

# ACT No. 285

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:

## 1           §2533. Definitions

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

4   \*       \*       \*

5           20. "Seniority" means the following:

6           (a) "Departmental seniority" means the total employment computed for an  
7           employee beginning with the last date on which he was regularly and permanently  
8           appointed and has worked continuously, to and including the date of computation.  
9           Time during which an employee has served in the armed forces of the United States  
10          subsequent to May 1, 1940 shall be construed to mean continuous service and shall  
11          be included in the computation of his seniority. Total departmental seniority in the  
12          departmental service, including positions of any and all classes, or seniority in any  
13          one or more given classes, may be computed for an employee, but in either case  
14          employment shall be continuous and unbroken by a resignation or discharge of the  
15          respective employee. An employee who is finally discharged or resigns from his  
16          position shall forfeit all accumulated departmental seniority. An employee who is  
17          suspended and returns to his position immediately following the expiration of his  
18          suspension shall not forfeit his departmental seniority accumulated to the date of his  
19          suspension, but he shall not be given credit for the lost time at any future  
20          compensation.

21          (b) "Promotional seniority" means the total cumulative employment in a  
22          class of positions of the next lower class from which a promotion is to be made.  
23          Employment counted toward seniority in the next lower class shall include the  
24          aggregate of all temporary appointments, the working test period, and employment  
25          as a regular and permanent employee in the class less the aggregate of suspensions  
26          without pay while serving in a position of the class. The appointing authority shall  
27          maintain accurate records of appointments and suspensions and shall report such  
28          appointments and suspensions to the board in strict compliance with R.S. 33:2563.

29   \*       \*       \*

## 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_