

Regular Session, 2009

HOUSE BILL NO. 402

BY REPRESENTATIVE TIM BURNS

CIVIL SERVICE/MUNICIPAL: Provides relative to the Municipal Police Employees Civil Service in the city of Mandeville

1 AN ACT

2 To amend and reenact Sections 1(A), 2(C), and 4(3) of Act No. 164 of the 1984 Regular
3 Session of the Legislature and to enact Sections 2(G) and 4.1 of Act No. 164 of the
4 1984 Regular Session of the Legislature, relative to the Municipal Police Employees
5 Civil Service in the city of Mandeville; to provide that the position of chief of police
6 shall not be in the classified service; to provide relative to the right of selection,
7 appointment, supervision, and discharge for such position; to provide relative to the
8 Municipal Police Employees Civil Service Board; to provide relative to the
9 appointment, terms, and duties and responsibilities of board members; to provide
10 relative to the political activities of board members and certain employees of the city;
11 and to provide for related matters.

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

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Sections 1(A), 2(C), and 4(3) of Act No. 164 of the 1984 Regular Session
17 of the Legislature are hereby amended and reenacted and Sections 2(G) and 4.1 of Act No.
18 164 of the 1984 Regular Session of the Legislature are hereby enacted to read as follows:

1 (5) One member to be appointed by the ~~director~~ executive vice president of
2 the Louisiana Civil Service League after consultation with the president thereof.

3 * * *

4 G. On the effective date of this Subsection, the terms of all members of the
5 Municipal Police Employees Civil Service Board serving on such date shall
6 terminate, and the board shall be appointed in accordance with the provisions of
7 Subsection C of this Section. However, the members in office on the effective date
8 of this Subsection shall continue to serve in their positions until all members
9 appointed pursuant to Subsection C of this Section have been appointed and
10 qualified.

11 * * *

12 Section 4. Duties of board

13 In addition to the duties provided in Section 3 or any other provision of this
14 Act, the board shall have the following duties and responsibilities:

15 * * *

16 (3) To hear and decide upon dismissals, suspensions, promotions, demotions,
17 and other disciplinary matters as may be provided by rule; the decision of the board
18 in these matters shall be final.

19 * * *

20 Section 4.1. Political activities; board members; employees

21 A. No member of the Municipal Police Employees Civil Service Board, or
22 employee covered under Act No. 164 of the 1984 Regular Session of the Legislature
23 as amended shall participate or engage in political activity; be a candidate for
24 nomination or election to public office or be a member of any national, state, or local
25 committee of a political party or faction; make or solicit contributions for a political
26 party, faction, or candidate; or take active part in the management of the affairs of
27 a political party, faction, candidate, or any political campaign, except to exercise his
28 right as a citizen to express his opinion privately, to serve as a commissioner or
29 official watcher at the polls, and to cast his vote as he desires.

the mayor. Provides that the selection and appointment of the police chief shall be subject to approval of the city council. Proposed law otherwise retains present law.

Proposed law additionally requires any person appointed to the position of police chief to meet all qualifications and requirements as provided in the job description prepared by the city council.

Present law creates and provides for a Municipal Police Employees Civil Service Board of the city of Mandeville for the purpose of administering a classified civil service system in accordance with the provisions of present law. Provides that the board shall be composed of five members all of whom shall have been a resident of the city of Mandeville for at least one year prior to appointment. Additionally requires board members to be electors of the municipality at the time of appointment. Requires board members to serve four-year staggered terms. Proposed law retains present law.

Present law provides that the membership of the board shall be composed as follows:

- (1) One member appointed by the mayor of the municipality.
- (2) One member appointed by the municipal governing authority.
- (3) One member appointed by the director of the Mandeville Chamber of Commerce.
- (4) One member appointed by the Mandeville Ministerial Alliance.
- (5) One member appointed by the director of the La. Civil Service League after consultation with the president thereof.

Proposed law changes the membership of the board as follows:

- (1) One member appointed by the president of Tulane University.
- (2) One member appointed by the president of Southeastern La. University.
- (3) One member appointed by the director of the West St. Tammany Chamber of Commerce.
- (4) One member appointed by the governing board of the Covington Bar Association.
- (5) One member appointed by the executive vice president of the La. Civil Service League after consultation with the president thereof.

Present law provides for the duties and responsibilities of the board including to hear and decide upon dismissals, suspensions, demotions, and other disciplinary matters as may be provided by rule. Proposed law retains present law and additionally requires the board to hear and decide upon promotions.

Proposed law prohibits members of the board and employees covered under present law and proposed law from the following:

- (1) Participating or engaging in political activity.
- (2) Being a candidate for nomination or election to public office or being a member of any national, state, or local committee of a political party or faction.
- (3) Making or soliciting contributions for a political party, faction, or candidate or taking an active part in the management of the affairs of a political party, faction, candidate, or any political campaign.

Authorizes each board member and employee to exercise his rights as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

Proposed law prohibits any person from soliciting contributions for political purposes from any classified employee or using or attempting to use his position in city service to punish or coerce the political action of an employee. Additionally prohibits any elected official from using his official authority or influence to prevent or secure the appointment of any person to the Municipal Police Employees Civil Service Board.

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

(Amends §§ 1(A), 2(C), and 4(3) of Act No. 164 of 1984 R.S.; Adds §§ 2(G) and 4.1 of Act No. 164 of 1984 R.S.)

Summary of Amendments Adopted by House

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

1. Removes provisions of proposed law that provide that the supervision and discharge of the police chief is subject to approval of the city council.
2. Requires any person appointed to the position of police chief to meet all qualifications and requirements as provided in the job description prepared by the city council.