

2019 Regular Session

SENATE BILL NO. 195

BY SENATOR GATTI

LOCAL AGENCIES. Provides relative to promotional seniority in the Bossier City Police Department. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:2491(D)(1) and (H)(1) and to enact R.S. 33:2491(D)(4),
3 2491(H)(5), 2494(C)(4) and 2498(E), relative to the city of Bossier; to provide
4 relative to the classified police service; to provide relative to departmental and
5 promotional seniority; to provide relative to the establishment and maintenance of
6 employment lists; to provide relative to the certification and appointment of eligible
7 persons in the police department; to provide relative to the abolition of classes; and
8 to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:2491(D)(1) and (H)(1) are hereby amended and reenacted and
12 R.S. 33:2491(D)(4), 2491(H)(5), 2494(C)(4) and 2498(E) are hereby enacted to read as
13 follows:

14 §2491. Establishment and maintenance of employment lists

15 The board shall establish and maintain employment lists containing names
16 of persons eligible for appointment to the various classes of positions in the
17 classified service, as follows:

* * *

D.(1) Except as provided for in Paragraphs (2), ~~and (3)~~, **and (4)** of this Subsection, names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total departmental seniority. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.

* * *

(4) Names of persons attaining a passing score on the promotional test in the Bossier City Police Department shall be placed on the promotion employment list for the class for which they were tested, from highest to lowest, according to their total promotional seniority in the next lower class. If two or more persons possess an equal amount of promotional seniority, the names of those persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

* * *

H.(1) Except as provided in Paragraphs (2), ~~and (3)~~, **and (5)** of this Subsection, when new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total departmental seniority.

* * *

(5) When new names are to be placed on a promotion list for a given class in the Bossier City Police Department, the remaining names thereon shall be rearranged with the new names so that all names appearing on the list for the class shall rank, from highest to lowest, according to total promotional seniority in the next lower class from which the promotion list is established. If two or more persons possess an equal amount of promotional seniority, the names of

1 those persons shall be placed on the promotional list in the order of
2 departmental seniority, from highest to lowest.

3 * * *

4 §2494. Certification and appointment

5 * * *

6 C.

7 * * *

8 (4) Notwithstanding any other provision of law to the contrary, in the
9 city of Bossier a vacant position in the police department shall be filled in the
10 following manner:

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

15 (b) The appointing authority shall select and appoint to the first vacancy
16 to be filled the one person certified to him who has the greatest promotional
17 seniority in the next lower class. Any remaining positions to be filled in the
18 same class shall be filled by appointing to each such successive vacancy the one
19 of the remaining persons certified therefor who has the next highest
20 promotional seniority in the next lower class.

21 (c) If any one or more persons so certified should refuse the appointment,
22 the appointing authority shall then select and appoint one of the persons
23 certified by the board with the next highest promotional seniority in the next
24 lower class. This procedure shall be followed until the position has been filled
25 by appointment of the one person who has the greatest promotional seniority
26 in the next lower class and who is willing to accept the appointment or until
27 each person whose name appears on the list, has in this order been certified and
28 offered an appointment to the vacancy.

29 (d) If two or more persons possess an equal amount of promotional

1 seniority, those persons shall be reinstated or listed on the promotional list and
 2 offered promotions in the order of departmental seniority, from highest to
 3 lowest.

4 * * *

5 §2498. Abolition of positions in the classified service

6 * * *

7 **E. Notwithstanding the provisions of Subsection B of this Section, if an**
 8 **entire class in the Bossier City Police Department is abolished in the classified**
 9 **service, the regular employees of the class shall be demoted to lower classes and**
 10 **priority to positions shall be governed by total promotional seniority earned in**
 11 **the class, from highest to lowest. If two or more persons possess an equal**
 12 **amount of promotional seniority, the names of such persons shall be placed on**
 13 **the reinstatement list in the order of departmental seniority, from highest to**
 14 **lowest.**

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 195 Engrossed

2019 Regular Session

Gatti

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.

Present law relative to the system applicable to large municipalities, 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.

Present law requires the local fire and police civil service board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list according to departmental seniority.

Present law provides for an exception for the Lafayette, Lake Charles, and Crowley police departments, requiring that names be placed on the promotion employment list according to their promotional seniority. If two or more persons possess an equal amount of promotional seniority, then the names must be placed on the promotion employment list according to departmental seniority.

Proposed law retains present law and adds to the exception for the Bossier City police department, requiring that names be placed on the promotion employment list according to their promotional seniority. If two or more persons possess an equal amount of promotional seniority, then the names must be placed on the promotion employment list according to departmental seniority.

Present law provides that whenever an entire class is abolished in the classified service of the Lafayette, Lake Charles, and Crowley police departments, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total promotional seniority earned in the class in the order of highest to lowest.

Proposed law retains present law and provides for an exception for the Bossier City police department that whenever an entire class is abolished in the classified service, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total promotional seniority earned in the class in the order of highest to lowest.

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

(Amends R.S. 33:2491(D)(1) and (H)(1); adds R.S. 33:2491(D)(4), 2491(H)(5), 2494(C)(4) and 2498(E))