

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 402 by Representative Tim Burns

CIVIL SERVICE/MUNICIPAL: Provides relative to the position of police chief in the cities of Mandeville and Houma

Synopsis of Senate Amendments

1. Provides that the position of police chief in the city of Houma is in the unclassified service and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the president of Terrebonne Parish. Adds provisions that the appointment is subject to parish governing authority approval, provisions relative to qualifications, and provisions relative to resignation from and return to the classified service.
2. Provides that provisions relative to the position of police chief in the city of Houma shall be null and void on July 1, 2012.

Digest of Bill as Finally Passed by Senate

Present law (Act No. 164 of the 1984 R.S.) creates and provides for the Municipal Police Employees Civil Service in the city of Mandeville. Provides that classified civil service shall embrace all positions of employment and all officers and employees, including the chief of police of the municipal police department. Provides that the appointment and dismissal of all police employees shall be subject to present law.

Proposed law provides that the position of police chief shall not be in the classified service and grants the right of selection, appointment, supervision, and discharge for the position to 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.

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 constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides

further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief in the city of Houma. Provides that such position is in the unclassified service and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the president of Terrebonne Parish. Further provides that the appointment of the police chief shall be subject to the approval of the parish governing authority.

Proposed law requires the police chief to have at least five years of full time law enforcement experience and to have successfully completed a certified training program approved by the Council on Peace Officers Standards and Training. Additionally requires any person appointed to the position of police chief to meet all qualifications and requirements as provided in the parish compensation plan in effect at the time of his appointment.

Proposed law provides that any person who resigns from a position in the classified service to be appointed police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his former employer shall employ him to a comparable position.

Proposed law provides that the provisions of proposed law relative to the position of police chief in the city of Houma shall be null and void on July 1, 2012.

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. and R.S. 33:2481.3)