

Regular Session, 2011

HOUSE BILL NO. 581

BY REPRESENTATIVE ROY

CIVIL SERVICE/MUNICIPAL: Provides relative to the civil service system for the employees of the city of Alexandria

1 AN ACT

2 To amend and reenact Paragraphs (C)(2) and (4) of Section 1 of Act No. 487 of the 1954

3 Regular Session of the Legislature, as amended by Act No. 390 of the 2001 Regular

4 Session of the Legislature, and to enact Paragraphs (A)(11) and (C)(5) of Section 1

5 of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act

6 No. 390 of the 2001 Regular Session of the Legislature, relative to the city of

7 Alexandria; to provide relative to the civil service system for the employees of the

8 city; to provide relative to the Alexandria Civil Service Commission; to provide

9 relative to the position of civil service director, the qualifications of any person

10 appointed to such position by the commission, and the evaluation of the job

11 performance of any person serving in such position; to provide relative to filling

12 vacancies in commission membership; to authorize the commission to select an

13 individual attorney or law firm to serve as legal counsel to the commission and to

14 represent the commission in legal proceedings; to provide limitations; and to provide

15 for related matters.

16 Notice of intention to introduce this Act has been published

17 as provided by Article III, Section 13 of the Constitution of

18 Louisiana.

19 Be it enacted by the Legislature of Louisiana:

1 Section 1. Paragraphs (C)(2) and (4) of Section 1 of Act No. 487 of the 1954 Regular
2 Session of the Legislature, as amended by Act No. 390 of the 2001 Regular Session of the
3 Legislature, are hereby amended and reenacted and Paragraphs(A)(11) and (C)(5) of Section
4 1 of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act No. 390
5 of the 2001 Regular Session of the Legislature, are hereby enacted to read as follows:

6 Section 1.(A) It shall be the policy of the city of Alexandria to employ those
7 persons best qualified to perform the functions of the city and to foster effective
8 career service in city employment. Any appointment and promotion of any
9 employee in the classified service of the city and of each of its departments, offices,
10 and agencies shall be made on the basis of merit and fitness which shall be
11 determined, insofar as practicable, by competitive test. All employees of the city of
12 Alexandria, except employees of the fire and police departments shall be in the
13 classified service, except that the following shall not be in the classified service and
14 shall not be subject to the provisions of this Act regarding appointment, promotion,
15 and dismissal:

16 * * *

17 (11) All employees who are scheduled to work less than thirty-two hours per
18 week. However, the provisions of this Paragraph shall not apply to any permanent
19 employee who is required to work less than thirty-two hours per week due to
20 furloughs, layoffs, or any other reduction in work hours by the appointing authority.

21 * * *

22 (C)

23 * * *

24 (2)(a) The commission shall appoint a civil service director. The director
25 shall be qualified and experienced in civil service matters and shall be responsible
26 to the commission for the administration of the classified civil service system for the
27 city. The civil service director, whether or not he is a division head, shall be in the
28 classified service as provided in this Act for employees of the city who are subject
29 to the provisions of this Act.

1 (b) Notwithstanding any other provision of law to the contrary, the civil
2 service director shall possess, at a minimum, a bachelor's degree from an accredited
3 college or university. The requirement that the civil service director possess a
4 bachelor's degree shall be mandatory and shall not be waived or substituted. The
5 civil service director shall also possess experience in human resources or personnel
6 administration.

7 (c) The job performance of the civil service director shall be evaluated on an
8 annual basis by the commission and shall be evaluated every third year by an
9 independent consultant employed or contracted with by the commission for such
10 purpose.

11 * * *

12 (4) For appointments made pursuant to Subparagraphs (b) through (e) of
13 Paragraph (C)(3) of this Section, within ~~sixty~~ forty-five days after a vacancy occurs,
14 ~~the appointing body shall make the required appointment~~ the appointing authority
15 shall submit the appointment to the city clerk for the city of Alexandria by regular
16 mail. The city clerk shall date and time stamp the mail immediately upon receipt.
17 Within ~~thirty~~ forty-five days ~~thereafter~~ after the date and time stamp of the city clerk
18 verifying the receipt of the appointment, the city council ~~must~~ shall ratify or reject
19 the appointment. The ratification or rejection of the appointment shall be by a duly
20 adopted ordinance of the city council. If the appointment is rejected, another
21 appointment ~~must~~ shall be solicited from the same ~~source~~ appointing authority. If
22 the city council rejects two consecutive appointments from an appointing authority,
23 ~~the third person submitted by that appointing authority shall automatically be~~
24 ~~appointed without ratification~~ Louisiana Civil Service League shall make the
25 appointment. If the council fails to act within ~~thirty~~ forty-five days after the date and
26 time stamp of the city clerk verifying the receipt of the name of the appointee, the
27 ~~appointment shall be automatically ratified~~ Louisiana Civil Service League shall
28 make the appointment. If one of the appointing authorities fails to submit nominees
29 in the time required, the Louisiana Civil Service League shall make the appointment.

1 The Louisiana Civil Service League shall not appoint any person who has been
2 previously rejected by the city council. In addition, at no time during the
3 appointment process shall the appointing authority resubmit the name of any person
4 whose appointment has been previously rejected by the city council. If one of the
5 named appointing authorities fails to submit nominees in the time required, the
6 Louisiana Civil Service League shall make the appointment. If one of the named
7 appointing authorities ceases to exist, the city council shall choose the president of
8 another accredited college or university within Louisiana to replace it. A board
9 member shall serve until his successor is appointed and qualified.

10 * * *

11 (5)(a) The commission is authorized to solicit proposals from individual
12 attorneys or law firms to serve as legal counsel to the commission. The commission
13 shall have the right to accept or reject any or all proposals for any reason, to
14 negotiate with any attorney or law firm, and to select the attorney or law firm
15 deemed to have submitted the proposal which is in the best interest of the
16 commission.

17 (b) The attorney or firm selected by the commission shall be required to sign
18 a written contract which shall provide for the hourly rate at which any such attorney
19 or firm shall be compensated. The commission shall fix the hourly rate in
20 accordance with the Louisiana attorney general's maximum hourly fee schedule for
21 professional legal services. The job performance of any such attorney or firm shall
22 be evaluated by the commission on an annual basis.

23 (c) The attorney or firm that serves as legal counsel to the commission may
24 represent the commission in legal proceedings; however, the commission shall not
25 be prohibited from selecting a different attorney or law firm to represent the
26 commission in any such proceeding. Any such attorney or firm shall be required to
27 sign a written contract which provides for an hourly rate of compensation as
28 provided in Subparagraph (b) of this Paragraph. A majority of the members of the

1 commission shall give their written approval prior to any attorney or law firm
 2 representing the commission in a legal proceeding.

3 * * *

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

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)]

Roy

HB No. 581

Abstract: Provides relative to the civil service system for the employees of the city of Alexandria.

Present law (Act No. 487 of 1954 R.S.) creates a civil service system for the employees of the city of Alexandria. Provides that all employees of the city, except fire and police, shall be in the classified service. Provides that the following shall not be in the classified service:

- (1) All elected officials.
- (2) 10 executive assistants to the mayor.
- (3) Chief administrative officer/chief of staff.
- (4) All division heads except the civil service/personnel director.
- (5) Members of advisory boards and other unpaid bodies who are not city employees.
- (6) Organizations and their employees and other persons employed on a contractual basis.
- (7) Temporary or seasonal employees.
- (8) City attorney and any assistants.
- (9) City prosecutor and any assistants.
- (10) All employees appointed directly by and who work for the city council.

Proposed law retains present law and adds all employees who are scheduled to work less than 32 hours per week to the unclassified list of employees. Specifies that this shall not apply to any permanent employee who is required to work less than 32 hours per week due to furloughs, layoffs, or any other reduction in work hours by the appointing authority.

Present law creates and provides for the Alexandria Civil Service Commission as the policymaking arm of the civil service system for the city. Requires the commission to appoint a civil service director who shall be a member of the classified service and shall be qualified and experienced in civil service matters. Additionally requires the director to be responsible to the commission for the administration of the classified civil service system for the city.

Proposed law retains present law and provides additional requirements for the civil service director. Requires the civil service director to possess, at a minimum, a bachelor's degree from an accredited college or university. Provides that this requirement is mandatory and shall not be waived or substituted. Additionally requires the civil service director to possess experience in human resources or personnel administration.

Proposed law requires the commission to evaluate the job performance of the civil service director on an annual basis. Further requires that the job performance be evaluated every third year by an independent consultant employed or contracted with by the commission.

Present law provides the commission shall be comprised of five members appointed as follows:

- (1) One member appointed by the president of La. College.
- (2) One member appointed by the chancellor of LSU at Alexandria.
- (3) One member appointed by the president of Southern University at Baton Rouge.
- (4) One member appointed by the Alexandria Bar Association.
- (5) One member elected by the classified Alexandria city employees, as required by law.

Proposed law retains present law.

Present law provides for the filling of vacancies in the membership of the commission. Requires appointing authorities to make appointments within 60 days of a vacancy occurring. Requires the city council to ratify or reject the appointment within 30 days of receipt. Provides that if the appointment is rejected, another appointment shall be solicited from the same appointing authority.

Proposed law instead requires the appointing authority to submit the appointment, by regular mail, to the city clerk of the city of Alexandria within 45 days of the vacancy occurring. Requires the city clerk to date and time stamp the mail upon receipt. Requires the city council to ratify or reject the appointment within 45 days after the date/time stamped. Provides that ratification or rejection of the appointment by the council shall be by council ordinance. Provides that if the appointment is rejected, another appointment shall be solicited from the same appointing authority.

Present law provides that if the city council rejects two consecutive appointments from an appointing authority, the third person submitted by that appointing authority shall automatically be appointed without ratification.

Proposed law instead provides that, if the city council rejects two consecutive appointments from an appointing authority, the La. Civil Service League shall make the appointment.

Present law provides that if the council fails to ratify or reject an appointment within 30 days after receipt of the name of a person to be appointed, the appointment shall be automatically ratified.

Proposed law instead provides that if the council fails to act within 45 days after the date/time stamp, the La. Civil Service League shall make the appointment.

Proposed law retains present law that provides that the La. Civil Service League shall make the appointment if an appointing authority fails to submit an appointment in the time required.

Proposed law prohibits the appointing authority and the La. Civil Service League from resubmitting the name of any person whose appointment has been previously rejected by the city council.

Proposed law authorizes the commission to solicit proposals from individual attorneys or law firms to serve as legal counsel to the commission. Requires the attorney or firm selected to sign a written contract which must provide for the hourly rate at which the attorney or firm will be compensated. Requires the commission to fix the hourly rate in accordance with the state attorney general's maximum hourly fee schedule for professional legal services. Requires the commission to evaluate the job performance of the attorney or firm on an annual basis.

Proposed law authorizes the selected attorney or firm that serves as legal counsel to the commission to represent the commission in legal proceedings. Proposed law provides that the commission is not prohibited from selecting a different attorney or law firm to represent the commission in a legal proceeding. Requires that the attorney or firm sign a written contract which provides for an hourly rate of compensation as provided in proposed law. Requires that a majority of the members of the commission give their written approval prior to any attorney or law firm representing the commission in any legal proceeding.

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

(Amends Paras. (C)(2) and (4) of §1 of Act No. 487 of 1954 R.S.; Adds Paras. (A)(11) and (C)(5) of §1 of Act No. 487 of 1954 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. Specifies that the proposed addition of employees who are scheduled to work less than 32 hours per week to the list of unclassified employees does not apply to any permanent employee who is required to work less than 32 hours per week due to furloughs, layoffs, or any other reduction in work hours by the appointing authority.
2. Requires submission of appointments to the Alexandria Civil Service Commission by regular mail rather than by certified mail and requires submission to the city clerk rather than the president of the Alexandria City Council. Also requires the city clerk to date and time stamp the mail upon receipt. Requires the city council to ratify or reject the appointment within 45 days after the date/time stamped rather than after receipt.
3. Provides that ratification or rejection of the appointment by the council shall be by council ordinance and removes proposed law provisions that ratification by the council is subject to the concurrence of the mayor and other references to concurrence in ratification by the mayor.
4. Provides that the La. Civil Service League shall make the appointment if the city council rejects two consecutive appointments from an appointing authority,

instead of providing that the third person submitted shall be automatically appointed without ratification.

5. Changes provision that an appointment shall be automatically ratified if the council fails timely to ratify or reject it and instead provides that if the council fails to act timely on an appointment, the La. Civil Service League shall make the appointment.
6. Retains proposed law prohibition on resubmission of the name of a person whose appointment has been rejected by the council and includes appointments by the La. Civil Service League in such prohibition.