determining the total "seniority" in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for classified police positions with certain duties or responsibilities.

Proposed law instead provides that departmental service in these positions cannot be counted toward total "departmental or promotional seniority".

Present law provides that promotions to vacant positions shall be filled by qualified applicants in order of seniority in total departmental service.

Proposed law retains present law, but makes an exception for the Lake Charles Police Department. Provides that when a vacant position in the department is filled by a promotion, it shall be by qualified applicants in the order of "promotional seniority" in the next lower rank. Provides that if two or more employees share identical promotional seniority in a class, then those employees must be reinstated, or selected and appointed for promotion, in order of their "departmental seniority" with the reinstatement or promotion being offered to the employee with the greatest "departmental seniority" amongst those with identical "promotional seniority".

Proposed law adds that the Lake Charles Police Department, whenever an entire class is abolished in the classified service, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total promotional seniority earned in the class in the order of highest to lowest. Provides that if two or more employees share identical promotional seniority in a class, then priority to positions amongst those employees must be in order of their total departmental seniority in the order of highest to lowest amongst those with identical promotional seniority.

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

(Amends R.S. 33:2473(20), 2481.4(C)(1), 2481.6(C)(1), 2488, 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C), and 2498)

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 Lake Charles Police Department to maintain and generate employment lists based on promotional seniority.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Conforms provisions of present law to the proposed law changes providing for the application of promotional seniority for the Lake Charles Police Department.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the reengrossed bill:

1. Relative to demotions and promotions, provide that preference must be given to persons with the greatest "departmental seniority" if two or more persons share identical "promotional seniority".