

Existing law (Act No. 164 of the 1984 R.S.) creates and provides for the Municipal Police Employees Civil Service in the city of Mandeville, which embraces all positions of employment and all officers and employees. Prior law provided that the police chief was included in the classified service. New 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 is subject to approval of the city council. New law additionally requires any person appointed as police chief to meet all qualifications and requirements as provided in the job description prepared by the city council.

Existing 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 existing law. Provides that the board is composed of five members all of whom are required to be residents 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.

Prior law provided that the membership of the board was composed of members appointed by the mayor of the municipality, the municipal governing authority, the director of the Mandeville Chamber of Commerce, the Mandeville Ministerial Alliance, and the director of the La. Civil Service League after consultation with the president thereof.

New law changes the appointing authorities to: the presidents of Tulane University and Southeastern La. University, the director of the West St. Tammany Chamber of Commerce, the governing board of the Covington Bar Association, and the executive vice president of the La. Civil Service League after consultation with the president thereof. New law provides that on July 07, 2009, the terms of members of the board serving on such date shall terminate.

Existing 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. New law requires the board to hear and decide upon promotions.

New law prohibits members of the board and employees covered under new law and existing law from participating or engaging in political activity, being a candidate for nomination or election to public office or a member of any committee of a political party or faction, and making or soliciting contributions for a political party, faction, or candidate. Authorizes each board member and employee to exercise his right 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.

New 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. Existing 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.

Existing 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.

Existing law provides that the positions of fire chief and police chief are in the classified service. Provides further with respect to which positions are in the classified and unclassified service. New law 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 is subject to the approval of the parish governing authority.

New 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 as police chief to meet all qualifications and requirements in the parish compensation plan.

New law provides that any person who resigns from a position in the classified service to be appointed police chief shall not forfeit his accumulated seniority. Prohibits any person from accumulating seniority during the time he is not in the classified service. Further provides that if any such person resigns as police chief or is terminated for any reason other than malfeasance in office, he may be reemployed to the same position he held 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.

New law provides that the provisions of new 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 (July 7, 2009).

(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)