

2016 Regular Session

SENATE BILL NO. 396

BY SENATOR JOHNS

MUNICIPALITIES. Provides relative to promotional seniority in the Lake Charles Police Department for officers who have been deployed. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 33:2473(20)(b) and 2493(A)(1) and R.S. 33:2491(D)(2) and
3 2498(C) both as amended by Act Nos. 240 and 243 of the 2015 Regular Session of
4 the Legislature, relative to the Lake Charles Police Department; to provide for
5 promotional seniority and military deployment; to provide relative to promotional
6 tests and promotional lists; to provide for promotional seniority and reinstatement;
7 and to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2473(20)(b) and 2493(A)(1) and R.S. 33:2491(D)(2) and 2498(C)
11 both as amended by Act Nos. 240 and 243 of the 2015 Regular Session of the Legislature
12 are hereby amended and reenacted to read as follows:

13 §2473. Definitions

14 The following words and phrases when used in this Part shall have the
15 following meaning, unless the context clearly requires otherwise:

16 * * *

17 20. "Seniority" means the following:

* * *

(b)(i) "Promotional seniority" means the total cumulative **continuous** employment in a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class. The appointing authority shall maintain accurate records of appointments and suspensions, and shall report such appointments and suspensions to the board in strict compliance with R.S. 33:2503. **An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time in any future computation.**

(ii) For employees of the Lake Charles Police Department, "promotional seniority" shall also include time an employee spends serving in the armed forces of the United States on official training, active training exercises, or active duty deployment. In addition, in these instances, the employee's seniority shall be construed to be continuous employment and unbroken by a resignation or discharge of the employee.

* * *

§2491. Establishment and maintenance of employment lists

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

* * *

D.

* * *

(2)(i) Names of persons attaining a passing score on the promotional test in

1 the Lafayette Police Department, or in the Lake Charles Police Department, shall be
 2 placed upon the promotion employment list for the class for which they were tested,
 3 from highest to lowest, according to their total promotional seniority in the next
 4 lower class. If two or more persons possess an equal amount of promotional
 5 seniority, the names of those persons shall be placed on the promotional list in the
 6 order of departmental seniority, from highest to lowest.

7 (ii) An employee with the Lake Charles Police Department who is a
 8 member of the armed forces of the United States and is at an official training,
 9 active training exercise, or active duty deployment on the date of a promotional
 10 test for which he is qualified and eligible shall have his name placed upon the
 11 promotion employment list with promotional seniority credit back to the
 12 original testing date provided the employee takes and attains a passing score on
 13 the promotion test upon his return from training or active duty deployment. In
 14 addition, his name shall remain on the competitive employment list for forty-
 15 eight months following his attainment of a passing score on the promotion test.

16 * * *

17 §2493. Admission to tests

18 A. Admission to tests provided by the civil service board through the state
 19 examiner shall be as follows:

20 (1)(a) Admission to a promotional test shall be limited to regular employees
 21 of the class next lower from that for which they are to be examined. However, the
 22 rules may provide for admission to be extended to applicants from any one or more
 23 of the next lower classes.

24 (b) Any employee of the Lake Charles Police Department who served in
 25 the armed forces of the United States, upon his return from training or active
 26 duty deployment shall be allowed admission to a promotional test he would have
 27 otherwise been qualified and eligible for if the prior date of the promotional test
 28 was during his official training, active training exercise, or active duty
 29 deployment.

1 * * *

2 §2498. Abolition of positions in the classified service

3 * * *

4 C. Notwithstanding the provisions of Subsection B of this Section, in the
5 Lafayette Police Department, and in the Lake Charles Police Department, whenever
6 an entire class is abolished in the classified service, the regular employees of the
7 class shall be demoted to lower classes and priority to positions shall be governed
8 by total promotional seniority earned in the class in the order of highest to lowest.
9 If two or more persons possess an equal amount of promotional seniority, the names
10 of such persons shall be placed on the ~~promotional~~ **reinstatement** list in the order
11 of departmental seniority, from highest to lowest.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dawn Romero Watson.

SB 396 Original DIGEST 2016 Regular Session Johns

Present law defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from that which a promotion is to be made less the aggregate of suspension without pay while serving in a position of the class. Present law provides that promotions within the Lake Charles and Lafayette police departments shall be made by promotional seniority.

Proposed law retains present law but provides that the cumulative employment be continuous.

Proposed law provides that an employee who is finally discharged or resigns from his position forfeits all accumulated seniority. Provides that an employee who is suspended and returns to his position immediately following the suspension does not forfeit his seniority accumulated to the date of his suspension, but does not earn credit for the lost time in future computations.

Proposed law, regarding the Lake Charles Police Department, also adds that time an employee spends serving in the armed forces of the United States on official training, active training exercises and active duty deployment shall count toward promotional seniority and shall be construed as continuous employment and unbroken by a resignation or discharge.

Present law requires the civil service boards to establish and maintain employment lists containing names of person eligible for appointment to the various classes of positions in the classified service.

Proposed law, regarding the Lake Charles Police Department, provides that an employee who is a member of the armed forces of the US and is at an official training, active training exercise or active duty deployment on the date a promotional test for which he is qualified and eligible takes place shall have his name placed on the promotion employment list with promotional seniority credit back to the original testing date provided the employee takes

and attains a passing score on a promotion test upon his return from training or active duty deployment. Provides that his name shall remain on the competitive employment list for 48 months following his attaining a passing score.

Present law provides that admission to tests provided by the civil service board through the state examiner shall be limited to regular employees of the class next lower that for which they are to be examined.

Proposed law adds that, regarding the Lake Charles Police Department, any employee who served in the armed forces of the US upon his return from training or active duty deployment shall be allowed admission to a promotional test he would have otherwise been qualified and eligible for when the date the examination took place was during his official training, active training exercise, or active duty deployment.

Present law provides that, regarding the Lake Charles and Lafayette Police Department, whenever an entire class is abolished in the classified service, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total promotional seniority earned in the class in the order of highest to lowest. Provides that if two or more persons possess an equivalent amount of promotional seniority, the names of such persons shall be placed on the promotional list in the order of departmental seniority, from highest or lowest.

Proposed law retains present law and corrects the name of the list used when a class of positions are abolished to the reinstatement list.

Effective August 1, 2016.

(R.S. 33:2473(20)(b) and 2493(A)(1) and R.S. 33: 2491(D)(2) and 2498(C) both as amended by Act Nos. 240 and 243 of the 2015 R.S.)