

2024 Regular Session

HOUSE BILL NO. 739

BY REPRESENTATIVE FONTENOT

CIVIL SERVICE/FIRE & POL: Provides relative to certain officers, employees, and positions in the classified fire and police civil service

1 AN ACT

2 To amend and reenact R.S. 33:2491(introductory paragraph) and (I), 2492(2) and (11),
3 2494(A) and (D), 2496(1)(a)(i) and (iii), 2551(introductory paragraph) and (9),
4 2552(1)(a) and (c), (2), and (11), 2554(A) and (D), and 2556(1)(a)(i) and (iii) and to
5 enact R.S. 33:2481(B)(7) and 2541(B)(6), relative to the municipal fire and police
6 civil service; to provide relative to certain positions in the classified service; to
7 provide relative to the establishment and maintenance of employment lists; to
8 provide relative to tests administered by the state examiner; to provide relative to the
9 certification and appointment of eligible persons; to provide that certain officers,
10 employees, and positions are in the unclassified service; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:2491(introductory paragraph) and (I), 2492(2) and (11), 2494(A)
14 and (D), 2496(1)(a)(i) and (iii), 2551(introductory paragraph) and (9), 2552(1)(a) and (c),
15 (2), and (11), 2554(A) and (D), and 2556(1)(a)(i) and (iii) are hereby amended and reenacted
16 and R.S. 33:2481(B)(7) and 2541(B)(6) are hereby enacted to read as follows:

17 §2481. Classified and unclassified service

18 * * *

19 B. The unclassified service shall comprise the following:

20 * * *

1 appointment, or until each person whose name appears upon the list has in this
2 manner been certified for the vacancy.

3 * * *

4 §2496. Temporary appointments

5 Temporary appointments may be made to positions in the classified service
6 without the appointees acquiring any permanent status therein, as follows:

7 (1)(a)(i) Except for a vacancy in the classes of entrance firefighter, ~~or~~
8 entrance police officer, entrance jailer, secretary to the chief, departmental records
9 clerk, and for the entrance classes for which the operation and maintenance of radio,
10 alarm, or signal systems for the respective fire or police service is the primary duty,
11 when a vacancy is to be filled in a position of a class for which the board is unable
12 to certify names of persons eligible for regular and permanent, or substitute,
13 appointment, the appointing authority may make a provisional appointment of any
14 person considered qualified. Whenever practicable, the appointment should be made
15 by the provisional promotion of an employee of a lower class. A provisional
16 appointment shall not continue for more than three months. No position in the
17 classified service shall be filled by one or more provisional appointments for a period
18 in excess of three consecutive months and successive like periods shall not be
19 permissible. The board may, however, authorize the renewal of such appointment,
20 or authorize such successive appointments for a period not to exceed three additional
21 months whenever it has been impracticable or impossible to establish a list of
22 persons eligible for certification and appointment to the vacancy. Except as provided
23 in Subparagraph (b) of this Paragraph, any provisional appointment, if not terminated
24 sooner, shall terminate upon the regular filling of the vacancy in any manner
25 authorized under this Part and, in any event, within fifteen days after a certification
26 from which a regular, or substitute, appointment, as the case may be, can be made
27 under the provisions of this Part. A provisional appointment shall be reported to the
28 board within fifteen days following the appointment.

29 * * *

1 (iii) When a vacancy is to be filled in the classes of entrance firefighter, ~~or~~
 2 entrance police officer, entrance jailer, secretary to the chief, departmental records
 3 clerk, and for the entrance classes for which the operation and maintenance of radio,
 4 alarm, or signal systems for the respective fire or police service is the primary duty,
 5 the appointing authority may make a provisional appointment of any person
 6 considered qualified. A provisional appointment shall not exceed sixty days.
 7 Successive appointments in the classes of entrance firefighter, and entrance police
 8 officer, entrance jailer, secretary to the chief, departmental records clerk, and for the
 9 entrance classes for which the operation and maintenance of radio, alarm, or signal
 10 systems for the respective fire or police service is the primary duty shall be
 11 prohibited.

12 * * *

13 §2541. Classified and unclassified service

14 * * *

15 B. The unclassified service shall comprise the following:

16 * * *

17 6. All officers, employees and positions with primary duties that include
 18 wellness, mental health, or physical fitness.

19 * * *

20 §2551. Establishment and maintenance of employment lists

21 Except for the positions of entrance firefighter, ~~and~~ entrance police officer,
 22 entrance jailer, secretary to the chief, departmental records clerk, and for the entrance
 23 classes for which the operation and maintenance of radio, alarm, or signal systems
 24 for the respective fire or police service is the primary duty, the board shall establish
 25 and maintain lists containing names of persons eligible for appointment to the
 26 various classes of positions in the classified service as follows:

27 * * *

28 (9)(a) For purposes of ~~entry level~~ entrance firefighter, ~~and entry level~~
 29 entrance police officer positions, entrance jailer, secretary to the chief, departmental

1 records clerk, and for the entrance classes for which the operation and maintenance
 2 of radio, alarm, or signal systems for the respective fire or police service is the
 3 primary duty, the state examiner shall establish and maintain a statewide eligibility
 4 list containing the names of persons eligible for appointment to these classes by any
 5 municipality, parish, or fire protection district under the municipal fire and police
 6 civil service system.

7 ~~(b) A person who has attained a passing score on an examination~~
 8 ~~administered by the state examiner for entrance police officer, entrance firefighter,~~
 9 ~~entrance jailer, secretary to the chief, departmental records clerk, or for the entrance~~
 10 ~~classes for which the operation and maintenance of radio, alarm, or signal systems~~
 11 ~~for the respective fire or police services is the primary duty may have his name~~
 12 ~~placed on the employment list of any municipality, parish, or fire protection district~~
 13 ~~under the Municipal Fire and Police Civil Service System, provided the person's~~
 14 ~~application and score are accepted by the board of the municipality, parish, or fire~~
 15 ~~protection district in which he seeks employment. In order that his name may be~~
 16 ~~placed upon the employment eligibility list, a person shall be required to meet the~~
 17 ~~minimum qualifications adopted as rules of the respective civil service board, as if~~
 18 ~~making original application for admission to the test. The eligibility of such an~~
 19 ~~applicant shall not continue past the date on which his original eligibility expired.~~

* * *

21 §2552. Tests

22 Tests to determine the eligibility of applicants for entry upon the promotional
 23 and competitive employment lists shall be provided, as follows:

24 (1)(a) Except for entrance firefighter, ~~and~~ entrance police officer, entrance
 25 jailer, secretary to the chief, departmental records clerk, and for the entrance classes
 26 for which the operation and maintenance of radio, alarm, or signal systems for the
 27 respective fire or police service is the primary duty, the board shall provide through
 28 the state examiner for promotional or competitive tests. Official notice of
 29 examination shall be posted on the bulletin board in each station of the respective

1 department. The notice shall state (i) class of positions for which tests will be given,
2 (ii) whether the tests will be given on a promotional or competitive basis, and (iii)
3 the final date on which applications for admission to the tests will be received. The
4 notice shall be posted for a continuous period of ten days preceding the date for
5 administering the tests.

6 * * *

7 (c) For the testing of entrance firefighter, ~~and the entrance police officer,~~
8 entrance jailer, secretary to the chief, departmental records clerk, and for the entrance
9 classes for which the operation and maintenance of radio, alarm, or signal systems
10 for the respective fire or police service is the primary duty ~~testing~~, the state examiner
11 shall publish notice on his website for ~~ten-day notice of~~ ten days regarding the
12 location ~~for~~ where such tests are to be held and the final date on which applications
13 for admission to the test will be received. This notice of examination shall reveal the
14 exact date on which the test shall be administered. However, all applicants shall be
15 advised of the place and time to report for an announced test at least five days in
16 advance in any manner the state examiner may prescribe. The state examiner shall
17 provide for online entrance firefighter and entrance police testing as provided for in
18 this Section by Fiscal Year 2022.

19 (2) As may be necessary from time to time, the state examiner may call for
20 and administer examinations for the entrance classifications of firefighter, police
21 officer, secretary to the chief, departmental records clerk, jailer, and for the entrance
22 classes for positions of which the operation and maintenance of a radio, alarm, or
23 signal system for the fire or police service is the primary duty. Tests may be
24 administered at the discretion of the state examiner in any municipality, parish, or
25 fire protection district to which this Part applies. ~~Official notification shall not be~~
26 ~~made to the extent required under Paragraph (1) of this Section; however, public~~
27 ~~notice shall be published at least four times during a thirty-day period in the official~~
28 ~~journal of the state of Louisiana and may be posted on the bulletin board in each~~
29 ~~station of the respective department. This notice of examination need not state the~~

1 ~~exact date on which tests shall be administered, but all applicants shall be advised~~
2 ~~of the date, place, and time to report for an announced test at least five days in~~
3 ~~advance thereof in any manner the state examiner may prescribe.~~

4 * * *

5 (11) Each applicant who makes a passing score on a test administered by the
6 state examiner pursuant to Subparagraph (1)(c) or Paragraph (2) of this Section shall
7 be advised, in any manner the state examiner prescribes, of his final score. ~~Except~~
8 ~~for the positions of entrance firefighter and entrance police officer, such score may~~
9 ~~be reported and approved by the board under the provisions of R.S. 33:2551(9). The~~
10 ~~original eligibility of an applicant under the provisions of this Paragraph shall be the~~
11 ~~period of not more than eighteen months after the date on which the signature of the~~
12 ~~state examiner was affixed to his notification of score.~~

13 * * *

14 §2554. Certification and appointment

15 A.(1) Except for entrance firefighter, ~~and~~ entrance police officer, entrance
16 jailer, secretary to the chief, departmental records clerk, and for the entrance classes
17 for which the operation and maintenance of radio, alarm, or signal systems for the
18 respective fire or police service is the primary duty, whenever the appointing
19 authority proposes to fill a vacancy in the classified service, except by demotion,
20 transfer, emergency appointment, or by substitute employment not to exceed thirty
21 days, he shall request the board to certify names of persons eligible for appointment
22 to the vacant position. The board thereupon shall certify in writing the names of
23 eligible persons from the appropriate employment list, and the appointing authority
24 shall, if it fills the vacancy, make the appointment as provided by this Section.

25 (2) Whenever the appointing authority proposes to fill a vacancy in entrance
26 ~~level~~ firefighter, ~~or~~ entrance ~~level~~ police officer, entrance jailer, secretary to the
27 chief, departmental records clerk, and for the entrance classes for which the
28 operation and maintenance of radio, alarm, or signal systems for the respective fire
29 or police service is the primary duty, he shall request the state examiner to certify

1 names of persons eligible for appointments to the vacant position. The state
2 examiner shall certify in writing the names of eligible persons from the appropriate
3 list, and the appointing authority shall, if he fills the vacancy, make the appointment
4 as provided by this Section.

5 * * *

6 D. Certification and appointment from the competitive list shall be limited
7 to those conditions and classifications for which the competitive test may be given
8 as provided by R.S. 33:2552(7). Upon the appointing authority's request for the
9 certification of eligible persons from which it may fill a vacancy, and if the
10 competitive list is the appropriate list from which the names of eligible persons shall
11 be certified, the board or the state examiner shall certify the names of the persons
12 upon that list, in the order in which they appear thereon, for the class in which the
13 vacancy is to be filled. The appointing authority shall select and appoint to the first
14 vacancy to be filled any one of the persons so certified to it for the vacancy. In
15 making appointments to the positions of entrance firefighter, ~~and~~ entrance police
16 officer, entrance jailer, secretary to the chief, departmental records clerk, and for the
17 entrance classes for which the operation and maintenance of radio, alarm, or signal
18 systems for the respective fire or police service is the primary duty, the appointing
19 authority shall verify the applicant meets the minimum qualifications as established
20 by the board. Additionally, in making such appointment to entry-level positions, the
21 appointing authority shall give a preference to Louisiana residents. If any one or
22 more persons so certified refuses the appointment, the appointing authority then shall
23 select and appoint any one of the remaining persons certified by the board or the
24 state examiner. This procedure shall be followed until the position has been filled
25 by appointment of one of the persons certified from the list and willing to accept the
26 appointment, or until each person whose name appears upon the list has in this
27 manner been certified for the vacancy.

28 * * *

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

Present law requires the board to establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, except the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally excludes the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty from the lists required to be maintained by the board.

Present law requires the state examiner to establish and maintain a statewide eligibility list containing names of persons eligible for appointment to the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally requires the state examiner to maintain such eligibility list for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law provides that a person who has attained a passing score on an examination administered by the state examiner for entrance jailer, secretary to the chief, departmental records clerk, or the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district if the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. Additionally provides that the original eligibility of a test applicant shall be for a period of not more than 18 months after the date on which the signature of the state examiner was affixed to his notification of score.

Proposed law removes present law.

Present law, relative to testing by the state examiner, requires the state examiner to publish a notice on his website for 10 days regarding the location where the tests for entrance firefighter and entrance police officer are to be held and the final date on which applications for admission to the tests will be received.

Proposed law retains present law and additionally requires the state examiner to publish such 10-day notice for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty.

Present law, relative to the administration of tests for the positions of entrance firefighter, entrance police officer, entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems is the primary duty, requires the state examiner to publish notice at least four times during a 30-day period in the official journal of the state. Authorizes the state examiner to post a notice on the bulletin board in each station of the respective department. Provides that the notice need not state the exact date on which tests shall be administered.

Proposed law removes present law.

Present law requires the appointing authority to request the board to certify names of persons eligible for appointment whenever he proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed 30 days. Excludes vacancies for the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and additionally excludes vacancies for the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes

for which the operation and maintenance of radio, alarm, or signal systems is the primary duty.

Present law requires the appointing authority to request the state examiner to certify names of persons eligible for appointments whenever the he proposes to fill a vacancy in the positions of entrance firefighter and entrance police officer.

Proposed law retains present law and makes present law applicable to vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law, relative to appointments from the competitive list for the positions of entrance firefighter and entrance police officer, requires the appointing authority to verify that the applicant meets the minimum qualifications as established by the board.

Proposed law retains present law and makes present law applicable to appointments from the competitive list for the positions of entrance jailer, secretary to the chief, departmental records clerk, and for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service is the primary duty.

Present law, relative to temporary appointments, authorizes the appointing authority to make a provisional appointment of any person considered qualified when a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent, or substitute, appointment. Provides that whenever practicable, the appointment should be made by the provisional promotion of an employee of a lower class. Provides that a provisional appointment shall not continue for more than three months. Excludes vacancies in the positions of entrance firefighter or entrance police officer.

Proposed law retains present law and additionally excludes vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service in the primary duty.

Present law, relative to temporary appointments for vacancies in the positions of entrance firefighter and entrance police officer, authorizes the appointing authority to make provisional appointment of any person considered qualified. Provides that a provisional appointment shall not exceed 60 days. Provides that successive appointments in the classes of entrance firefighter and entrance police officer shall be prohibited.

Proposed law retains present law and makes present law applicable to temporary appointments for vacancies in the positions of entrance jailer, secretary to the chief, departmental records clerk, and the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police service in the primary duty.

(Amends R.S. 33:2491(intro. para.) and (I), 2492(2) and (11), 2494(A) and (D), 2496(1)(a)(i) and (iii), 2551(intro. para.) and (9), 2552(1)(a) and (c), (2), and (11), 2554(A) and (D), and 2556(1)(a)(i) and (iii); Adds R.S. 33:2481(B)(7) and 2541(B)(6))