

2020 Regular Session

SENATE BILL NO. 158

BY SENATOR LUNEAU

CIVIL SERVICE. Provides for an increase in allowable attorney fees in cases of appeal taken by an employee in the municipal fire and police classified civil service. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:2501.1, relative to classified fire and police civil service; to
3 provide for the awarding of attorney fees in the case of an appeal taken by an
4 employee to the board; to provide for the maximum amount of attorney fees to be
5 awarded to the appealing employee; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2501.1 is hereby amended and reenacted to read as follows:

8 §2501.1. Authorization for awarding attorney fees

9 When an appeal is taken by an employee in the classified service pursuant to
10 R.S. 33:2501 to a municipal fire and police civil service board and the board
11 determines, in reversing the decision of the appointing authority, that the corrective
12 or disciplinary action taken by the appointing authority was without just cause as
13 provided in R.S. 33:2501, the board may award to the appealing employee attorney
14 fees to be assessed against the appointing authority not to exceed ~~one~~ **five** thousand
15 dollars in any one appeal.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

DIGEST

SB 158 Original

2020 Regular Session

Luneau

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.

Proposed law retains present law and present constitution.

Present law regarding fire and police civil service systems for municipalities with not fewer than 13,000 persons, provides that when an appeal is taken by an employee in the classified service to a municipal fire and police civil service board and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed \$1,000 in any one appeal.

Proposed law retains present law but changes the amount of the attorney fees that may be awarded to the appealing attorney from \$1,000 to \$5,000 in any one appeal.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2501.1)