
DIGEST

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HB 1111 Original

2026 Regular Session

Kerner

Abstract: Provides relative to the reemployment of employees of the fire and police civil service who separated from service due to an injury or medical condition.

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 the system applicable to municipalities with a population of fewer than 13,000, but not fewer than 7,000, provides that "departmental seniority" refers to the period of continuous employment in the department. Defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Specifies further relative to employment counted toward seniority in the next lower class.

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. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list for the tested class, from highest to lowest, according to departmental seniority.

Proposed law retains present law.

Present law requires that vacant positions be filled by reinstatement or reemployment. Provides that any regular employee who resigns or retires due to an injury or medical condition who applies for reemployment shall be reemployed in a position of the class of which he was employed immediately preceding his resignation or retirement.

Proposed law removes reference to retirement and resignation and makes present law applicable to employees who are *separated* from service due to injury or medical condition. Provides that the determination of whether a separation from service is the result of an injury or medical condition

arising out of and in the course and scope of employment, or is non-duty-related, shall be made by the employee's treating physician.

Proposed law provides that eligibility for reemployment shall not be affected by the form, manner, cause, timing, or procedural classification of the employee's separation from service. Relative to an employee who separated from service due to sustaining a duty related injury or developing a duty related medical condition who is subsequently able to perform the essential functions of the position, provides that eligibility for reemployment shall be determined solely upon the existence of such job-related injury or medical condition, the resulting inability to perform the essential functions of the position, and the employee's current medical ability to perform those functions.

Present law provides that if there are no available positions in the employee's former class, he may be temporarily placed in a position in any lower class.

Proposed law instead provides that the employee shall have the option to remain on an active reemployment eligibility list for the former class until such position becomes available or accept temporary placement in a position in any lower class.

Present law provides that during his temporary placement, an employee shall be placed first on the eligibility list for a position in his former class and shall not be required to retest. Provides that he shall remain first on the list until he is appointed to a position in his former class.

Proposed law retains present law and makes present law applicable to employees who remain on an active reemployment eligibility list.

Present law relative to an employee who sustains duty related injury or develops a duty related medical condition, requires that the employee be reemployed with the departmental and promotional seniority he accrued during his employment including any such seniority that he would have accumulated from the date of his separation through the date of reinstatement. Provides that an employee who sustains a non-duty related injury or develops a non-duty related medical condition shall be reemployed with the departmental and promotional seniority he accrued as of the date of separation.

Proposed law retains present law and additionally provides that the employee shall retain longevity, salary step placement, and pay progression status. Relative to an employee who sustains a duty related injury or develops a duty related medical condition, provides that the employee shall receive all benefits, rights, and privileges equal to those of similarly situated employees of the same rank, classification, tenure, longevity, and seniority who remained continuously employed. Relative to an employee who sustained a non-duty related injury or developed a non-duty related medical condition, provides that he shall receive such benefits, rights, and privileges of similarly situated employees to the date of separation.

Present law provides that if the appointing authority has a specific cause to dispute the certification of the employee's treating physician, the appointing authority may have the employee evaluated by another physician for the limited purpose of confirming that the injury or medical condition no

longer prevents him from performing the essential functions of the position. Provides that if there is a disagreement between the employee's treating physician and the physician selected by the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative.

Proposed law instead grants the board, rather than the appointing authority, the power to have the employee evaluated by another physician if the board has specific cause to dispute the certification of the employee's treating physician. Provides that if there is a disagreement between the employee's treating physician and the physician selected by the board, rather than the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative. Provides that the physician selected by the board shall be independent and shall not be regularly retained by the appointing authority.

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

(Amends R.S. 33:2490(E) and (F) and 2550(E) and (F))