

2026 Regular Session

HOUSE BILL NO. 1067

BY REPRESENTATIVE ADAMS

CIVIL SERVICE/FIRE & POL: Provides relative to the fire and police civil service

1 AN ACT

2 To amend and reenact R.S. 33:2477, 2501(B)(3) and (E), 2501.1, 2502, 2537, 2561(B)(3)  
3 and (E), 2561.1, and 2562, relative to the fire and police civil service; to provide  
4 relative to the powers and duties of the civil service board; to provide relative to  
5 investigations by the board; to provide relative to appeals by employees of the fire  
6 and police civil service; to provide relative to the awarding of attorney fees; to  
7 provide relative to the enforcement of subpoenas; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2477, 2501(B)(3) and (E), 2501.1, 2502, 2537, 2561(B)(3) and  
10 (E), 2561.1, and 2562 are hereby amended and reenacted to read as follows:

11 §2477. Duties of the board

12 A. The board shall:

13 (1) Represent the public interest in matters of personnel administration in the  
14 fire and police services of the ~~said~~ municipal government.

15 (2) Advise and assist the governing body, mayor, commissioner of public  
16 safety, and the chiefs of the fire and police departments of the municipality, with  
17 reference to the maintenance and improvement of personnel standards and  
18 administration in the fire and police services, and the classified system.

1           (3) Advise and assist the employees in the classified service with reference  
2 to the maintenance, improvement, and administration of personnel matters related  
3 to any individual or group of employees.

4           (4) Make, at the direction of the mayor, commissioner of public safety, chief  
5 of either the fire or police department of the municipality, or upon the written  
6 petition of any employee of the fire and police service or any citizen ~~for just cause~~;  
7 or upon its own motion, any investigation concerning the administration of personnel  
8 or the compliance with the provisions of this Part in the ~~said~~ municipal fire and  
9 police services; review, and modify or set aside upon its own motion, any of its  
10 actions; take any other action which it determines to be desirable or necessary in the  
11 public interest, or to carry out effectively the provisions and purposes of this Part.  
12 However, any investigation requested of the board by the mayor, commissioner of  
13 public safety, chief of either the fire or police department of the municipality, or  
14 upon the written petition of any employee of the fire and police service or any citizen  
15 ~~for just cause~~ shall be completed within sixty days of the board's receipt of the  
16 request for an investigation or receipt of a written petition of any employee of the  
17 fire and police service or citizen, or both.

18           (5) Conduct investigations and pass upon complaints by or against any  
19 officer or employee in the classified service for the purpose of demotion, reduction  
20 in position or abolition thereof, suspension or dismissal of the officer or employee,  
21 in accordance with the provisions of this Part. Investigations conducted pursuant to  
22 the provisions of this Paragraph shall be completed within sixty days. However, the  
23 sixty-day limitation shall not apply to any investigation conducted pursuant to the  
24 provisions of Subpart H of Part II of Chapter 4 of this Title, comprised of R.S.  
25 33:2181 et seq.

26           (6) Hear and pass upon matters which the mayor, commissioner of public  
27 safety, the chiefs of the departments affected by this Part, and the state examiner of  
28 municipal fire and police civil service bring before it.

1           (7) Make, alter, amend, and promulgate rules necessary to carry out  
2 effectively the provisions of this Part.

3           (8) Adopt and maintain a classification plan. The classification plan shall  
4 be adopted and maintained by rules of the board.

5           (9) Make reports to the governing body, either upon its own motion or upon  
6 the official request of the governing body, regarding general or special matters of  
7 personnel administration in and for the municipal fire and police services of the  
8 municipality, or with reference to any appropriation made by the governing body for  
9 the expenses incidental to the operation of the board.

10           (10) Serve as a grievance body for matters arising within the fire and police  
11 service, including but not limited to employee complaints, pay disputes and  
12 disparities, working conditions and assignments, and departmental policies and  
13 practices. The board shall issue written findings of fact and conclusions and shall  
14 order corrective action where warranted. The court of original jurisdiction shall  
15 maintain concurrent jurisdiction over matters arising under this Paragraph.

16           (11) Award reasonable attorney fees and costs only to an employee in the  
17 fire and police service who prevails before the board.

18           B. Any investigation conducted pursuant to this Section shall be completed  
19 within sixty days unless extended for documented reasons, shall result in written  
20 findings and conclusions, and shall include corrective action where warranted.  
21 Failure of the board to act, to complete an investigation, or to enforce its authority  
22 shall constitute a final, appealable action under R.S. 33:2501(E).

23           C. Any legal advice, guidance, or discussion provided by the board's attorney  
24 to the board regarding any matter pending or reasonably anticipated to come before  
25 the board shall occur only during a properly noticed open public meeting. Executive  
26 session shall not be used to circumvent the provisions of this Subsection. Any  
27 communication by the board's attorney with one or more board members concerning  
28 any such matter outside of a properly noticed public meeting is prohibited. Any

1 attorney who violates the provisions of this Subsection shall be removed and shall  
2 be ineligible for reappointment as a board attorney in any jurisdiction.

3 \* \* \*

4 §2501. Appeals by employees to the board

5 \* \* \*

6 B.

7 \* \* \*

8 (3) The board shall have complete charge of any such hearing and  
9 investigation, and may conduct it in any manner it deems advisable, without  
10 prejudice to any person or party thereto. The procedure followed shall be informal  
11 and not necessarily bound by the legalistic rules of evidence-; provided however,  
12 proceedings shall comply with minimum standards of due process, including the  
13 right of any employee impacted in the matter before the board to present evidence,  
14 call witnesses, cross-examine witnesses, and compel attendance of witnesses and  
15 production of evidence through subpoena, and shall provide for the disclosure of all  
16 evidence to parties of record. The board shall not be required to have the testimony  
17 taken and transcribed, but either the employee or the appointing authority may, at  
18 their own expense, make the necessary arrangements therefor. In such cases the  
19 board may name any competent shorthand reporter as the official reporter. If the  
20 testimony is not taken or transcribed, then the board shall make a written finding of  
21 fact.

22 \* \* \*

23 E.(1) Any employee ~~under~~ in the classified service and any appointing  
24 authority may appeal from any decision of the board, ~~or from any action taken by the~~  
25 ~~board under the provisions of the Part that is prejudicial to the employee or~~  
26 ~~appointing authority.~~ or any action or failure to act by the board, including  
27 petitioners under R.S. 33:2477, when any such decision, action, or inaction is alleged  
28 to be prejudicial, arbitrary, capricious, in bad faith, or not in compliance with the

1 provisions of this Part. This appeal shall lie direct to the court of original and  
2 unlimited jurisdiction in civil suits of the parish wherein the board is domiciled.

3 (2) The appeal shall be taken by serving the board, within thirty days after  
4 entry of its decision, a written notice of the appeal, stating the grounds thereof and  
5 demanding that a certified transcript of the record, or written findings of facts, and  
6 all papers on file in the office of the board affecting or relating to such decision, ~~be~~  
7 ~~filed with the designated court~~ action, or inaction be filed with the designated court;  
8 provided however, if the appeal is based on a failure to act, such appeal shall be  
9 taken within thirty days after the board fails to act within the time required by law  
10 or within a reasonable time. The board shall, within ten days, after the filing of the  
11 notice of appeal, make, certify, and file the complete transcript with the designated  
12 court, or, in the absence of a completed record, certify all pleadings, filings,  
13 subpoena requests, and other documents demonstrating the board's action or failure  
14 to act, and that court shall thereupon proceed to hear and determine the appeal in a  
15 summary manner.

16 (3) This hearing shall be confined to the determination of whether the  
17 decision made by the board was made in good faith for cause under the provisions  
18 of this Part. ~~No appeal to the court shall be taken except upon these grounds and~~  
19 ~~except as provided in Subsection D of this Section.,~~ whether the board failed to act  
20 when required by law, whether the action or inaction was arbitrary, capricious, or in  
21 bad faith, including failure to enforce lawful subpoenas or allow the development of  
22 a complete record, or whether a board member failed to recuse himself in accordance  
23 with Subsection D of this Section. No appeal to the court shall be taken except upon  
24 these grounds; provided however, this Subsection shall be liberally construed in  
25 favor of the right to appeal.

26 §2501.1. Authorization for awarding attorney fees

27 A. When an appeal is taken by an employee in the classified service pursuant  
28 to R.S. 33:2501 to a municipal fire and police civil service board and the board  
29 determines, in reversing the decision of the appointing authority, that the corrective

1 or disciplinary action taken by the appointing authority was without just cause as  
2 provided in R.S. 33:2501, the board ~~may~~ shall award to the appealing employee  
3 attorney fees to be assessed against the appointing authority not to exceed five  
4 thousand dollars in any one appeal.

5 B. When an appeal is taken to the district or appellate court, the court shall  
6 award reasonable attorney fees and costs to any classified employee who prevails in  
7 whole or in part on appeal. Such awards shall be mandatory. No attorney fees shall  
8 be assessed against a classified employee.

9 §2502. Oath, testimony, production of records; refusal to testify

10 A. The board, and each of its members, shall have the same power and  
11 authority to administer oaths, subpoena witnesses, and compel the production of  
12 books and papers pertinent to any investigation or hearing authorized by this Part as  
13 is possessed by the district courts of Louisiana. Any person who (1) fails to appear  
14 in response to a subpoena, (2) fails to answer any question, except those which may  
15 incriminate him, (3) fails to produce any books or papers pertinent to any  
16 investigation or hearing, or (4) knowingly gives false testimony therein shall be  
17 subject to the penal Sections of this Part. In case of contumacy or refusal to obey a  
18 subpoena issued to any person, the district court within the jurisdiction of which the  
19 investigation is being carried on, or within the jurisdiction of which the person guilty  
20 of contumacy or refusal to obey is found, or resides, or transacts business, ~~upon~~  
21 ~~application of the board,~~ shall have the requisite jurisdiction, upon application by the  
22 board or any party to the proceeding, to issue to the person an order requiring him  
23 to appear before the board, its member or agent, and to produce the required  
24 evidence or give testimony touching the matter under consideration or in question.  
25 Any party to the proceeding before the board, including any employee, appointing  
26 authority, petitioner, or board member, may apply to such court for enforcement of  
27 any subpoena issued pursuant to this Section. Any person failing to obey such order  
28 may be punished by the court for contempt. The board shall not proceed to a final  
29 decision until any subpoena enforcement proceeding has been resolved by the court,

1 and any action taken in violation of this requirement shall be subject to appeal  
2 pursuant to R.S. 33:2501(E). The board hearing shall be continued until the court  
3 has issued a final ruling on such enforcement.

4 B. Any officer or employee in the classified service who wilfully refuses or  
5 fails to appear before any court, officer, board, body, or person properly authorized  
6 to conduct any hearing or inquiry, or any employee or officer, who, having appeared,  
7 refuses to testify or answer any relevant question relating to the affairs of  
8 government of the municipality or the conduct of any municipal officer or employee,  
9 except upon the ground that his testimony or answers would incriminate him, shall,  
10 in addition to any other penalty to which he may be subject, forfeit his position, and  
11 shall not be eligible for appointment to any position in the classified service for a  
12 period of six years.

13 \* \* \*

14 §2537. Duties of the board

15 A. The board shall:

16 (1) Represent the public interest in matters of personnel administration in the  
17 fire and police service of the municipal government, or parish government, or fire  
18 protection district government of which the fire service is a part.

19 (2) Advise and assist the governing body, mayor, commissioner of public  
20 safety and the chief of the fire department of the municipality, or the parish  
21 governing authority, or fire protection district, governing authority, as the case may  
22 be, with reference to the maintenance and improvement of personnel standards and  
23 administration in the fire and police service, and the classified system.

24 (3) Advise and assist the employees in the classified service with reference  
25 to the maintenance, improvement and administration of personnel matters related to  
26 any individual or group of employees.

27 (4) Make, at the direction of the mayor, commissioner of public safety, chief  
28 of either the fire or police department of the municipality, or president of the parish  
29 governing authority, or chairman of the board of commissioners of the fire protection

1 district, or upon the written petition of any employee of the fire and police service  
2 or any citizen for just cause or upon its own motion, any investigation concerning the  
3 administration of personnel or the compliance with the provisions of this Part in the  
4 fire and police service; review and modify or set aside, upon its own motion, any of  
5 its actions, and take any other action which it determines to be desirable or necessary  
6 in the public interest or to carry out effectively the provisions and purposes of this  
7 Part. However, any investigation requested of the board by the mayor, commissioner  
8 of public safety, chief of either the fire or police department of the municipality, or  
9 president of the parish governing authority, or chairman of the board of  
10 commissioners of the fire protection district, or upon the written petition of any  
11 employee of the fire and police service or any citizen for just cause shall be  
12 completed within sixty days of the receipt of the request for an investigation or  
13 receipt of a written petition of any employee of the fire and police service or citizen,  
14 or both.

15 (5) Conduct investigations and pass upon complaints by or against any  
16 officer or employee in the classified service for the purpose of demotion, reduction  
17 in position or abolition thereof, suspension, or dismissal of the officer or employee,  
18 in accordance with the provisions of this Part. Investigations conducted pursuant to  
19 the provisions of this Paragraph shall be completed within sixty days. However, the  
20 sixty-day limitation shall not apply to any investigation conducted pursuant to the  
21 provisions of Subpart H of Part II of Chapter 4 of this Title, comprised of R.S.  
22 33:2181 et seq.

23 (6) Hear and pass upon matters which the mayor, commissioner of public  
24 safety, the chief of the fire or police departments of the municipality, or any member  
25 of the parish or fire protection district governing authority or the state examiner of  
26 fire and police civil service brings before it.

27 (7) Make, alter, amend and promulgate rules necessary to carry out  
28 effectively the provisions of this Part.

1           (8) Adopt and maintain a classification plan. The classification plan shall  
2 be adopted and maintained by rules of the board.

3           (9) Make reports to the governing body, either upon its own motion or upon  
4 the official request of the governing body, regarding general or special matters of  
5 personnel administration in and for the fire or police service of the municipality,  
6 parish or fire protection district, as the case may be, or with reference to any  
7 appropriation made by the governing body for the expenses incidental to the  
8 operation of the board.

9           (10) Serve as a grievance body for matters arising within the fire and police  
10 service, including but not limited to employee complaints, pay disputes and  
11 disparities, working conditions and assignments, and departmental policies and  
12 practices. The board shall issue written findings of fact and conclusions and shall  
13 order corrective action where warranted. The court of original jurisdiction shall  
14 maintain concurrent jurisdiction over matters arising under this Paragraph.

15           (11) Award reasonable attorney fees and costs only to an employee in the  
16 fire and police service who prevails before the board.

17           B. Any investigation conducted pursuant to this Section shall be completed  
18 within sixty days unless extended for documented reasons, shall result in written  
19 findings and conclusions, and shall include corrective action where warranted.  
20 Failure of the board to act, to complete an investigation, or to enforce its authority  
21 shall constitute a final, appealable action under R.S. 33:2561(E).

22           C. Any legal advice, guidance, or discussion provided by the board's attorney  
23 to the board regarding any matter pending or reasonably anticipated to come before  
24 the board shall occur only during a properly noticed open public meeting. Executive  
25 session shall not be used to circumvent the provisions of this Subsection. Any  
26 communication by the board's attorney with one or more board members concerning  
27 any such matter outside of a properly noticed public meeting is prohibited. Any

1 attorney who violates the provisions of this Subsection shall be removed and shall  
2 be ineligible for reappointment as a board attorney in any jurisdiction.

3 \* \* \*

4 §2561. Appeals by employees to the board

5 \* \* \*

6 B.

7 \* \* \*

8 (3) The board shall have complete charge of any such hearing and  
9 investigation and may conduct it in any manner it deems advisable, without prejudice  
10 to any person or party thereto. The procedure followed shall be informal and not  
11 necessarily bound by the legalistic rules of evidence-; provided however, proceedings  
12 shall comply with minimum standards of due process, including the right of any  
13 employee impacted in the matter before the board to present evidence, call witnesses,  
14 cross-examine witnesses, and compel attendance of witnesses and production of  
15 evidence through subpoena, and shall provide for the disclosure of all evidence to  
16 parties of record. The board shall not be required to have the testimony taken and  
17 transcribed, but either the employee or the appointing authority may, at their own  
18 expense, make the necessary arrangements therefor. In such cases, the board may  
19 name any competent shorthand reporter as the official reporter. If the testimony is  
20 not taken or transcribed, then the board shall make a written finding of fact.

21 \* \* \*

22 E. Any employee ~~under~~ in the classified service and any appointing authority  
23 may appeal from any decision of the board or ~~from any action taken by the board~~  
24 ~~under the provisions of this Part which is prejudicial to the employee or appointing~~  
25 ~~authority~~ any action or failure to act by the board, including petitioners under R.S.  
26 33:2537, when any such decision, action, or inaction is alleged to be prejudicial,  
27 arbitrary, capricious, in bad faith, or not in compliance with the provisions of this  
28 Part. This appeal shall lie direct to the court of original and unlimited jurisdiction  
29 in civil suits of the parish wherein the board is domiciled. This appeal shall be taken

1 by serving the board, within thirty days after entry of its decision, a written notice  
2 of appeal stating the grounds thereof and demanding that a certified transcript of the  
3 record or written findings of fact and all papers on file in the office of the board  
4 affecting or relating to such decisions ~~be filed with the designated court, actions, or~~  
5 inaction be filed with the designated court; provided however, if the appeal is based  
6 on a failure to act, such appeal shall be taken within thirty days after the board fails  
7 to act within the time required by law or within a reasonable time. The board shall,  
8 within ten days after the filing of the notice of appeal, make, certify, and file the  
9 complete transcript with the designated court, or, in the absence of a completed  
10 record, certify all pleadings, filings, subpoena requests, and other documents  
11 demonstrating the board's action or failure to act, and that court thereupon shall  
12 proceed to hear and determine the appeal in a summary manner. This hearing shall  
13 be confined to the determination of whether the decision made by the board was  
14 made in good faith for cause under the provisions of this Part ~~or to whether a board~~  
15 ~~member should have or failed to recuse himself in accordance with Subsection D of~~  
16 ~~this Section. No appeal to the court shall be taken except upon these grounds,~~  
17 whether the board failed to act when required by law, whether the action or inaction  
18 was arbitrary, capricious, or in bad faith, including failure to enforce lawful  
19 subpoenas or allow the development of a complete record, or whether a board  
20 member failed to recuse himself in accordance with Subsection D of this Section. No  
21 appeal to the court shall be taken except upon these grounds; provided however, this  
22 Subsection shall be liberally construed in favor of the right to appeal.

23 §2561.1. Authorization for awarding attorney fees

24 A. When an appeal is taken by an employee in the classified service pursuant  
25 to R.S. 33:2561 to a municipal, parish, or fire protection district fire and police civil  
26 service board and the board determines, in reversing the decision of the appointing  
27 authority, that the corrective or disciplinary action taken by the appointing authority  
28 was without just cause as provided in R.S. 33:2561, the board ~~may~~ shall award to the

1 appealing employee attorney fees to be assessed against the appointing authority not  
2 to exceed five thousand dollars in any one appeal.

3 B. When an appeal is taken to the district or appellate court, the court shall  
4 award reasonable attorney fees and costs to any classified employee who prevails in  
5 whole or in part on appeal. Such awards shall be mandatory. No attorney fees shall  
6 be assessed against a classified employee.

7 §2562. Oath, testimony, production of records; refusal to testify

8 A. Each member of the board shall have the same power and authority to  
9 administer oaths, subpoena witnesses and compel the production of books and papers  
10 pertinent to any investigation or hearing authorized by this Part as is possessed by  
11 the district courts of Louisiana. Any person who (1) fails to appear in response to  
12 a subpoena, (2) fails to answer any question, except those which may tend to  
13 incriminate him, (3) fails to produce any books or papers pertinent to any  
14 investigation or hearing, or (4) knowingly gives false testimony therein shall be  
15 subject to the penal provisions of this Part. In case of contumacy or refusal to obey  
16 a subpoena issued to any person, the district court within the jurisdiction of which  
17 the investigation is being carried on, or within the jurisdiction of which the person  
18 guilty of contumacy or refusal to obey is found, or resides, or transacts business,  
19 ~~upon application of the board,~~ shall have the requisite jurisdiction, upon application  
20 by the board or any party to the proceeding, to issue to the person an order requiring  
21 him to appear before the board, its member or agent, and to produce the required  
22 evidence or give testimony touching the matter under consideration or in question.  
23 Any party to the proceeding before the board, including any employee, appointing  
24 authority, petitioner, or board member, may apply to such court for enforcement of  
25 any subpoena issued pursuant to this Section. Any person failing to obey such order  
26 may be punished by the court for contempt. The board shall not proceed to a final  
27 decision until any subpoena enforcement proceeding has been resolved by the court  
28 and any action taken in violation of this requirement shall be subject to appeal

1           pursuant to R.S. 33:2561(E). The board hearing shall be continued until the court  
 2           has issued a final ruling on such enforcement.

3           B. Any officer or employee in the classified service who wilfully refuses or  
 4           fails to appear before any court, officer, board, body or person properly authorized  
 5           to conduct any hearing or inquiry, or any employee or officer who, having appeared,  
 6           refuses to testify or answer any relevant question relating to the affairs of  
 7           government of the municipality, parish or fire protection district or the conduct of  
 8           any officer or employee thereof, except upon the ground that his testimony or  
 9           answers would tend to incriminate him, shall, in addition to any other penalty to  
 10          which he may be subject, forfeit his position, and shall not be eligible for  
 11          appointment to any position in the classified service for a period of six years.

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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)]

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HB 1067 Original

2026 Regular Session

Adams

**Abstract:** Relative to the fire and police civil service board, makes changes to the powers and duties of the board, provides for board investigations, and provides for appeals from board decisions, actions, and inaction.

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 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, parish, and fire protection district government. Provides for the powers and duties of the board, including but not limited to the following:

- (1) Represent the public interest in matters of personnel administration in the fire and police services of the municipal, parish, or fire protection district government.
- (2) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments of the municipality, with reference to the maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.

- (3) Advise and assist the employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.
- (4) Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension, or dismissal of the officer or employee, in accordance with the provisions of present law.
- (5) Hear and pass upon matters which the mayor, commissioner of public safety, the chief of the fire or police departments of the municipality, or any member of the parish or fire protection district governing authority or the state examiner of fire and police civil service brings before it.

Proposed law retains present law.

Present law additionally authorizes the board to make any investigation concerning the administration of personnel or compliance with the provisions of present law at the direction of the mayor, commissioner of public safety, chief of either the fire or police department of the municipality, or president of the parish governing authority, or chairman of the board of commissioners of the fire protection district, or upon the written petition of any citizen for just cause or upon its own motion.

Proposed law removes the requirement that investigation be made for just cause and authorizes an employee of the fire and police service to request an investigation.

Proposed law additionally provides that the board shall serve as a grievance body for matters arising within the fire and police service, including but not limited to employee complaints, pay disputes and disparities, working conditions and assignments, and departmental policies and practices. Requires the board to issue written findings of fact and conclusions and to order corrective action where warranted. Provides that the board shall award reasonable attorney fees and costs only to an employee in the fire and police service who prevails before the board.

Proposed law requires that any investigation conducted pursuant to present and proposed law be completed within 60 days unless extended for documented reasons. Provides that the investigation shall result in written findings and conclusions, and shall include corrective action where warranted. Provides that the failure of the board to act, to complete an investigation, or to enforce its authority shall constitute a final, appealable action under proposed law.

Proposed law provides that any legal advice, guidance, or discussion provided by the board's attorney to the board regarding any matter pending or reasonably anticipated to come before the board shall occur only during a properly noticed open public meeting. Provides that executive session shall not be used to circumvent proposed law. Prohibits any communication by the board's attorney with one or more board members concerning any matter outside of a properly noticed public meeting. Provides that any attorney who violates the provisions of proposed law shall be removed and shall be ineligible for reappointment as a board attorney in any jurisdiction.

Present law provides that any regular employee in the classified service who feels that he has been discharged or subjected to any corrective or disciplinary action without just cause, may, within 15 days after the action, demand, in writing, a hearing and investigation by the board to determine the reasonableness of the action. Requires the board to grant the employee a hearing and investigation within 30 days after receipt of the written request.

Proposed law retains present law.

Present law provides that the board shall have complete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. Provides that the procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence.

Proposed law retains present law but requires that proceedings comply with minimum standards of due process, including the right of any employee impacted in the matter before the board to present evidence, call witnesses, cross-examine witnesses, and compel attendance of witnesses and production of evidence through subpoena, and shall provide for the disclosure of all evidence to parties of record.

Present law provides that any employee in the classified service and any appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of present law which is prejudicial to the employee or appointing authority.

Proposed law instead provides that any such employee or appointing authority may appeal any decision or any action, or failure to act by the board, including petitioners under proposed law, when any such decision, action, or inaction is alleged to be prejudicial, arbitrary, capricious, in bad faith, or not in compliance with the provisions of proposed law.

Present law requires that the appeal be taken by serving the board, within 30 days after entry of its decision, a written notice of the appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of facts, and all papers on file in the office of the board affecting or relating to such decision be filed with the designated court.

Proposed law additionally provides that an appeal may be taken regarding any action, or inaction, by the board; provided however, if the appeal is based on failure to act, the appeal must be taken within 30 days after the board fails to act within the time required by law or within a reasonable time.

Present law requires the board, within 10 days after the filing of the notice of appeal, to make, certify, and file the complete transcript with the designated court and requires the court to proceed to hear and determine the appeal in a summary manner.

Proposed law retains present law but requires the board, in the absence of a completed record, to certify all pleadings, filings, subpoena requests, and other documents demonstrating the board's action or failure to act.

Present law provides that the hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of present law. Provides that no appeal to the court shall be taken except upon these grounds and except as provided in present law.

Proposed law provides that the hearing shall also be confined to the determination of whether the board failed to act when required by law, whether the action or inaction was arbitrary, capricious, or in bad faith, including failure to enforce lawful subpoenas or allow the development of a complete record, or whether a board member failed to recuse himself in accordance with present law.

Present law provides that when an appeal is taken by an employee in the classified service pursuant to present law 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 as provided in present law, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed \$5000 in any one appeal.

Proposed law requires, rather than authorizes, the board to award the appealing employee attorneys fees. Provides that when an appeal is taken to the district or appellate court, the

court shall award reasonable attorney fees and costs to any classified employee who prevails in whole or in part on appeal. Provides that such awards shall be mandatory. Provides that no attorney fees shall be assessed against a classified employee.

Present law provides that the board, and each of its members, shall have the same power and authority to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized in present law as is possessed by the district courts of the state. Provides that in case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Provides that any person failing to obey such order may be punished by the court for contempt.

Proposed law retains present law and additionally provides that the district court shall have the requisite jurisdiction to take such actions upon application of any party to the proceeding. Provides that any party to the proceeding may apply to such court for enforcement of any subpoena issued pursuant to proposed law. Provides that the board shall not proceed to a final decision until any subpoena enforcement proceeding has been resolved by the court and any action taken in violation of this requirement shall be subject to appeal pursuant to proposed law. Further provides that the board hearing shall be continued until the court has issued a final ruling on the enforcement.

(Amends R.S. 33:2477, 2501(B)(3) and (E), 2501.1, 2502, 2537, 2561(B)(3) and (E), 2561.1, and 2562)