

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 Subparagraph (A)(4)(c) of this Section shall be terminated upon
 3 the determination of a violation of the offense. The board may, upon its own
 4 initiative, or upon the request of the appointing authority, investigate any officer
 5 or 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 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 Reengrossed

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.