

Regular Session, 2013

HOUSE BILL NO. 663

BY REPRESENTATIVE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE/FIRE & POL: Provides relative to certain employment lists established and maintained by the municipal fire and police civil service board and provides for the removal of employees during the working test period

1 AN ACT

2 To amend and reenact R.S. 33:2491(F), 2495, 2551(6), and 2555 and to enact R.S.
3 33:2495.1.1 and 2555.1, relative to municipal fire and police civil service; to provide
4 relative to certain employment lists established and maintained by municipal fire and
5 police civil service boards; to provide relative to employees appointed from the lists
6 to a working test period; to provide for the removal of certain employees during the
7 working test period; to provide with respect to appeals of employees who are
8 rejected after serving a certain period of time of the working test period; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:2491(F), 2495, 2551(6), and 2555 are hereby amended and
12 reenacted and R.S. 33:2495.1.1 and 2555.1 are hereby enacted to read as follows:

13 §2491. Establishment and maintenance of employment lists

14 The board shall establish and maintain employment lists containing names
15 of persons eligible for appointment to the various classes of positions in the
16 classified service, as follows:

17 * * *

18 F.(1) The minimum and maximum period for which a name may remain
19 upon a promotional and a competitive employment list established and maintained

1 by the board for any of the various classes of positions in the classified fire service
2 shall be twelve and eighteen months, respectively, for each list.

3 (2) The minimum and maximum period for which a name may remain upon
4 the competitive employment list established and maintained by the board for any of
5 the various classes of positions in the classified police service shall be twelve and
6 eighteen months, respectively, for each list.

7 (3)(a) Notwithstanding any provision of law to the contrary, the minimum
8 and maximum period for which a name may remain upon a promotional employment
9 list established and maintained by the board for any of the various classes of
10 positions in the classified police service shall be twelve and forty-eight months,
11 respectively, for each list.

12 (b) Except as provided in R.S. 33:2491.4(D), the provisions of this Paragraph
13 shall apply to any promotional employment list established and maintained by the
14 board pursuant to this Part for any of the various classes of positions in the classified
15 police service containing the names of eligible persons on and after the effective date
16 of this Subsection.

17 * * *

18 §2495. Working tests

19 A. Every person appointed to a position in the classified service following
20 the certification of his name from a promotional or a competitive employment list,
21 except as provided in R.S. 33:2495.1.1 and except those appointed on a temporary
22 basis, shall be reported to the board as a probational employee within fifteen days of
23 his appointment. The probational employee shall be tested by a working test while
24 occupying the position before he may be confirmed as a regular and permanent
25 employee in the position.

26 B.(1)(a) Except as provided in ~~Paragraphs (2) and (3) of this Subsection~~ R.S.
27 33:2495.1.1, the period of the working test shall commence immediately upon
28 appointment and shall continue for a period of not less than six months nor more
29 than one year.

1 (2)(a) Any probational employee in the classified fire service, except an
2 entry level fireman and an entry level radio, fire alarm, or signal system operator,
3 who has served less than six months of his working test for any given position may
4 be removed therefrom only with the prior approval of the board, and only upon one
5 of the following grounds:

6 (i) He is unable or unwilling to perform satisfactorily the duties of the
7 position to which he has been appointed.

8 (ii) His habits and dependability do not merit his continuance therein.

9 (b) Any such probational employee in the classified fire service may appear
10 before the board and present his case before he is removed.

11 (c) Any such probational employee in the classified fire service who is
12 rejected after having served a working test of six months but not more than one year,
13 may appeal to the board only upon the grounds that he has not been given a fair
14 opportunity to prove his ability in the position.

15 (3)(a)Any probational employee in a position of a competitive class of the
16 classified police service, except an entry level police officer, and an entry level radio,
17 police alarm, or signal system operator, who has served less than six months of his
18 working test for any given position may be removed therefrom only with the prior
19 approval of the board. Any probational employee in a position of a promotional
20 class of the classified police service, who has served less than three months of his
21 working test for any given position may be removed therefrom only with the prior
22 approval of the board. Any such probational employee may be removed only upon
23 one of the following grounds:

24 (i) He is unable or unwilling to perform satisfactorily the duties of the
25 position to which he has been appointed.

26 (ii) His habits and dependability do not merit his continuance therein.

27 (b) Any such probational employee in the classified police service may
28 appear before the board and present his case before he is removed.

1 (c) Any such probational employee in the classified police service appointed
2 to a position of a competitive class who is rejected after having served a working test
3 of six months but not more than one year, may appeal to the board only upon the
4 grounds that he has not been given a fair opportunity to prove his ability in the
5 position.

6 (d) Any such probational employee in the classified police service appointed
7 to a position of a promotional class who is rejected after having served a working test
8 of three months but not more than one year, may appeal to the board only upon the
9 grounds that he has not been given a fair opportunity to prove his ability in the
10 position.

11 ~~(2)(a) Each person selected for appointment to an entry level position in the~~
12 ~~classified service from the competitive firefighter, firefighter/operator, or police~~
13 ~~officer employment list who has demonstrated successful completion of formal~~
14 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
15 ~~shall immediately begin the working test.~~

16 ~~(b)(i) Any person selected for appointment to an entry level position in the~~
17 ~~classified service from the competitive firefighter, firefighter/operator, or police~~
18 ~~officer employment list who has not demonstrated successful completion of formal~~
19 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
20 ~~shall be employed by the appointing authority and reported to the board as a recruit~~
21 ~~and, whenever practical or possible, shall immediately begin such formal training.~~
22 ~~The formal training shall be provided for through the appointing authority, and the~~
23 ~~period for such formal training shall be for the duration of not more than six months~~
24 ~~from the date of appointment. The formal training period shall conclude six months~~
25 ~~from the date of original appointment or upon the successful completion of the~~
26 ~~formal training, whichever occurs first, at which time the working test shall~~
27 ~~commence. The appointing authority shall, within fifteen days, advise the board of~~
28 ~~the appointment of the recruit as a probational firefighter, probational~~
29 ~~firefighter/operator, or probational police officer as the case may be.~~

1 (ii) ~~Nothing in this Paragraph shall be construed to require that a newly~~
2 ~~appointed firefighter, firefighter/operator, or police officer be terminated should he~~
3 ~~fail to enroll in or complete formal training within the six-month formal training~~
4 ~~period.~~

5 (c)(i) ~~Successful completion of formal training as required by this Paragraph~~
6 ~~for a position in the classification of firefighter or firefighter/operator shall be~~
7 ~~demonstrated by certification as Firefighter I in accordance with National Fire~~
8 ~~Protection Association Standard 1001.~~

9 (ii) ~~Successful completion of formal training as required by this Paragraph~~
10 ~~for a position in the classification of police officer shall be demonstrated by~~
11 ~~certification from a peace officer standards and training accredited training program~~
12 ~~as provided by R.S. 40:2405(A).~~

13 (3)(a) ~~Notwithstanding any other provision of law to the contrary, each~~
14 ~~person selected for appointment to an entry level position in the classified service~~
15 ~~from the competitive Fire Communications Officer (I) employment list in the city~~
16 ~~of Shreveport who has demonstrated successful completion of formal training as~~
17 ~~provided in Subparagraph (c) of this Paragraph prior to such appointment shall~~
18 ~~immediately begin the working test.~~

19 (b)(i) ~~Any person selected for appointment to an entry level position in the~~
20 ~~classified service from the competitive Fire Communications Officer (I) employment~~
21 ~~list in the city of Shreveport who has not demonstrated successful completion of~~
22 ~~formal training as provided in Subparagraph (c) of this Paragraph prior to such~~
23 ~~appointment shall be employed by the appointing authority and reported to the board~~
24 ~~as a recruit and, whenever practical or possible, shall immediately begin such formal~~
25 ~~training. The formal training shall be provided for through the appointing authority,~~
26 ~~and the period for such formal training shall be for the duration of not more than six~~
27 ~~months from the date of appointment. The formal training period shall conclude six~~
28 ~~months from the date of original appointment or upon the successful completion of~~
29 ~~the formal training, whichever occurs first, at which time the working test shall~~

1 A.(1) Each person selected for appointment to an entry level position in the
2 classified service from the competitive firefighter, firefighter/operator, or police
3 officer employment list who has demonstrated successful completion of formal
4 training as provided in Paragraph (4) of this Subsection prior to such appointment
5 shall immediately begin the working test.

6 (2)(a) Any person selected for appointment to an entry level position in the
7 classified service from the competitive firefighter, firefighter/operator, or police
8 officer employment list who has not demonstrated successful completion of formal
9 training as provided in Paragraph (4) of this Subsection prior to such appointment
10 shall be employed by the appointing authority and reported to the board as a recruit
11 and, whenever practical or possible, shall immediately begin such formal training.

12 (b) The formal training shall be provided for through the appointing
13 authority, and the period for such formal training shall be for the duration of not
14 more than six months from the date of appointment. The formal training period shall
15 conclude six months from the date of original appointment or upon the successful
16 completion of the formal training, whichever occurs first, at which time the working
17 test shall commence.

18 (c) The appointing authority shall, within fifteen days, advise the board of
19 the appointment of the recruit as a probational firefighter, probational
20 firefighter/operator, or probational police officer as the case may be.

21 (3) Nothing in this Subsection shall be construed to require that a newly
22 appointed firefighter, firefighter/operator, or police officer be terminated should he
23 fail to enroll in or complete formal training within the six-month formal training
24 period.

25 (4)(a) Successful completion of formal training as required by this
26 Subsection for a position in the classification of firefighter or firefighter/operator
27 shall be demonstrated by certification as Firefighter I in accordance with National
28 Fire Protection Association Standard 1001.

1 (b) Successful completion of formal training as required by this Subsection
2 for a position in the classification of police officer shall be demonstrated by
3 certification from a peace officer standards and training accredited training program
4 as provided by R.S. 40:2405(A).

5 B.(1) Notwithstanding the provisions of Subsection A of this Section or any
6 other provision of law to the contrary, each person selected for appointment to an
7 entry level position in the classified service from the competitive Fire
8 Communications Officer (I) employment list in the city of Shreveport who has
9 demonstrated successful completion of formal training as provided in Paragraph (4)
10 of this Subsection prior to such appointment shall immediately begin the working
11 test.

12 (2)(a) Notwithstanding the provisions of Subsection A of this Section or any
13 other provision of law to the contrary, any person selected for appointment to an
14 entry level position in the classified service from the competitive Fire
15 Communications Officer (I) employment list in the city of Shreveport who has not
16 demonstrated successful completion of formal training as provided in Paragraph (4)
17 of this Subsection prior to such appointment shall be employed by the appointing
18 authority and reported to the board as a recruit and, whenever practical or possible,
19 shall immediately begin such formal training.

20 (b) The formal training shall be provided for through the appointing
21 authority, and the period for such formal training shall be for the duration of not
22 more than six months from the date of appointment. The formal training period shall
23 conclude six months from the date of original appointment or upon the successful
24 completion of the formal training, whichever occurs first, at which time the working
25 test shall commence.

26 (c) The appointing authority shall, within fifteen days, advise the board of
27 the appointment of the recruit as a probational Fire Communications Officer (I).

1 of the various classes of positions in the classified police service containing the
2 names of eligible persons on and after the effective date of this Subsection.

3 * * *

4 §2555. Working tests

5 A. Every person appointed to a position in the classified service following
6 the certification of his name from a promotional or a competitive employment list,
7 except as provided in R.S. 33:2555.1 and except those appointed on a temporary
8 basis, shall be reported to the board as a probational employee within fifteen days of
9 his appointment. The probational employee shall be tested by a working test while
10 occupying the position before he may be confirmed as a regular and permanent
11 employee in the position.

12 B.(1)(a) Except as provided in ~~Paragraph (2) of this Subsection~~ R.S.
13 33:2555.1, the period of the working test shall commence immediately upon
14 appointment and shall continue for a period of not less than six months nor more
15 than one year.

16 (2)(a) Any probational employee in the classified fire service, except an
17 entry level fireman and an entry level radio, fire alarm, or signal system operator,
18 who has served less than six months of his working test for any given position may
19 be removed therefrom only with the prior approval of the board, and only upon one
20 of the following grounds:

21 (i) He is unable or unwilling to perform satisfactorily the duties of the
22 position to which he has been appointed.

23 (ii) His habits and dependability do not merit his continuance therein.

24 (b) Any such probational employee in the classified fire service may appear
25 before the board and present his case before he is removed.

26 (c) Any such probational employee in the classified fire service who is
27 rejected after having served a working test of six months but not more than one year,
28 may appeal to the board only upon the grounds that he has not been given a fair
29 opportunity to prove his ability in the position.

1 (3)(a) Any probational employee in a position of a competitive class of the
2 classified police service, except an entry level police officer, and an entry level radio,
3 police alarm, or signal system operator, who has served less than six months of his
4 working test for any given position may be removed therefrom only with the prior
5 approval of the board. Any probational employee in a position of a promotional
6 class of the classified police service, who has served less than three months of his
7 working test for any given position may be removed therefrom only with the prior
8 approval of the board. Any such probational employee may appeal to the board only
9 upon one of the following grounds:

10 (i) He is unable or unwilling to perform satisfactorily the duties of the
11 position to which he has been appointed.

12 (ii) His habits and dependability do not merit his continuance therein.

13 (b) Any such probational employee in the classified police service may
14 appear before the board and present his case before he is removed.

15 (c) Any such probational employee in the classified police service appointed
16 to a position of a competitive class who is rejected after having served a working test
17 of six months but not more than one year, may appeal to the board only upon the
18 grounds that he has not been given a fair opportunity to prove his ability in the
19 position.

20 (d) Any such probational employee in the classified police service appointed
21 to a position of a promotional class who is rejected after having served a working test
22 of three months but not more than one year, may appeal to the board only upon the
23 grounds that he has not been given a fair opportunity to prove his ability in the
24 position.

25 ~~(2)(a) Each person selected for appointment to an entry level position in the~~
26 ~~classified service from the competitive firefighter, firefighter/operator, or police~~
27 ~~officer employment list who has demonstrated successful completion of formal~~
28 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
29 ~~shall immediately begin the working test.~~

1 ~~(b)(i) Any person selected for appointment to an entry level position in the~~
2 ~~classified service from the competitive firefighter, firefighter/operator, or police~~
3 ~~officer employment list who has not demonstrated successful completion of formal~~
4 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
5 ~~shall be employed by the appointing authority and reported to the board as a recruit~~
6 ~~and, whenever practical or possible, shall immediately begin such formal training.~~
7 ~~The formal training shall be provided for through the appointing authority, and the~~
8 ~~period for such formal training shall be for the duration of not more than six months~~
9 ~~from the date of appointment. The formal training period shall conclude six months~~
10 ~~from the date of original appointment or upon the successful completion of the~~
11 ~~formal training, whichever occurs first, at which time the working test shall~~
12 ~~commence. The appointing authority shall, within fifteen days, advise the board of~~
13 ~~the appointment of the recruit as a probational firefighter, probational~~
14 ~~firefighter/operator, or probational police officer as the case may be.~~

15 ~~(ii) Nothing in this Paragraph shall be construed to require that a newly~~
16 ~~appointed firefighter, firefighter/operator, or police officer be terminated should he~~
17 ~~fail to enroll in or complete formal training within the six-month formal training~~
18 ~~period.~~

19 ~~(c)(i) Successful completion of formal training as required by this Paragraph~~
20 ~~for a position in the classification of firefighter or firefighter/operator shall be~~
21 ~~demonstrated by certification as Firefighter I in accordance with National Fire~~
22 ~~Protection Association Standard 1001.~~

23 ~~(ii) Successful completion of formal training as required by this Paragraph~~
24 ~~for a position in the classification of police officer shall be demonstrated by~~
25 ~~certification from a peace officer standards and training accredited training program~~
26 ~~as provided by R.S. 40:2405(A).~~

27 C. Upon any employee completing his working test, the appointing authority
28 shall so advise the board and furnish a signed statement to the respective employee
29 of its confirmation and acceptance of the employee as a regular and permanent

1 employee in the respective position or of its refusal to confirm the employee, and the
 2 reasons therefor. If, at the expiration of an employee's working test period, the
 3 appointing authority fails to confirm or reject the employee, such failure to act shall
 4 constitute a confirmation. ~~Any employee who is rejected after serving a working test~~
 5 ~~of six months but not more than one year may appeal to the board only upon the~~
 6 ~~grounds that he was not given a fair opportunity to prove his ability in the position.~~

7 D. The appointing authority may remove, and shall remove upon the order
 8 of the board, any employee during his working test period whom the board finds,
 9 after giving him notice and an opportunity to be heard, was appointed as a result of
 10 an error, misrepresentation, or fraud.

11 E. In any event where any employee is permitted under this Part to appeal
 12 to the board, the decision of the board shall be subject to the judicial review provided
 13 by this Part and the appointing authority and employee shall be governed
 14 accordingly.

15 * * *

16 §2555.1. Recruit and recruit period

17 A. Each person selected for appointment to an entry level position in the
 18 classified service from the competitive firefighter, firefighter/operator, or police
 19 officer employment list who has demonstrated successful completion of formal
 20 training as provided in Subsection D of this Section prior to such appointment shall
 21 immediately begin the working test.

22 B.(1) Any person selected for appointment to an entry level position in the
 23 classified service from the competitive firefighter, firefighter/operator, or police
 24 officer employment list who has not demonstrated successful completion of formal
 25 training as provided in Subsection D of this Section prior to such appointment shall
 26 be employed by the appointing authority and reported to the board as a recruit and,
 27 whenever practical or possible, shall immediately begin such formal training.

28 (2) The formal training shall be provided for through the appointing
 29 authority, and the period for such formal training shall be for the duration of not

1 more than six months from the date of appointment. The formal training period shall
2 conclude six months from the date of original appointment or upon the successful
3 completion of the formal training, whichever occurs first, at which time the working
4 test shall commence.

5 (3) The appointing authority shall, within fifteen days, advise the board of
6 the appointment of the recruit as a probational firefighter, probational
7 firefighter/operator, or probational police officer as the case may be.

8 C. Nothing in this Section shall be construed to require that a newly
9 appointed firefighter, firefighter/operator, or police officer be terminated should he
10 fail to enroll in or complete formal training within the six-month formal training
11 period.

12 D.(1) Successful completion of formal training as required by this Section
13 for a position in the classification of firefighter or firefighter/operator shall be
14 demonstrated by certification as Firefighter I in accordance with National Fire
15 Protection Association Standard 1001.

16 (2) Successful completion of formal training as required by this Section for
17 a position in the classification of police officer shall be demonstrated by certification
18 from a peace officer standards and training accredited training program as provided
19 by R.S. 40:2405(A).

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)]

Harris

HB No. 663

Abstract: Relative to the municipal fire and police civil service, provides relative to promotional employment lists established for the various classes of positions in the classified police service and provides for the removal of employees during the working test period.

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. Present 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.

Proposed law retains present constitution and present law.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal government. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service.

Proposed law retains present law.

Present law provides that the minimum and maximum period for which a name may remain upon a promotional and a competitive employment list shall be 12 and 18 months, respectively, for each list.

Proposed law provides that with respect to promotional employment lists established and maintained by the board for the various classes of positions in the classified police service, the minimum and maximum time a name may remain on a list shall be 12 and 48 months, respectively, for each list. Proposed law otherwise retains present law with respect other employment lists maintained by the board.

Present law provides that the provisions of proposed law shall apply to any promotional employment list established and maintained by the board for any of the various classes of positions in the classified police service containing the names of eligible persons on and after the effective date of proposed law. Provides an exception for lists established and maintained for the city of West Monroe.

Present law requires, with some exceptions, that every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

Proposed law clarifies that a person appointed to a position in the classified service shall be a probational employee during the working test period. Requires that the employee be reported to the board as a probational employee within 15 days of his appointment. Proposed law otherwise retains present law.

Present law requires, with some exceptions, that the working test period commence immediately upon appointment and continue for a period of not less than six months nor more than one year.

Proposed law retains present law.

Present law provides that any employee in the classified service, except an entry level fireman and an entry level radio, fire alarm, or signal system operator, who has served less than six months of his working test for any given position may be removed with the prior approval of the board, and only upon one of the following grounds:

- (1) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.
- (2) His habits and dependability do not merit his continuance therein.

Authorizes the employee to appear before the board and present his case before he is removed. Present law authorizes any employee in the classified service, who is rejected after having served a working test of six months but not more than one year, to appeal to the board only upon the grounds that he has not been given a fair opportunity to prove his ability in the position.

Proposed law retains present law with respect to employees in the classified fire service. Provides that any employee in a position of a competitive class of the classified police service, except entry level police officers and entry level radio, police alarm, or signal system operators, who has served less than six months of his working test may be removed only upon grounds as provided in present law, with prior approval of the board. With respect to any employee in a position of a promotional class of the classified police service, proposed law provides that any such employee who has served less than three months of his working test may be removed only upon grounds provided in present law, with prior approval of the board. Provides that employees in positions of the competitive class and promotional class who are rejected after having served at least six months and three months of their working test, respectively, may appeal on the grounds provided in present law. Retains present law with respect to authorizing a member to appear before the board to present his case before removal.

Present law requires that each person selected for appointment to an entry level position in the classified service from the competitive firefighter, firefighter/operator, or police officer employment list who has demonstrated successful completion of formal training as provided in present law prior to appointment to immediately begin the working test. Requires any person selected for appointment to any such position who has not demonstrated successful completion of formal training prior to appointment to be employed by the appointing authority and reported to the board as a recruit and to immediately begin formal training. In the city of Shreveport, the provisions of present law only apply to persons appointed to an entry level position in the classified service from the competitive Fire Communications Officer (I) employment list.

Present law requires that the formal training be provided for through the appointing authority for a period of not more than six months from the date of appointment. Requires that the formal training period conclude six months from the date of original appointment or upon the successful completion of the formal training, whichever occurs first, at which time the working test shall commence. Further requires the appointing authority, within 15 days, to advise the board of the appointment of the recruit as a probational employee.

Present law provides that nothing in present law shall be construed to require that a newly appointed employee be terminated should he fail to enroll in or complete formal training within the six-month formal training period.

Present law requires that successful completion of formal training as required by present law for a position in the classification of firefighter or firefighter/operator be demonstrated by certification as Firefighter I in accordance with National Fire Protection Association Standard 1001 and for a position in the classification of police be demonstrated by certification from a peace officer standards and training accredited training program as provided by present law (R.S. 40:2405(A)). In the city of Shreveport, successful completion of formal training for a position in the classification of Fire Communications Officer (I) shall be demonstrated by certification as Telecommunicator in accordance with National Fire Protection Association Standards 1061 and 1221.

Proposed law retains present law.

(Amends R.S. 33:2491(F), 2495, 2551(6), and 2555; Adds R.S. 2495.1.1 and 2551.1)