

2016 Regular Session

SENATE BILL NO. 43

BY SENATOR ERDEY

LOCAL EMPLOYEES. Provides that the positions of police chief and fire chief for the city of Denham Springs are in the unclassified service. (gov sig)

1 AN ACT

2 To enact R.S. 33:2541.5 and 2541.6, relative to the city of Denham Springs; to provide  
3 relative to the municipal fire and police civil service; to provide that the positions of  
4 chief of police and fire chief for the city of Denham Springs shall be in the  
5 unclassified service; to provide authority for selection, appointment, supervision, and  
6 discharge of such positions; and to 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. 33:2541.5 and 2541.6 are hereby enacted to read as follows:

10 **§2541.5. Police chief; city of Denham Springs; unclassified service**

11 **A.(1) Notwithstanding any provision of law to the contrary, the position**  
12 **of chief of police for the city of Denham Springs shall be in the unclassified**  
13 **service, and the right of selection, appointment, supervision, and discharge for**  
14 **such position shall be vested in the mayor of the city. The appointment and**  
15 **selection of the chief of police shall be subject to the approval of the municipal**  
16 **governing authority.**

17 **(2) The chief of police shall have not less than five years of full-time law**

1 enforcement experience and shall have successfully completed a certified  
2 training program approved by the Peace Officer Standards and Training  
3 Council. Any person appointed to the position of chief of police shall meet all  
4 qualifications and requirements as provided in the municipal compensation  
5 plan in effect at the time of his appointment.

6 B. Any person who resigns from a position in the classified service to  
7 accept an appointment as chief of police shall not forfeit his seniority  
8 accumulated to the date of his resignation, but he shall not accumulate seniority  
9 during the time he is not in the classified service. If any such person resigns  
10 from the position of chief of police or is terminated for any reason other than  
11 malfeasance in office, he shall be eligible to be reemployed to the same position  
12 in the classified service in which he was employed immediately preceding his  
13 resignation from the classified service. If the position has been filled or no  
14 longer exists, then his employer shall employ him in a comparable position.

15 §2541.6. Fire chief; city of Denham Springs; unclassified service

16 Notwithstanding any provision of law to the contrary, the position of fire  
17 chief for the city of Denham Springs shall be in the unclassified service, and the  
18 right of selection, appointment, supervision, and discharge for such position  
19 shall be vested in the governing board of the district.

20 Section 2. The provisions of this Act are prospective only and shall not apply to the  
21 individual occupying the position of chief of police or fire chief for the city of Denham  
22 Springs on the effective date of this Act.

23 Section 3. This Act shall become effective upon signature by the governor or, if not  
24 signed by the governor, upon expiration of the time for bills to become law without signature  
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
27 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST

SB 43 Original 2016 Regular Session Erdey

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 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.

Proposed law retains present law.

Present law, relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief and fire chief for the city of Denham Springs.

Proposed law, relative to Denham Springs chief of police provides that such position is in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the city. Further provides that the appointment of the police chief shall be subject to the approval of the municipal governing authority.

Proposed law provides further that any person who resigns from a position in the classified service to accept an appointment as police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his employer shall employ him in a comparable position.

Proposed law provides that the provisions of proposed law are prospective only and shall not apply to the individual occupying the position of chief of police for the city of Denham Springs on the effective date of proposed law.

Proposed law, relative to Denham Springs fire chief, provides that such position is in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such position is vested in governing board of the district.

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

(Adds R.S. 33:2541.5 and 2541.6)