
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 438 Engrossed

2019 Regular Session

James

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. 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 five highest in departmental seniority.

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

Summary of Amendments Adopted by House

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

1. Require the appointing authority to appoint a person certified to him who is among the five, rather than ten, highest in departmental seniority.
2. Remove authorization granted to the board to establish a committee to conduct interviews of persons certified to the appointing authority.
3. Remove reference to present law provisions relative to persons appointed but unable to begin the working test period due to work-related illness, injury, or incapacity.