

**SENATE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 859 by Representative Montoucet

1 AMENDMENT NO. 1

2 On page 1, delete line 2, and insert:

3 "To amend and reenact R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and  
4 (G), 2554(B), (C), and (G) and 2555(B)(3)(a), and to enact R.S. 33:2494(C)(2)(e) and (F),  
5 2555(F) and 2585.10, relative to the municipal fire and"

6 AMENDMENT NO. 2

7 On page 1, line 4, after "employees;" insert " to provide relative to working test and work-  
8 related incapacities; to provide relative to the deputy chief of police position in certain  
9 municipalities;"

10 AMENDMENT NO. 3

11 On page 2, between lines 20 and 21, insert the following:

12 "Section 2. R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and  
13 (G), and 2554(C) and (G) are hereby amended and reenacted and R.S. 33:2494(C)(2)(e) and  
14 (F) and 2555(F) are hereby enacted to read as follows:

15 §2494. Certification and appointment

16 \* \* \*

17 C.(1) In the event a vacancy cannot be filled by reinstatement, or by  
18 reemployment as above provided, the board shall next certify the names of  
19 the persons upon the promotional list, in the order in which they appear  
20 thereon, for the class in which the vacancy is to be filled.

21 (a) The appointing authority shall select and appoint to the first  
22 vacancy to be filled the one person certified to him who has the greatest  
23 seniority in the departmental service. Any remaining positions to be filled in  
24 the same class shall be filled by appointing to each such successive vacancy  
25 the one of the remaining persons certified therefor who has the next highest  
26 seniority in the departmental service. If any one or more persons so certified  
27 should refuse the appointment, the appointing authority shall then select and  
28 appoint one of the persons certified by the board with the next highest  
29 seniority in the departmental service. This procedure shall be followed until  
30 the position has been filled by appointment of the one person who has the  
31 greatest seniority in the departmental service, and who is willing to accept  
32 the appointment, or until each person whose name appears upon the list, has  
33 in this order been certified and offered the appointment for the vacancy.

34 (b) Any person certified to the appointing authority who, because of  
35 work-related illness, injury, or incapacity, is unable to immediately begin a  
36 working test, shall be appointed in accordance with Subparagraph (a) of this  
37 Paragraph. However, the working test shall be immediately interrupted and  
38 shall not commence until the employee has fully recovered and returns to full  
39 duty. If the employee fails to recover and return to full duty within six  
40 months of the date of his appointment, the board shall declare him ineligible  
41 to continue therein, and the appointment shall be made to one of the  
42 remaining persons certified therefor who has the next highest seniority in the  
43 departmental service. Any such person appointed in accordance with R.S.  
44 33:2496(2) to substitute for the injured employee during the period of  
45 interrupted working test shall have such time counted toward his twelve-  
46 month working test period.

1 (2) Notwithstanding any other provision of law to the contrary, the  
2 municipal fire and police civil service system for the cities of Lafayette for  
3 the rank of lieutenant or above and Lake Charles shall fill a vacant position  
4 in the police department in the following manner:

5 \* \* \*

6 (e) Any person certified to the appointing authority who, because of  
7 work-related illness, injury, or incapacity, is unable to immediately begin a  
8 working test, shall be appointed in accordance with Subparagraph (b) of this  
9 Paragraph. However, the working test shall be immediately interrupted and  
10 shall not commence until the employee has fully recovered and returns to full  
11 duty. If the employee fails to recover and return to full duty within six  
12 months of the date of his appointment, the board shall declare him ineligible  
13 to continue therein, and the appointment shall be made to one of the  
14 remaining persons certified therefor who has the next highest promotional  
15 seniority. Any such person appointed in accordance with R.S. 33:2496(2) to  
16 substitute for the injured employee during the period of interrupted working  
17 test shall have such time counted toward his twelve-month working test  
18 period.

19 \* \* \*

20 G. ~~The~~ Except as provided in R.S. 33:2494(C)(1)(b) and (2)(e), the  
21 appointing authority shall fill each vacancy, including vacancies in  
22 classifications hereafter created, within sixty days after the occurrence of the  
23 vacancy. This Subsection shall not prevent the board from abolishing  
24 unnecessary classifications.

25 §2495. Working tests

26 \* \* \*

27 F. Any employee appointed in accordance with R.S. 33:2554, who  
28 has commenced a working test shall not have the working test interrupted by  
29 any absence greater than thirty consecutive days. The working test, even if  
30 interrupted, shall not be more than the aggregate period of one year.

31 \* \* \*

32 §2554. Certification and appointment

33 \* \* \*

34 C. In the event a vacancy cannot be filled by reinstatement or by re-  
35 employment as above provided, the board next shall certify the names of the  
36 persons upon the promotional list, in the order in which they appear thereon,  
37 for the class in which the vacancy is to be filled.

38 (a) The appointing authority shall select and appoint to the first  
39 vacancy to be filled the one person certified to it who has the greatest  
40 seniority in the departmental service. Any remaining positions to be filled in  
41 the same class shall be filled by appointing to each such successive vacancy  
42 the one of the remaining persons certified therefor who has the next highest  
43 seniority in the departmental service. If any one or more persons so certified  
44 should refuse the appointment, the appointing authority shall then select and  
45 appoint one of the persons certified by the board with the next highest  
46 seniority in the department service. This procedure shall be followed until the  
47 position has been filled by appointment of the one person who has the  
48 greatest seniority in the departmental service who is willing to accept the  
49 appointment, or until each person whose name appears upon the list has in  
50 this order been certified and offered the appointment for the vacancy.

51 (b) Any person certified to the appointing authority who, because of  
52 work-related illness, injury, or incapacity, is unable to immediately begin a  
53 working test, shall be appointed in accordance with the Subparagraph (a) of  
54 this Paragraph. However, the working test shall be immediately interrupted  
55 and shall not commence until the employee has fully recovered and returns  
56 to full duty. If the employee fails to recover and return to full duty within six  
57 months of the date of his appointment, the board shall declare him ineligible  
58 to continue therein, and the appointment shall be made to one of the  
59 remaining persons certified therefor who has the next highest seniority in the  
60 departmental service. Any such person appointed in accordance with R.S.

1 33:2496(2) to substitute for the injured employee during the period of  
2 interrupted working test shall have such time counted toward his twelve-  
3 month working test period.

4 \* \* \*

5 G. ~~It~~ Except as provided in R.S. 33:2554(C)(1(b), it shall be  
6 mandatory for the appointing authority to fill each vacancy, including  
7 vacancies in classifications hereafter created, within 60 days of the  
8 occurrence of the vacancy. This shall not operate to prevent the board from  
9 abolishing any unnecessary classifications.

10 §2555. Working tests

11 \* \* \*

12 F. Any employee appointed in accordance with R.S. 33:2554, who  
13 has commenced a working test shall not have such working test interrupted  
14 by any absence greater than thirty consecutive days. The working test, even  
15 if interrupted, shall not be more than the aggregate period of one year.

16 Section 3. R.S. 33:2585.10 is hereby enacted to read as follows:

17 §2585.10. Deputy chief of police in certain municipalities

18 (1) Notwithstanding any provision of law to the contrary, the position  
19 of deputy chief of police in a municipality having a population in excess of  
20 six thousand but not more than six thousand one hundred fifty persons,  
21 located in a parish having a population in excess of fifty thousand but not  
22 more than fifty-two thousand two hundred fifty persons, based on the latest  
23 federal decennial census, shall be in the unclassified service. The right of  
24 selection, appointment, supervision, and discharge for the position shall be  
25 vested in the chief of police of the municipality.

26 (2) Any person who is appointed from a position in the classified  
27 police service to serve as deputy chief of police shall not forfeit his seniority  
28 accumulated to the date of his appointment and shall continue to accumulate  
29 seniority during the time he holds the position of deputy chief of police.

30 Section 4. The provisions of Section 2 of this Act shall become effective on August  
31 1, 2016."

32 AMENDMENT NO. 4

33 On page 2, delete line 21, and insert in lieu thereof the following:

34 "Section 5. The provisions of Sections 1, 3, 4 and 5 of this Act shall become  
35 effective upon signature by the governor or, if not"