

2019 Regular Session

HOUSE BILL NO. 438

BY REPRESENTATIVE JAMES

CIVIL SERVICE/FIRE & POL: Provides relative to the classified police service in the city of Baton Rouge

1 AN ACT

2 To enact R.S. 33:2494(C)(4), relative to the city of Baton Rouge; to provide relative to the  
3 classified police service; to provide relative to the certification and appointment of  
4 eligible persons; and to provide for related matters.

5 Notice of intention to introduce this Act has been published  
6 as provided by Article III, Section 13 of the Constitution of  
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2494(C)(4) is hereby enacted to read as follows:

10 §2494. Certification and appointment

11 \* \* \*

12 C.

13 \* \* \*

14 (4) Notwithstanding any other provision of law to the contrary, in the city  
15 of Baton Rouge a vacant position in the police department shall be filled in the  
16 following manner:

17 (a) If a vacancy cannot be filled by reinstatement or by reemployment as  
18 provided in Subsections A and B of this Section, the board shall next certify the  
19 names of the persons on the promotional list, in the order in which they appear  
20 thereon, for the class in which the vacancy is to be filled.



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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 438 Original

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**Abstract:** Relative to the classified police service in the city of Baton Rouge, changes the method of appointment for filling vacancies in the promotional class.

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 the system applicable to municipalities with a population of not fewer than 13,000, provides that "departmental seniority" refers to the period of continuous employment in the department. Defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Specifies further relative to employment counted toward seniority in the next lower class.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal, parish, and fire protection government. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list for the tested class, from highest to lowest, according to their total "departmental seniority". When new names are to be placed on a promotion list for a given class, the remaining names must be arranged in the same manner according to "departmental seniority".

Present law requires that promotions to vacant positions be filled by reinstatement or reemployment. If the position cannot be filled in this manner, then the position must be filled by the person with the greatest seniority in departmental service. Present law provides exceptions for certain police departments by requiring that vacant positions be filled by the person with the greatest promotional seniority.

Proposed law retains present law but provides an additional exception applicable to the city of Baton Rouge. Authorizes the board to establish a committee to conduct interviews of persons who are among the 10 highest in departmental seniority. Authorizes the board, in evaluating persons eligible for appointment, to consider other qualifications in addition to test scores. Requires the committee to recommend to the appointing authority the person it deems best qualified to fill a vacancy.

Proposed law requires the appointing authority to select and appoint to any vacancy to be filled a person certified to him as a person who is among the 10 highest in departmental seniority. Provides that the appointing authority is not required to appoint a person who has

been recommended by the committee, but if the board created a committee, prohibits an appointment before the committee submits a recommendation.

Present law provides for the appointment of a person certified to the appointing authority who, because of work-related illness, injury, or incapacity cannot immediately begin working. Provides, however, that the working test is immediately interrupted and cannot commence until the employee has fully recovered and returns to full duty. Present law further provides that if the employee is unable to return to full duty within six months of the date of his appointment, the board must declare him ineligible to continue and the appointment must be made to one of the remaining persons certified to the appointing authority.

Proposed law retains present law and provides for its applicability to the Baton Rouge Police Department.

(Adds R.S. 33:2494(C)(4))