

HOUSE SUMMARY OF SENATE AMENDMENTS

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

Synopsis of Senate Amendments

1. Adds provisions regarding negative performance review ratings of civil service director.
2. Removes provisions of proposed law that grant an appointing authority 45 days to fill a vacancy and instead restores provisions of present law that grant an appointing authority 60 days to fill a vacancy.
3. Removes proposed law requirement that the ratification or rejection of an appointment by the city council be by ordinance.
4. Relative to instances in which the city council fails to act on an appointment, removes provisions of proposed law that provide that the La. Civil Service League makes the appointment and instead restores provisions of present law that provide 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. Remainder of amendments are technical.

Digest of Bill as Finally Passed by Senate

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. 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 if the director receives any overall performance review rating of "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable". Requires the commission, in certain circumstances, to specify a time period not to exceed six months for a special 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 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. Requires that another appointment be solicited from the same appointing authority if the appointment is rejected.

Proposed law retains present law requirement that appointing authorities make appointments within 60 days of a vacancy occurring but additionally requires appointing authorities to submit the appointment, by regular mail, to the city clerk of the city of Alexandria. 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. Retains present law requirement regarding the solicitation of another appointment in case of rejection.

Proposed law retains present law that 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.

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 provides instead for automatic ratification of an appointment if the council fails to ratify or reject within 45 days after the date and time stamp of the city clerk verifying receipt of the name of the appointee.

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, on matters that representation by the city attorney's office would present a conflict of interest, 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.)