

2016 Regular Session

HOUSE BILL NO. 157

BY REPRESENTATIVE ARMES

1 AN ACT

2 To amend and reenact R.S. 33:2533(20), 2541.1(C)(1), 2541.2(C)(1), 2550(E) and (F),
3 2551(4) and (8), 2551.1(A), 2554(C), and 2558, relative to the city of DeRidder; to
4 provide relative to the classified police civil service; to provide relative to
5 departmental and promotional seniority; to provide relative to the establishment and
6 maintenance of employment lists; to provide relative to the certification and
7 appointment of eligible persons; to provide relative to the abolition of classes; and
8 to provide for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:2533(20), 2541.1(C)(1), 2541.2(C)(1), 2550(E) and (F), 2551(4)
14 and (8), 2551.1(A), 2554(C), and 2558 are hereby amended and reenacted to read as follows:

§2533. Definitions

The following words and phrases, when used in this Part, shall have the following meaning unless the context clearly requires otherwise:

* * *

20. "Seniority" means the following:

(a) "Departmental seniority" means the total employment computed for 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 shall be construed to mean continuous service and shall be included in the computation of his 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 compensation.

(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. 33:2563.

* * *

1 §2541.1. Deputy chief of police; competitive appointment

2 * * *

3 C.(1) Any person who is appointed from a position in the classified police
4 service to serve as deputy chief of police shall not forfeit his departmental or
5 promotional seniority accumulated to the date of his appointment, and he shall
6 continue to accumulate departmental or promotional seniority in accordance with the
7 provisions of this Part during the time he holds the position of deputy chief of police.
8 The deputy chief of police shall serve indefinitely in the classified competitive
9 position and shall be evaluated every three years by the chief of police. After each
10 evaluation by the chief of police, the chief may reconfirm the deputy chief for
11 another three year period, or may, at his discretion, demote the deputy chief to his
12 former class of positions.

13 * * *

14 §2541.2. Chief of administration of fire department; competitive appointment

15 * * *

16 C.(1) Any person who is appointed from a position in the classified fire
17 service to serve as chief of administration of fire department shall not forfeit his
18 departmental seniority accumulated to the date of his appointment, and he shall
19 continue to accumulate departmental seniority in accordance with the provisions of
20 this Part during the time he holds the position of chief of administration of fire
21 department.

22 * * *

23 §2550. Reinstatement and reemployment

24 * * *

25 E. Any regular employee who resigns or retires from a position in the
26 classified service may, with the prior approval of the board, be reemployed in a
27 position of the class in which he was employed immediately preceding his
28 resignation or retirement or in a position in any lower class. Any such employee
29 may be reemployed at any time after his resignation or retirement, but he shall be
30 qualified for the position to which he is reemployed. In addition, the employee shall

1 be reemployed with the departmental and promotional seniority accumulated through
2 the date of reinstatement; however, a regular employee shall be reemployed as
3 provided in this Subsection only if his resignation or retirement occurred as a result
4 of the employee being unable to perform the essential functions of his job upon
5 sustaining any injury that is compensable pursuant to the provisions of Chapter 10
6 of Title 23 of the Louisiana Revised Statutes of 1950.

7 F. Any regular employee who retires from a position in the classified fire
8 service as a result of an injury or a medical condition which prevents him from
9 performing the essential functions of his job, may, with the prior approval of the
10 board, be reemployed in a position of the class in which he was employed
11 immediately preceding his retirement or in a position in any lower class. Any such
12 employee may be reemployed at any time after his retirement, but he shall be
13 qualified for the position to which he is reemployed and be able to perform the
14 essential functions of the position. In addition, the employee shall be reemployed
15 with the departmental and promotional seniority accumulated through the date of
16 retirement. This Subsection shall not be applicable to employees whose injury or
17 medical condition resulted from their own negligent or intentional act.

18 §2551. Establishment and maintenance of employment lists

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

22 * * *

23 (4)(a) ~~Names~~ Except as provided for in Subparagraph (b) of this Paragraph,
24 names of persons attaining a passing score on a promotion test shall be placed upon
25 the promotion employment list for the class for which they were tested, from highest
26 to lowest, according to their total departmental seniority ~~in the departmental service~~.
27 The names of persons attaining a passing score on a competitive test shall be placed
28 upon the competitive employment list for the class for which they were tested, from
29 highest to lowest, according to their final test scores.

(b) Names of persons attaining a passing score on the promotional test in the DeRidder Police Department shall be placed on the promotion employment list for the class for which they were tested, from highest to lowest, according to their total promotional seniority in the next lower class. If two or more persons possess an equal amount of promotional seniority, the names of those persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

* * *

(8)(a) ~~When~~ Except as provided in Subparagraph (b) of this Paragraph, when new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be re-arranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total departmental seniority in the departmental service.

(b) When new names are to be placed on a promotion list for a given class in the DeRidder Police Department, the remaining names thereon shall be rearranged with the new names so that all names appearing on the list for the class shall rank, from highest to lowest, according to total promotional seniority in the next lower class from which the promotion list is established. If two or more persons possess an equal amount of promotional seniority, the names of those persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

(c) When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be re-arranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.

* * *

§2551.1. Promotional employment lists; limitations

A. Notwithstanding the provisions of R.S. 33:2551, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and

1 police civil service board in determining the total departmental or promotional
2 seniority in the departmental service of a person for purposes of ranking the name
3 of that person on a promotional employment list for a classified police position with
4 the primary duty or responsibility of law enforcement, a position as chief or assistant
5 chief, or a position as an intradepartmental division, bureau, squad, platoon, or
6 company officer of the police department.

7 * * *

8 §2554. Certification and appointment

9 * * *

10 C.(1) In the event a vacancy cannot be filled by reinstatement or by re-
11 employment as above provided, the board next shall certify the names of the persons
12 upon the promotional list, in the order in which they appear thereon, for the class in
13 which the vacancy is to be filled. The appointing authority shall select and appoint
14 to the first vacancy to be filled the one person certified to it who has the greatest
15 seniority in the departmental service. Any remaining positions to be filled in the
16 same class shall be filled by appointing to each such successive vacancy the one of
17 the remaining persons certified therefor who has the next highest seniority in the
18 departmental service. If any one or more persons so certified should refuse the
19 appointment, the appointing authority shall then select and appoint one of the
20 persons certified by the board with the next highest seniority in the department
21 service. This procedure shall be followed until the position has been filled by
22 appointment of the one person who has the greatest seniority in the departmental
23 service who is willing to accept the appointment, or until each person whose name
24 appears upon the list has in this order been certified and offered the appointment for
25 the vacancy.

26 (2) Notwithstanding any other provision of law to the contrary, in the city
27 of DeRidder a vacant position in the police department shall be filled in the
28 following manner:

29 (a) If a vacancy cannot be filled by reinstatement, or by reemployment as
30 provided in Subsections A and B of this Section, the board shall next certify the

1 names of the persons on the promotional list, in the order in which they appear
2 thereon, for the class in which the vacancy is to be filled.

3 (b) The appointing authority shall select and appoint to the first vacancy to
4 be filled the one person certified to him who has the greatest promotional seniority
5 in the next lower rank. Any remaining positions to be filled in the same class shall
6 be filled by appointing to each such successive vacancy the one of the remaining
7 persons certified therefor who has the next highest promotional seniority in the next
8 lower class.

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

16 (d) If two or more persons possess an equal amount of promotional seniority,
17 those persons shall be reinstated or listed on the promotional list and offered
18 promotions in the order of departmental seniority, from highest to lowest.

19 * * *

20 §2558. Abolition of positions in the classified service

21 A. Whenever the appointing authority abolishes a position in the classified
22 service and there is no position vacant in the respective class to which the regular
23 employee of the abolished position may be transferred, the employee shall be
24 transferred to any position of the same class which may be held by a provisional
25 employee. If there is no such position, he shall be transferred to another position in
26 the respective class, and the holder of that position thereupon shall be demoted in the
27 order provided by R.S. 33:2548.

28 B. Notwithstanding any other provision of law to the contrary, if an entire
29 class in the DeRidder Police Department is abolished in the classified service, the
30 regular employees of the class shall be demoted to lower classes and priority to

1 positions shall be governed by the total promotional seniority earned in the class,
2 from highest to lowest. If two or more persons possess an equal amount of
3 promotional seniority, the names of such persons shall be placed on the reinstatement
4 list in the order of departmental seniority, from highest to lowest.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____