

Regular Session, 2011
HOUSE BILL NO. 581
BY REPRESENTATIVE ROY

AN ACT

To amend and reenact Paragraphs (C)(2) and (4) of Section 1 of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act No. 390 of the 2001 Regular Session of the Legislature, and to enact Paragraphs (A)(11) and (C)(5) of Section 1 of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act No. 390 of the 2001 Regular Session of the Legislature, relative to the city of Alexandria; to provide relative to the civil service system for the employees of the city; to provide relative to the Alexandria Civil Service Commission; to provide relative to the position of civil service director, the qualifications of any person appointed to such position by the commission, and the evaluation of the job performance of any person serving in such position; to provide relative to filling vacancies in commission membership; to authorize the commission to select an individual attorney or law firm to serve as legal counsel to the commission and to represent the commission in legal proceedings; to provide limitations; and to provide for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

11 * * *

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

16 * * *

17 (C)

18 * * *

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

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

1 (c)(i) The job performance of the civil service director shall be evaluated on
 2 an annual basis by the commission and shall be evaluated every third year by an
 3 independent consultant employed or contracted with by the commission for such
 4 purpose.

5 (ii) Any overall performance review rating of the civil service director of
 6 "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable" shall require
 7 that the commission develop a Performance Improvement Plan for the director that
 8 may include additional education requirements, training, or any other activities that
 9 the commission deems appropriate. Depending on the specifics of the Performance
 10 Improvement Plan, the commission shall specify a time period not to exceed six
 11 months for a special evaluation of the job performance of the director.

12 (iii) Two or more overall performance review ratings of "Below
 13 Average/Does Not Meet Expectations" or "Poor/Unacceptable" of the civil service
 14 director within a three-year time period shall constitute cause for termination of
 15 employment.

16 * * *

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

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

12 * * *

13 (5)(a) On matters that representation by the city attorney's office would
 14 present a conflict of interest, the commission is authorized to solicit proposals from
 15 individual attorneys or law firms to serve as legal counsel to the commission. The
 16 commission shall have the right to accept or reject any or all proposals for any
 17 reason, to negotiate with any attorney or law firm, and to select the attorney or law
 18 firm deemed to have submitted the proposal which is in the best interest of the
 19 commission.

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

26 (c) The attorney or firm that serves as legal counsel to the commission may
 27 represent the commission in legal proceedings; however, the commission shall not
 28 be prohibited from selecting a different attorney or law firm to represent the
 29 commission in any such proceeding. Any such attorney or firm shall be required to
 30 sign a written contract which provides for an hourly rate of compensation as

1 provided in Subparagraph (b) of this Paragraph. A majority of the members of the
 2 commission shall give their written approval prior to any attorney or law firm
 3 representing the commission in a legal proceeding.

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____