

2016 Regular Session

HOUSE BILL NO. 138

BY REPRESENTATIVE ARMES

CIVIL SERVICE/FIRE & POL: Authorizes the governing authority of the city of DeRidder to create the classified competitive position of deputy fire chief

1 AN ACT

2 To enact R.S. 33:2541.5, relative to the municipal fire and police civil service; to authorize  
3 the governing authority of the city of DeRidder to create the position of deputy fire  
4 chief; to provide that the position is appointed on a competitive basis; to provide  
5 relative to the appointment, supervision, and discharge of any person in any such  
6 position; to provide relative to the qualifications, duties, and responsibilities for such  
7 position; and to provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2541.5 is hereby enacted to read as follows:

13 §2541.5. Deputy fire chief; city of DeRidder; competitive appointment

14 A.(1) Notwithstanding any other provision of law to the contrary, the  
15 governing authority of the city of DeRidder may create, by ordinance, the position  
16 of deputy fire chief in accordance with the provisions of this Section. The position  
17 shall be filled on a competitive basis from a list of eligibles as provided for in  
18 R.S.33:2551, and the right of selection, appointment, supervision, and discharge for

1 such position shall be vested in the fire chief, subject to approval of the appointing  
2 authority. The position of deputy fire chief is not the same as the position of  
3 assistant fire chief.

4 (2) The governing authority shall establish the duties and responsibilities of  
5 the deputy fire chief in the ordinance creating the position. Such duties and  
6 responsibilities may include direct supervision over all positions in the classified  
7 service below the rank of fire chief.

8 B.(1) The deputy fire chief shall not have less than seven years of full time  
9 fire service experience with the DeRidder Fire Department.

10 (2) Any person who holds the position of deputy fire chief may, while  
11 holding such position, apply for admission to the promotional examination for the  
12 class next higher than that from which he was appointed as deputy fire chief.  
13 However, the name and score of any deputy fire chief shall not be certified to the  
14 appointing authority by the civil service board as eligible for appointment to a  
15 position of the promotional class; his name and score shall be eligible for  
16 certification, in accordance with the maximum period for which a name may remain  
17 on the eligibility list in accordance with the provisions of this Part, only upon  
18 demotion to a position of the class from which he was appointed as deputy fire chief.

19 (3) Eligibility for admission to the competitive test for the position of deputy  
20 fire chief shall be limited to members of the DeRidder Fire Department.

21 D. Any person who is appointed from a position in the classified fire service  
22 to serve as deputy fire chief shall not forfeit his seniority accumulated to the date of  
23 his appointment, and he shall continue to accumulate seniority in accordance with  
24 the provisions of this Part during the time he holds the position of deputy fire chief.

25 E. If a deputy fire chief is subjected to corrective or disciplinary action, he  
26 shall have the same rights as any other employee in the municipal fire and police  
27 civil service.

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**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)]

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HB 138 Engrossed

2016 Regular Session

Armes

**Abstract:** Relative to the classified fire service in the city of DeRidder, authorizes the governing of the city to create the competitive position of deputy fire chief. Provides further with respect to the right of selection, appointment, supervision, and discharge for such position.

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 assistant fire 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 and additionally authorizes the governing authority of the city of DeRidder to create, by ordinance, the classified position of deputy fire chief. Further provides that the right of selection from a competitive list of qualified applicants as well as the appointment, supervision, and discharge for the position is vested in the fire chief, subject to the approval of the appointing authority. Requires the governing authority to provide for the duties and responsibilities of the deputy fire chief in the ordinance creating the position. Provides that the deputy fire chief may have direct supervision over all positions in the classified service below the rank of fire chief.

Proposed law requires the deputy fire chief to have at least seven years of full time fire service experience with the DeRidder Fire Dept.

Proposed law provides that a person who holds the position of deputy fire chief may apply for admission to the promotional examination for the class next higher than that from which he was appointed as deputy fire chief; however, his name and score cannot be certified to the appointing authority unless he is demoted to a position of the class from which he was appointed deputy fire chief. Prohibits the fire chief from appointing any person to the position of deputy fire chief who is not a member of the DeRidder Fire Dept.

Proposed law provides that a deputy fire chief does not forfeit his seniority in the classified service and continues to accumulate seniority during the time he is serving as deputy fire chief. Further provides that if a deputy fire chief is subjected to corrective or disciplinary

action, he has the same rights as any other employee in the municipal fire and police civil service.

(Adds R.S. 33:2541.5)