

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.

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

22 (2)(a) Notwithstanding any provision of law to the contrary, the minimum
23 and maximum period for which a name may remain upon a promotional employment
24 list established and maintained by the board for any of the various classes of

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

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

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

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

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

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

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

29 ~~(2)(a) Each person selected for appointment to an entry level position in the~~
30 ~~classified service from the competitive firefighter, firefighter/operator, or police~~

1 ~~officer employment list who has demonstrated successful completion of formal~~
2 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
3 ~~shall immediately begin the working test.~~

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

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

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

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

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

7 ~~(b)(i) Any person selected for appointment to an entry level position in the~~
8 ~~classified service from the competitive Fire Communications Officer (I) employment~~
9 ~~list in the city of Shreveport who has not demonstrated successful completion of~~
10 ~~formal training as provided in Subparagraph (c) of this Paragraph prior to such~~
11 ~~appointment shall be employed by the appointing authority and reported to the board~~
12 ~~as a recruit and, whenever practical or possible, shall immediately begin such formal~~
13 ~~training. The formal training shall be provided for through the appointing authority,~~
14 ~~and the period for such formal training shall be for the duration of not more than six~~
15 ~~months from the date of appointment. The formal training period shall conclude six~~
16 ~~months from the date of original appointment or upon the successful completion of~~
17 ~~the formal training, whichever occurs first, at which time the working test shall~~
18 ~~commence. The appointing authority shall, within fifteen days, advise the board of~~
19 ~~the appointment of the recruit as a probational Fire Communications Officer (I).~~

20 ~~(ii) Nothing in this Paragraph shall be construed to require that a newly~~
21 ~~appointed Fire Communications Officer (I) be terminated should he fail to enroll in~~
22 ~~or complete formal training within the six-month formal training period.~~

23 ~~(c) Successful completion of formal training as required by this Paragraph~~
24 ~~for a position in the classification of Fire Communications Officer (I) shall be~~
25 ~~demonstrated by certification as Telecommunicator in accordance with National Fire~~
26 ~~Protection Association Standards 1061 and 1221.~~

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
30 employee in the respective position or of its refusal to confirm the employee and the

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

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

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

14 §2495.1.1. Recruit and recruit period

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

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

26 (b) The formal training shall be provided for through the appointing
 27 authority, and the period for such formal training shall be for the duration of not
 28 more than six months from the date of appointment. The formal training period shall
 29 conclude six months from the date of original appointment or upon the successful

1 completion of the formal training, whichever occurs first, at which time the working
2 test shall commence.

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

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

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

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

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

25 (2)(a) Notwithstanding the provisions of Subsection A of this Section or any
26 other provision of law to the contrary, any person selected for appointment to an
27 entry level position in the classified service from the competitive Fire
28 Communications Officer (I) employment list in the city of Shreveport who has not
29 demonstrated successful completion of formal training as provided in Paragraph (4)
30 of this Subsection prior to such appointment shall be employed by the appointing

1 authority and reported to the board as a recruit and, whenever practical or possible,
2 shall immediately begin such formal training.

3 (b) The formal training shall be provided for through the appointing
4 authority, and the period for such formal training shall be for the duration of not
5 more than six months from the date of appointment. The formal training period shall
6 conclude six months from the date of original appointment or upon the successful
7 completion of the formal training, whichever occurs first, at which time the working
8 test shall commence.

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

11 (3) Nothing in this Subsection shall be construed to require that a newly
12 appointed Fire Communications Officer (I) be terminated should he fail to enroll in
13 or complete formal training within the six-month formal training period.

14 (4) Successful completion of formal training as required by this Subsection
15 for a position in the classification of Fire Communications Officer (I) shall be
16 demonstrated by certification as Telecommunicator in accordance with National Fire
17 Protection Association Standards 1061 and 1221.

18 * * *

19 §2551. Establishment and maintenance of employment lists

20 The board shall establish and maintain lists containing names of persons
21 eligible for appointment to the various classes of positions in the classified service,
22 as follows:

23 * * *

24 (6)(a) The minimum and maximum period for which a name may remain
25 upon a ~~promotional and~~ competitive employment list established and maintained by
26 the board for any of the various classes of positions in the classified fire and police
27 service shall be twelve and eighteen months, respectively, for each list.

28 (b) Notwithstanding any provision of law to the contrary, the minimum and
29 maximum period for which a name may remain upon a promotional employment list
30 established and maintained by the board for any of the various classes of positions

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

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

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

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

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

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

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

29 ~~(2)(a) Each person selected for appointment to an entry level position in the~~
30 ~~classified service from the competitive firefighter, firefighter/operator, or police~~

1 ~~officer employment list who has demonstrated successful completion of formal~~
2 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~
3 ~~shall immediately begin the working test.~~

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

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

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

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

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

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

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

18 §2555.1. Recruit and recruit period

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

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

1 (2) The formal training shall be provided for through the appointing
 2 authority, and the period for such formal training shall be for the duration of not
 3 more than six months from the date of appointment. The formal training period shall
 4 conclude six months from the date of original appointment or upon the successful
 5 completion of the formal training, whichever occurs first, at which time the working
 6 test shall commence.

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____