

2016 Regular Session

SENATE BILL NO. 84

BY SENATOR GATTI

CIVIL SERVICE. Provides relative to the sanctions for engaging in political activities for civil service employees. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 33:2504 (B) and (C) and 2564(B) and (C), relative to civil  
3 service; to provide relative to civil service employees; to provide for investigation  
4 of civil service employee violations; to provide for a public hearing; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2504(B) and (C) and 2564(B) and (C) are hereby amended and  
8 reenacted to read as follows:

9 §2504. Political activities prohibited

10 \* \* \*

11 B. The appointing authority shall ~~discharge from the service any employee~~  
12 ~~whom he deems guilty of violating any one or more of the provisions of this Section~~  
13 **conduct an investigation of any person alleged to have violated a provision of**  
14 **this Section, unless a request by the appointing authority is made to the board**  
15 **to conduct such an investigation. If as a result of such investigation the**  
16 **employee is determined to be guilty of violating one or more provisions of this**  
17 **Section, he shall be suspended for thirty work days without pay for a first**

1 violation or discharged for a second violation. However, any employee found to  
 2 have violated Paragraph (A)(4)(c) of this Section shall be terminated upon the  
 3 determination of a violation of the offense. The board may, upon its own initiative,  
 4 or upon the request of the appointing authority, investigate any officer or  
 5 employee in the classified service whom it reasonably believes guilty of violating  
 6 any one or more of the provisions. Any citizen, taxpayer, municipal officer, or  
 7 employee may file with the board detailed charges in writing against any employee  
 8 in the classified service for violating any one or more of the provisions of this  
 9 Section. The board shall, within thirty days after receiving the written charges, hold  
 10 a public hearing and investigation and determine whether such charges are true and  
 11 correct. If the board should find upon its investigation of any employee that he has  
 12 violated any of the ~~foregoing~~ provisions of this Section, the board shall order the  
 13 appointing authority to ~~forthwith~~ suspend the employee without pay for thirty  
 14 work days for a first violation and mandate educational training on prohibited  
 15 political activities. If the board determines an employee has violated any of the  
 16 provisions of this Section for a second time, the board shall order the discharge  
 17 ~~the guilty of the~~ employee from the service and the appointing authority shall  
 18 ~~forthwith~~ discharge the employee.

19 C. Whoever ~~violates~~ is found to have violated a provision of this Section  
 20 twice shall be subject to the penalties provided in R.S. 33:2507. In addition any  
 21 employee in the classified service who is discharged because of violating a ~~foregoing~~  
 22 provision of this Section shall not again be eligible for employment or public office  
 23 in the classified service for a period of six years from the time of his discharge.

24 \* \* \*

25 §2564. Political activities prohibited

26 \* \* \*

27 B. The appointing authority shall ~~discharge from the service any employee~~  
 28 ~~whom he deems guilty of violating any one or more of the provisions of this Section~~  
 29 conduct an investigation of any person alleged to have violated a provision of

1 this Section, unless a request by the appointing authority is made to the board  
 2 to conduct such an investigation. If as a result of such investigation the  
 3 employee is determined to be guilty of violating one or more provisions of this  
 4 Section, he shall be suspended for thirty work days without pay for a first  
 5 violation or discharged for a second violation. However, any employee found to  
 6 have violated Paragraph (A)(4)(c) of this Section shall be terminated upon the  
 7 determination of a violation of the offense. The board may, upon its own initiative,  
 8 or upon the request of the appointing authority, investigate any officer or  
 9 employee in the classified service whom it reasonably believes guilty of violating  
 10 any one or more of the provisions of this Part. The board shall, within thirty days  
 11 after receiving the written charges, hold a public hearing and investigation and  
 12 determine whether such charges are true and correct. If the board should find upon  
 13 its investigation of any employee that he has violated any of the ~~foregoing~~ provisions  
 14 of this Section, the board shall order the appointing authority to ~~forthwith~~ suspend  
 15 the employee without pay for thirty work days for a first violation and mandate  
 16 educational training on prohibited political activities. If the board determines  
 17 an employee has violated any of the provisions of this Section for a second time,  
 18 the board shall order the ~~discharge the guilty of the~~ employee from the service and  
 19 the appointing authority shall ~~forthwith~~ discharge the employee.

20 C. Whoever ~~violates~~ is found to have violated this Part twice shall be  
 21 subject to the penalties provided in R.S. 33:2567. In addition any employee in the  
 22 classified service who is discharged because of violating a ~~foregoing~~ provision of  
 23 this Section shall not again be eligible for employment or public office in the  
 24 classified service for a period of six years from the time of his discharge.

25 \* \* \*

26 Section 2. The Louisiana State Law Institute is hereby authorized and directed to  
 27 change any and all references relative to the prohibition from political activity by an  
 28 employee in the classified service in current law, not already amended by Section 1 of this  
 29 Act, in the manner it deems appropriate in order to make those provisions consistent with

1 the provisions of Section 1 of this Act.

---

The original instrument was prepared by J. Ashley Mitchell Carter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tim Prather.

---

DIGEST

SB 84 Engrossed

2016 Regular Session

Gatti

Present law provides that the appointing authority will discharge from service any employee whom he deems guilty of violating any one or more of the provisions of present law. The civil service board (board) may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of present law. Any citizen, taxpayer, municipal officer, or employee may file with the board detailed charges in writing against any employee in the classified service for violating any one or more of the provisions of present law.

Present law provides that the board will, within 30 days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board finds upon its investigation of any employee that he has violated any of the provisions of present law, the board will order the appointing authority to discharge the guilty employee from the service and the appointing authority will discharge the employee.

Present law provides that whoever violates present law will be subject to the penalties provided in present law. In addition any employee in the classified service who is discharged because of violating present law will not be eligible for employment or public office in the classified service for a period of six years from the time of his discharge.

Proposed law provides that the appointing authority will conduct an investigation of any person alleged to have violated present law, unless a request by the appointing authority is made to the board to conduct such an investigation. If as a result of such investigation the employee is determined to be guilty of violating one or more provisions of present law, he will be suspended for 30 work days without pay for a first violation or discharged for a second violation. However, any employee found to have violated present law, relative to being a candidate for nomination or election to public office, will be terminated upon the determination of a violation of the offense.

Proposed law provides that the board may, upon its own initiative, or upon the request of the appointing authority, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of present law. Any citizen, taxpayer, municipal officer, or employee may file with the board detailed charges in writing against any employee in the classified service for violating any one or more of the provisions of present law.

Proposed law provides that the board will, within 30 days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the provisions of present law, the board will order the appointing authority to suspend the employee without pay for 30 work days for a first violation and mandate educational training on prohibited political activities. If the board determines an employee has violated any of the provisions of present law a second time, the board will order the discharge of the employee from the service and the appointing authority will discharge the employee.

Proposed law provides that whoever is found to have violated present law twice will be subject to the penalties provided in proposed law. In addition, any employee in the classified service who is discharged because of violating present law will not again be eligible for

employment or public office in the classified service for a period of six years from the time of his discharge.

Effective August 1, 2016

(Amends R.S. 33:2504(B) and (C) and 2564(B) and (C))

Summary of Amendments Adopted by Senate

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

1. Provides that an appointing authority will conduct an investigation of any civil servant violating present law, unless the appointing authority requests the civil service board to conduct the investigation.
2. Provides penalties for first and second violations of present law.
3. Provides for termination of any civil servant for being a candidate for nomination or election to public office.