

2016 Regular Session

HOUSE BILL NO. 861

BY REPRESENTATIVE MONTOUCET

CIVIL SERVICE/FIRE & POL: Provides relative to defined terms within the provisions governing the municipal fire and police civil service

1 AN ACT

2 To amend and reenact R.S. 33:2473 and 2533, relative to the municipal fire and police civil
3 service; to provide relative to defined terms within the provisions governing the
4 classified service; to add the term "regular paid or regularly paid department" as a
5 defined term; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2473 and 2533 are hereby amended and reenacted to read as
8 follows:

9 §2473. Definitions

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

12 1. "Allocation" means the official determination of the class to which a
13 position in the classified service belongs.

14 2. "Appointing authority" means any official, officer, board, commission,
15 council, or person having the power to make appointments to positions in the
16 municipal fire and police services.

17 3. "Appointment" means the designation of a person, by due authority, to
18 become an employee in a position, and his induction into employment in the
19 position.

20 4. "Board" means the municipal fire and police civil service board.

1 5. "Class" or "class of position" means a definitely recognized kind of
2 employment in the classified service, designated to embrace positions that are so
3 nearly alike in the essential character of their duties, responsibilities, and consequent
4 qualification requirements, that they can fairly and equitably be treated alike under
5 like conditions for all personnel purposes.

6 6. "Classification plan" means all the classes of positions established for the
7 classified service.

8 7. "Classified service" means every appointive office and position of trust
9 or employment in the municipal government which has as its primary duty one of the
10 functions specifically set forth to be included in the classified service by the
11 provisions of this Part; and excludes all elective and appointive offices and positions
12 of trust or employment which have a primary duty specifically set forth to be
13 included in the unclassified service by the provisions of this Part.

14 8. "Demotion" means a change of an employee in the classified service from
15 a position of one class to a position of a lower class which generally affords less
16 responsibility and pay.

17 9. "Departmental service" means employment in the public services offered
18 and performed separately by the fire and by the police departments of the
19 municipality.

20 10. "Eligible" means a person whose name is on a list.

21 11. "Employee" means a person legally occupying a position.

22 12. "Employment list" or "list" means a reinstatement employment list, a
23 promotional employment list, a competitive employment list, and a reemployment
24 list.

25 13. "Position" means any office and employment in the municipal fire and
26 police services, the duties of which call for services to be rendered by one person.

27 14. "Promotion" means a change of an employee in the classified service
28 from a position of one class to a position of a higher class which generally affords
29 increased responsibilities and pay.

1 15. "Promotion employment list" or "promotion list" means an employment
2 list containing the names of eligible persons established from the results of
3 promotion tests given for a particular class of positions which is not specifically
4 required by this Part to be established from the results of a competitive test.

5 16. "Promotion test" means a test for positions in a particular class which is
6 not specifically required by this Part to be filled by competitive tests, admission to
7 which is limited to regular employees of the next lower class, or the next lower
8 classes when authorized by the rules, in the classified service.

9 17. "Reemployment list" means an employment list for the entrance or
10 lowest ranking class in the classified service, or in any group of classes as may have
11 been grouped in the classification plan, containing names of regular employees who
12 have been laid off under the "lay off" provisions of this Part. This list shall not be
13 applicable to persons who have resigned or have been discharged.

14 18. "Regular employee" or "permanent employee" means an employee who
15 has been appointed to a position in the classified service in accordance with this Part
16 after completing his working test period.

17 19. "Regular paid and regularly paid department" means any fire or police
18 department in any municipality that employs personnel in positions of the classified
19 service as defined in this Section and compensates such personnel at regular
20 intervals.

21 ~~19~~20. "Reinstatement employment list" or "reinstatement list" means an
22 employment list containing names of persons eligible for reinstatement in positions
23 of a class from which they have been demoted for reasons other than disciplinary
24 action.

25 ~~20~~21. "Seniority" means the following:

26 (a) "Departmental seniority" means the total employment computed for an
27 employee beginning with the last date on which he was regularly and permanently
28 appointed and has worked continuously to and including the date of computation.
29 Time during which an employee has served in the armed forces of the United States

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

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

20 ~~21.22.~~ "Temporary appointment" means the appointment of an employee for
 21 a limited period of service without acquisition by the appointee of any continuing
 22 right to be retained beyond the period.

23 * * *

24 §2533. Definitions

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

- 27 1. "Allocation" means the official determination of the class to which a
 28 position in the classified service belongs.

1 2. "Appointing authority" means any official, officer, board, commission,
2 council or person having the power to make appointments to positions in the
3 municipal, parish or fire protection district fire service.

4 3. "Appointment" means the designation of a person, by due authority, to
5 become an employee in a position, and his induction into employment in the
6 position.

7 4. "Board" means the municipal, parish, or fire protection district fire and
8 police civil service board.

9 5. "Class" or "class of position" means a definitely recognized kind of
10 employment in the classified service, designated to embrace positions that are so
11 nearly alike in the essential character of their duties, responsibilities and consequent
12 qualification requirements that they may fairly and equitably be treated alike under
13 like conditions for all personnel purposes.

14 6. "Classification plan" means all the classes of positions established for the
15 classified service.

16 7. "Classified service" means every appointive office and position of trust
17 or employment in the municipal government, parish government, or fire protection
18 district government which has as its primary duty one of the functions specifically
19 set forth to be included in the classified service by the provisions of this Part; and
20 excludes all elective and appointive offices and positions of trust or employment
21 which have a primary duty specifically set forth to be included in the unclassified
22 service by the provisions of this Part.

23 8. "Demotion" means a change of an employee in the classified service from
24 a position of one class to a position of a lower class which generally involves less
25 responsibility and provides less pay.

26 9. "Department service" means employment in the public service offered and
27 performed separately by the fire or police department of the municipality, parish or
28 fire protection district.

29 10. "Eligible" means a person whose name is on a list.

1 11. "Employee" means a person legally occupying a position.

2 12. "Employment list" or "lists" means a reinstatement employment list, a
3 promotional employment list, a competitive employment list and a re-employment
4 list.

5 13. "Position" means any office or employment in the municipal, parish or
6 fire protection district, fire or police service, the duties of which call for services to
7 be rendered by one person.

8 14. "Promotion" means a change of an employee in the classified service
9 from a position of one class to a position of a higher class which generally involves
10 increased responsibilities and provides increased pay.

11 15. "Promotion employment list" or "promotion list" means an employment
12 list, containing the names of eligible persons established from the results of
13 promotion tests given for a particular class of positions; which is not specifically
14 required by this Part to be established from the results of a competitive test.

15 16. "Promotion test" means a test for positions in a particular class which are
16 not specifically required by this Part to be filled by competitive tests, admission to
17 which is limited to regular employees of the next lower class, or the next lower
18 classes when authorized by the rules, in the classified service.

19 17. "Re-employment list" means an employment list for the entrance or
20 lowest ranking class in the classified service, or any group of classes that may be
21 grouped in the classification plan, containing names of regular employees who have
22 been laid off under the "lay off" provisions of this Part. This list shall not be
23 applicable to persons who have resigned or have been discharged.

24 18. "Regular employee" or "permanent employee" means an employee who
25 has been appointed to a position in the classified service in accordance with this Part
26 after completing his working test period.

27 19. "Regular paid and regularly paid department" means any fire or police
28 department in any municipality, parish, or fire protection district that employs

1 personnel in positions of the classified service as defined in this Section and
2 compensates such personnel at regular intervals.

3 ~~19~~20. "Reinstatement employment list" or "reinstatement list" means an
4 employment list containing names of persons eligible for reinstatement in positions
5 of a class from which they have been demoted for reasons other than disciplinary
6 action.

7 ~~20~~21. "Seniority" means the total employment computed for an employee
8 beginning with the last date on which he was regularly and permanently appointed
9 and has worked continuously, to and including the date of computation. Time during
10 which an employee has served in the armed forces of the United States subsequent
11 to May 1, 1940 shall be construed to mean continuous service and shall be included
12 in the computation of his seniority. Total seniority in the departmental service,
13 including positions of any and all classes, or seniority in any one or more given
14 classes, may be computed for an employee, but in either case employment shall be
15 continuous and unbroken by a resignation or discharge of the respective employee.
16 An employee who is finally discharged or resigns from his position shall forfeit all
17 accumulated seniority. An employee who is suspended and returns to his position
18 immediately following the expiration of his suspension shall not forfeit his seniority
19 accumulated to the date of his suspension, but he shall not be given credit for the lost
20 time at any future compensation.

21 ~~21~~22. "Temporary appointment" means the appointment of an employee for
22 limited period of service without acquisition by the appointee of any continuing right
23 to be retained beyond such period.

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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)]

HB 861 Engrossed

2016 Regular Session

Montoucet

Abstract: Provides relative to defined terms used within the provisions governing the municipal fire and police civil service.

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 provides for definitions of terms used in present law. Proposed law adds "regular paid or regularly paid department" as a defined term. Provides that such term means any fire or police department in any municipality, parish, or fire protection district that employs personnel in positions of the classified service and compensates such personnel at regular intervals.

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

(Amends R.S. 33:2473 and 2533)

Summary of Amendments Adopted by House

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

1. Include fire departments of parishes and fire protection districts within the definition of "regular paid or regularly paid department".