2016 Regular Session

HOUSE BILL NO. 859

BY REPRESENTATIVE MONTOUCET

1	AN ACT
2	To amend and reenact R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and
3	(G), 2554(B), (C), and (G) and 2555(B)(3)(a), and to enact R.S. 33:2494(C)(2)(e),
4	2495(F), 2555(F) and 2585.10, relative to the municipal fire and police civil service;
5	to provide relative to the employees of the classified service; to provide relative to
6	the appointment and removal of such employees; to provide relative to working test
7	and work-related incapacities; to provide relative to the deputy chief of police
8	position in certain municipalities; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 33:2554(B) and 2555(B)(3)(a) are hereby amended and reenacted
11	to read as follows:
12	§2554. Certification and appointment
13	* * *
14	B. The board first shall certify the name of the person appearing upon the
15	reinstatement list who is eligible for the first reinstatement in the class of the vacant
16	position. The name of this person and all others appearing upon the reinstatement
17	list for the class shall be certified and offered the appointment in the order provided
18	by R.S. 33:2550(A) R.S. 33:2550(B) before the vacancy is filled by any subsequent
19	method provided by this Part. The appointing authority shall appoint to the vacant
20	position the first person so certified to it who is willing to accept the appointment.
21	If the position is one of a class from which lay-offs have been made as provided by
22	R.S. 33:2559, the names of eligible persons appearing upon the re-employment list

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1	for the class shall be certified and offered the appointment in the order provided by
2	R.S. 33:2550(C) before any other appointment is made thereto.
3	* * *
4	§2555. Working tests
5	* * *
6	В.
7	* * *
8	(3)(a) Any probational employee in a position of a competitive class of the
9	classified police service, except an entry level police officer, and an entry level radio,
10	police alarm, or signal system operator, who has served less than six months of his
11	working test for any given position may be removed therefrom only with the prior
12	approval of the board. Any probational employee in a position of a promotional
13	class of the classified police service, who has served less than three months of his
14	working test for any given position may be removed therefrom only with the prior
15	approval of the board. Any such probational employee may appeal to the board may
16	be removed only upon one of the following grounds:
17	(i) He is unable or unwilling to perform satisfactorily the duties of the
18	position to which he has been appointed.
19	(ii) His habits and dependability do not merit his continuance therein.
20	* * *
21	Section 2. R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and (G),
22	and $2554(C)$ and (G) are hereby amended and reenacted and R.S. $33:2494(C)(2)(e)$, $2495(F)$,
23	and 2555(F) are hereby enacted to read as follows:
24	§2494. Certification and appointment
25	* * *
26	C.(1) In the event a vacancy cannot be filled by reinstatement, or by
27	reemployment as above provided, the board shall next certify the names of the
28	persons upon the promotional list, in the order in which they appear thereon, for the
29	class in which the vacancy is to be filled.

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29

1 (a) The appointing authority shall select and appoint to the first vacancy to 2 be filled the one person certified to him who has the greatest seniority in the 3 departmental service. Any remaining positions to be filled in the same class shall be 4 filled by appointing to each such successive vacancy the one of the remaining 5 persons certified therefor who has the next highest seniority in the departmental 6 service. If any one or more persons so certified should refuse the appointment, the 7 appointing authority shall then select and appoint one of the persons certified by the 8 board with the next highest seniority in the departmental service. This procedure 9 shall be followed until the position has been filled by appointment of the one person 10 who has the greatest seniority in the departmental service, and who is willing to 11 accept the appointment, or until each person whose name appears upon the list, has 12 in this order been certified and offered the appointment for the vacancy.

13 (b) Any person certified to the appointing authority who, because of work-14 related illness, injury, or incapacity, is unable to immediately begin a working test, 15 shall be appointed in accordance with Subparagraph (a) of this Paragraph. However, 16 the working test shall be immediately interrupted and shall not commence until the 17 employee has fully recovered and returns to full duty. If the employee fails to 18 recover and return to full duty within six months of the date of his appointment, the 19 board shall declare him ineligible to continue therein, and the appointment shall be 20 made to one of the remaining persons certified therefor who has the next highest 21 seniority in the departmental service. Any such person appointed in accordance with 22 R.S. 33:2496(2) to substitute for the injured employee during the period of 23 interrupted working test shall have such time counted toward his twelve-month 24 working test period.

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

* * *

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1	(e) Any person certified to the appointing authority who, because of work-
2	related illness, injury, or incapacity, is unable to immediately begin a working test,
3	shall be appointed in accordance with Subparagraph (b) of this Paragraph. However,
4	the working test shall be immediately interrupted and shall not commence until the
5	employee has fully recovered and returns to full duty. If the employee fails to
6	recover and return to full duty within six months of the date of his appointment, the
7	board shall declare him ineligible to continue therein, and the appointment shall be
8	made to one of the remaining persons certified therefor who has the next highest
9	promotional seniority. Any such person appointed in accordance with R.S.
10	33:2496(2) to substitute for the injured employee during the period of interrupted
11	working test shall have such time counted toward his twelve-month working test
12	period.
13	* * *
14	G. The Except as provided in R.S. 33:2494(C)(1)(b) and (2)(e), the
15	appointing authority shall fill each vacancy, including vacancies in classifications
16	hereafter created, within sixty days after the occurrence of the vacancy. This
17	Subsection shall not prevent the board from abolishing unnecessary classifications.
18	§2495. Working tests
19	* * *
20	F. Any employee appointed in accordance with R.S. 33:2494, who has
21	commenced a working test shall have the working test considered interrupted by any
22	absence greater than thirty consecutive days. The working test, even if interrupted,
23	shall not be more than the aggregate period of one year.
24	* * *
25	§2554. Certification and appointment
26	* * *
27	C. In the event a vacancy cannot be filled by reinstatement or by re-
28	employment as above provided, the board next shall certify the names of the persons
29	upon the promotional list, in the order in which they appear thereon, for the class in
30	which the vacancy is to be filled.

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1 (1) The appointing authority shall select and appoint to the first vacancy to 2 be filled the one person certified to it who has the greatest seniority in the 3 departmental service. Any remaining positions to be filled in the same class shall be 4 filled by appointing to each such successive vacancy the one of the remaining 5 persons certified therefor who has the next highest seniority in the departmental 6 service. If any one or more persons so certified should refuse the appointment, the 7 appointing authority shall then select and appoint one of the persons certified by the 8 board with the next highest seniority in the department service. This procedure shall 9 be followed until the position has been filled by appointment of the one person who 10 has the greatest seniority in the departmental service who is willing to accept the 11 appointment, or until each person whose name appears upon the list has in this order 12 been certified and offered the appointment for the vacancy.

13 (2) Any person certified to the appointing authority who, because of work-14 related illness, injury, or incapacity, is unable to immediately begin a working test, 15 shall be appointed in accordance with Paragraph (1) of this Subsection. However, the 16 working test shall be immediately interrupted and shall not commence until the 17 employee has fully recovered and returns to full duty. If the employee fails to 18 recover and return to full duty within six months of the date of his appointment, the 19 board shall declare him ineligible to continue therein, and the appointment shall be 20 made to one of the remaining persons certified therefor who has the next highest 21 seniority in the departmental service. Any such person appointed in accordance with 22 R.S. 33:2556(2) to substitute for the injured employee during the period of 23 interrupted working test shall have such time counted toward his twelve-month 24 working test period.

* * *

G. It Except as provided in R.S. 33:2554(C)(2), it shall be mandatory for the
appointing authority to fill each vacancy, including vacancies in classifications
hereafter created, within 60 days of the occurrence of the vacancy. This shall not
operate to prevent the board from abolishing any unnecessary classifications.

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1	§2555. Working tests
2	* * *
3	F. Any employee appointed in accordance with R.S. 33:2554, who has
4	commenced a working test shall have such working test considered interrupted by
5	any absence greater than thirty consecutive days. The working test, even if
6	interrupted, shall not be more than the aggregate period of one year.
7	Section 3. R.S. 33:2554(C) and (G) are hereby amended and reenacted to read as
8	follows:
9	§2554. Certification and appointment
10	* * *
11	C.(1) In the event a vacancy cannot be filled by reinstatement or by re-
12	employment as above provided, the board next shall certify the names of the persons
13	upon the promotional list, in the order in which they appear thereon, for the class in
14	which the vacancy is to be filled.
15	(a) The appointing authority shall select and appoint to the first vacancy to
16	be filled the one person certified to it who has the greatest seniority in the
17	departmental service. Any remaining positions to be filled in the same class shall be
18	filled by appointing to each such successive vacancy the one of the remaining
19	persons certified therefor who has the next highest seniority in the departmental
20	service. If any one or more persons so certified should refuse the appointment, the
21	appointing authority shall then select and appoint one of the persons certified by the
22	board with the next highest seniority in the department service. This procedure shall
23	be followed until the position has been filled by appointment of the one person who
24	has the greatest seniority in the departmental service who is willing to accept the
25	appointment, or until each person whose name appears upon the list has in this order
26	been certified and offered the appointment for the vacancy.
27	(b) Any person certified to the appointing authority who, because of work-
28	related illness, injury, or incapacity, is unable to immediately begin a working test,
29	shall be appointed in accordance with Subparagraph (a) of this Paragraph. However,
30	the working test shall be immediately interrupted and shall not commence until the

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1	employee has fully recovered and returns to full duty. If the employee fails to
2	recover and return to full duty within six months of the date of his appointment, the
3	board shall declare him ineligible to continue therein, and the appointment shall be
4	made to one of the remaining persons certified therefor who has the next highest
5	seniority in the departmental service. Any such person appointed in accordance with
6	R.S. 33:2556(2) to substitute for the injured employee during the period of
7	interrupted working test shall have such time counted toward his twelve-month
8	working test period.
9	(2) Notwithstanding any other provision of law to the contrary, in the city
10	of DeRidder a vacant position in the police department shall be filled in the
11	following manner:
12	(a) If a vacancy cannot be filled by reinstatement, or by reemployment as
13	provided in Subsections A and B of this Section, the board shall next certify the
14	names of the persons on the promotional list, in the order in which they appear
15	thereon, for the class in which the vacancy is to be filled.
15	thereon, for the class in which the vacancy is to be filled.
15 16	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
15 16 17	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
15 16 17 18	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
15 16 17 18 19	 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
15 16 17 18 19 20	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
 15 16 17 18 19 20 21 	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.
 15 16 17 18 19 20 21 22 	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. (c) If any one or more persons so certified should refuse the appointment, the
 15 16 17 18 19 20 21 22 23 	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. (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
 15 16 17 18 19 20 21 22 23 24 	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. (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
 15 16 17 18 19 20 21 22 23 24 25 	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. (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

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1	(d) If two or more persons possess an equal amount of promotional seniority,
2	those persons shall be reinstated or listed on the promotional list and offered
3	promotions in the order of departmental seniority, from highest to lowest.
4	(e) Any person certified to the appointing authority who, because of work-
5	related illness, injury, or incapacity, is unable to immediately begin a working test,
6	shall be appointed in accordance with Subparagraph (a) of this Paragraph. However,
7	the working test shall be immediately interrupted and shall not commence until the
8	employee has fully recovered and returns to full duty. If the employee fails to
9	recover and return to full duty within six months of the date of his appointment, the
10	board shall declare him ineligible to continue therein, and the appointment shall be
11	made to one of the remaining persons certified therefor who has the next highest
12	promotional seniority. Any such person appointed in accordance with R.S.
13	33:2556(2) to substitute for the injured employee during the period of interrupted
14	working test shall have such time counted toward his twelve-month working test
15	period.
16	* * *
17	G. It Except as provided in R.S. 33:2554(C)(1)(b) and (2)(e), it shall be
18	mandatory for the appointing authority to fill each vacancy, including vacancies in
19	classifications hereafter created, within 60 days of the occurrence of the vacancy.
20	This shall not operate to prevent the board from abolishing any unnecessary
21	classifications.
22	* * *
23	Section 4. R.S. 33:2585.10 is hereby enacted to read as follows:
24	§2585.10. Deputy chief of police in certain municipalities
25	(1) Notwithstanding any provision of law to the contrary, the position of (1)
26	deputy chief of police in a municipality having a population in excess of six thousand
27	but not more than six thousand one hundred fifty persons, located in a parish having
28	
20	a population in excess of fifty thousand but not more than fifty-two thousand two

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1	unclassified service. The right of selection, appointment, supervision, and discharge
2	for the position shall be vested in the chief of police of the municipality.
3	(2) 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 seniority accumulated
5	to the date of his appointment and shall continue to accumulate seniority during the
6	time he holds the position of deputy chief of police.
7	Section 5. The provisions of Section 2 of this Act shall become effective on August
8	1, 2016.
9	Section 6. The provisions of Section 3 of this Act shall take effect and become
10	operative if and when the Act which originated as House Bill No. 157 of this 2016 Regular
11	Session of the Legislature is enacted and becomes effective. If the provisions of Section 3
12	of this Act become effective, they shall prevail over any conflicting provisions in Section
13	2 of this Act and any conflicting provisions in the Act which originated as House Bill No.
14	157 of this 2016 Regular Session.
15	Section 7. The provisions of Sections 1, 4, 5, 6 and 7 of this Act shall become
16	effective upon signature by the governor or, if not signed by the governor, upon expiration
17	of the time for bills to become law without signature by the governor, as provided by Article
18	III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
19	approved by the legislature, this Act shall become effective on the day following such
20	approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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