

**(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)**

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

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 DIGEST

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. Provides that any overall performance review rating of "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable" requires that the commission develop a Performance Improvement Plan for the director that may include additional education requirements, training or any other activities the commission deems appropriate. Requires the commission

to specify a time period not to exceed six months for a re-evaluation of the director's job performance. Provides that two or more overall performance review ratings of "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable" within a three-year time period shall constitute cause for termination of employment.

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, regarding the filling of vacancies in the membership of the commission, requires appointing authorities to make appointments within 60 days of a vacancy occurring.

Proposed law retains present law and specifies that the appointing authority shall submit the appointment to the city clerk for the city of Alexandria by regular mail and the city clerk shall date and time stamp the mail immediately upon receipt.

Present law 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. 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 requires the city council to ratify or reject the appointment within 45 days after the date/time stamped. Provides that if the appointment is rejected, another appointment shall be solicited from the same appointing authority and 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 retains present law but allows 45 days for the city council to ratify or reject an appointment.

Present law 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 retains present law. Adds that the La. Civil Service League shall not appoint any person who has been previously rejected by the city council.

Proposed law provides that at no time during the appointment process shall the appointing authority resubmit the name of any person whose appointment has been previously rejected by the city council.

Present law provides that if one of the named appointing authorities ceases to exist, the city council shall choose the president of another accredited college or university within Louisiana to replace it. Also provides that a board member shall serve until his successor is appointed and qualified.

Proposed law retains present law.

Proposed law provides that on matters that representation by the city attorney's office would present a conflict of interest, the commission is authorized 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 re-submission 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.

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the engrossed bill.

1. Adds provisions regarding negative performance review ratings of director.
2. Changes from proposed law 45 days to present law 60 days for an appointing authority to submit an appointment to the commission.
3. Removes proposed law requirement that the ratification or rejection of an appointment by the city council be by ordinance.
4. For instances in which the city council fails to act on an appointment, changes from proposed law that the La. Civil Service League make the appointment to present law that the appointment be automatically ratified.
5. Limits the commission's authority to hire private counsel to matters where representation by the city attorney's office would present a conflict of interest.
6. Makes technical corrections.