

Regular Session, 2014

HOUSE BILL NO. 456

BY REPRESENTATIVE SCHRODER

CIVIL SERVICE/FIRE & POL: Provides that the position of police chief for the city of Covington is in the unclassified service

1 AN ACT

2 To enact R.S. 33:2541.3, relative to the municipal fire and police civil service; to provide
3 relative to the position of police chief for the city of Covington; to provide that such
4 position is in the unclassified service; to provide relative to the appointment,
5 supervision, and discharge of any person in any such position; to provide relative to
6 qualifications; to provide relative to resignation from the position and return to the
7 classified service; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2541.3 is hereby enacted to read as follows:

13 §2541.3. Police chief; city of Covington; unclassified service

14 A.(1) Notwithstanding any provision of law to the contrary, the position of
15 chief of police for the city of Covington is in the unclassified service, and the right
16 of selection, appointment, supervision, and discharge for such position is vested in
17 the mayor of the city. The appointment and selection of the chief of police shall be
18 subject to the approval of the municipal governing authority.

19 (2) The chief of police shall have not less than five years of full-time law
20 enforcement experience and shall have successfully completed a certified training

1 program approved by the Peace Officer Standards and Training Council. Any person
 2 appointed to the position of chief of police shall meet all qualifications and
 3 requirements as provided in the municipal compensation plan in effect at the time of
 4 his appointment.

5 B. Any person who resigns from a position in the classified service to accept
 6 an appointment as chief of police shall not forfeit his seniority accumulated to the
 7 date of his resignation, but he shall not accumulate seniority during the time he is not
 8 in the classified service. If any such person resigns from the position of chief of
 9 police or is terminated for any reason other than malfeasance in office, he shall be
 10 eligible to be reemployed to the same position in the classified service in which he
 11 was employed immediately preceding his resignation from the classified service. If
 12 the position has been filled or no longer exists, then his employer shall employ him
 13 in a comparable position.

14 Section 2. The provisions of this Act are prospective only and shall not apply to the
 15 individual occupying the position of chief of police for the city of Covington on the effective
 16 date of this Act.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

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)]

Schroder

HB No. 456

Abstract: Relative to the position of police chief for the city of Covington, provides that the position is in the unclassified service. Provides further with respect to the right of selection, appointment, supervision, and discharge for such position and provides relative to the resignation from the position and return to the classified service.

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.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief for the city of Covington. Provides that such position is in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the city. Further provides that the appointment of the police chief shall be subject to the approval of the municipal governing authority.

Proposed law provides that any person who resigns from a position in the classified service to accept an appointment as police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his employer shall employ him to a comparable position.

Proposed law provides that the provisions of proposed law are prospective only and shall not apply to the individual occupying the position of chief of police for the city of Covington on the effective date of proposed law.

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

(Adds R.S. 33:2541.3)