
DIGEST

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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)