SLS 15RS-268 ENGROSSED

2015 Regular Session

SENATE BILL NO. 29

BY SENATOR CORTEZ

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MUNICIPALITIES. Provides relative to the city of Lafayette municipal fire and police civil service system. (gov sig)

AN ACT

2	To amend and reenact R.S. 33:2473(20), 2491(D) and (H), and 2494(C), relative to the city
3	of Lafayette; to provide relative to the municipal fire and police civil service system;
4	to provide for definitions; to provide relative to the certification and appointment of
5	eligible persons in the police department; to provide for an effective date; and to
6	provide for related matters.
7	Notice of intention to introduce this Act has been published.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 33:2473(20), 2491(D) and (H), and 2494(C) are hereby amended and
10	reenacted to read as follows:
11	§2473. Definitions
12	The following words and phrases when used in this Part shall have the
13	following meaning, unless the context clearly requires otherwise:
14	* * *
15	20. "Seniority" means the following:
16	(a) "Departmental seniority" means the total employment computed for
17	an employee beginning with the last date on which he was regularly and permanently

appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, not to exceed four years, shall be construed to mean continuous service and shall be included in the computation of his **departmental** seniority. Total **departmental** seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated **departmental** seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his **departmental** seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future computation.

(b) "Promotional seniority" means the total cumulative employment in

a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class. The appointing authority shall maintain accurate records of appointments and suspensions, and shall report such appointments and suspensions to the board in strict compliance with R.S. 33:2503.

23 * * *

§2491. Establishment and maintenance of employment lists

The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

* * *

D.(1) Except as provided for in Paragraph (2) of this Subsection, names

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1 Names of persons attaining a passing score on a promotion test shall be placed upon 2 the promotion employment list for the class for which they were tested, from highest to lowest, according to their total departmental seniority in the departmental 3 service. The names of persons attaining a passing score on a competitive test shall 4 5 be placed upon the competitive employment list for the class for which they were 6 tested, from highest to lowest, according to their final test scores. 7 (2) Names of persons attaining a passing score on the promotional test 8 in the Lafayette Police Department shall be placed upon the promotion 9 employment list for the class for which they were tested, from highest to lowest, 10 according to their total promotional seniority in the next lower class. 11 H.(1) Except as provided in Paragraph (2) of this Subsection, when When 12 13 new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing 14 15 upon the list for the class shall rank, from highest to lowest, according to total 16 <u>departmental</u> seniority in the departmental service. (2) When new names are to be placed upon a promotion list for a given 17 class in the Lafayette Police Department, the remaining names thereon shall be 18 19 rearranged with the new names so that all names appearing upon the list for the 20 class shall rank, from highest to lowest, according to total promotional seniority 21 in the next lower class from which the promotion list is established. 22 (3) When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that 23 all names appearing upon the list for the class shall rank, from highest to lowest, 24 25 according to their final test scores. 26 27 §2494. Certification and appointment 28

C.(1) In the event a vacancy cannot be filled by reinstatement, or by

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reemployment as above provided, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered the appointment for the vacancy. (2) Notwithstanding any other provision of law to the contrary, the

- municipal fire and police civil service system for the city of Lafayette shall fill a vacant position in the police department in the following manner:
- (a) In the event a vacancy cannot be filled by reinstatement, or by reemployment as provided in Subsections A and B of this Section, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.
- (b) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest promotional seniority in the next lower rank. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest promotional seniority in the next lower class.

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(c) If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest promotional seniority in the next lower class. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest promotional seniority in the next lower class, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered an appointment to the vacancy.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

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SB 29 Engrossed

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Cortez

<u>Present law</u>, relative to municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, defines "seniority" as the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed to a particular department and has worked continuously to and including the date of computation.

<u>Proposed law</u> provides that "departmental seniority" is defined as the term "seniority" is defined in <u>present law</u> and adds "promotional seniority" as a defined term to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Further provides that employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class.

<u>Present law</u> provides that promotions to vacant positions shall be filled by qualified applicants in order of seniority in total departmental service.

<u>Proposed law</u> retains <u>present law</u>, but makes an exception for the Lafayette Police Department. Provides that when a vacant position in the Lafayette Police Department is filled by a promotion, it shall be by qualified applicants in the order of promotional seniority in the next lower rank.

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

(Amends R.S. 33:2473(20), 2491(D) and (H), and 2494(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

- 1. Adds definition of "promotional seniority".
- 2. Adds authority for the municipal civil service board for the Lafayette Police Department to maintain and generate employment lists based on promotional seniority.