Regular Session, 2011

HOUSE BILL NO. 92

BY REPRESENTATIVES TALBOT, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BISHOP, BROSSETT, BURFORD, HENRY BURNS, BURRELL, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DOERGE, DOVE, ELLINGTON, FANNIN, GEYMANN, GISCLAIR, GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HENSGENS, HILL, HOFFMANN, HONORE, HOWARD, HUTTER, HUVAL, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LORUSSO, MCVEA, MONICA, MONTOUCET, MORENO, MORRIS, NORTON, NOWLIN, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SIMON, SMILEY, GARY SMITH, JANE SMITH, STIAES, THIBAUT, THIERRY, WILLIAMS, AND WILLMOTT

CIVIL SERVICE/FIRE & POL: Provides relative to the position of assistant chief of police in the city of Harahan

AN ACT

To amend and reenact R.S. 33:423.2 and to enact R.S. 33:2570, relative to the city of Harahan; to provide that the position of assistant chief of police is in the unclassified service; to provide relative to the duties of the assistant chief of police; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:423.2 is hereby amended and reenacted and R.S. 33:2570 is hereby enacted to read as follows:

§423.2. City of Harahan; appointment and discharge of police personnel by chief of police; assistant chief of police

A. Notwithstanding the provisions of ~~R.S. 33:402(4) or~~ R.S. 33:423 or any other provision of law to the contrary, in and for the city of Harahan, the chief of police shall appoint and discharge police personnel subject to the budgetary

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

limitations of the mayor and board of aldermen pertaining to the number of allotted positions for the police department.

B. The duties of the assistant chief of police shall be determined by the chief of police, and the assistant chief of police shall act as chief in the administration of the police department in the absence of the chief.

* * *

§2570. City of Harahan; assistant chief of police

A. Notwithstanding the provisions of R.S. 33:2541 or any other provision of law to the contrary, the position of assistant chief of police of Harahan is in the unclassified service. The right of selection, appointment, supervision, and discharge for the position is vested in the chief of police of the city.

B.(1) Any person who is appointed from a position in the classified police service to serve as assistant chief of police shall not forfeit his seniority accumulated to the date of his appointment, and he shall continue to accumulate seniority in accordance with the provisions of this Part during the time he holds the position of assistant chief of police. The assistant chief of police shall serve indefinitely in the classified competitive position and shall be evaluated every three years by the chief of police. After each evaluation by the chief of police, the chief may reconfirm the assistant chief for another three-year period, or may, at his discretion, demote the assistant chief to his former class of position.

(2) If any such person is demoted as the result of such evaluation, or otherwise vacates the position on the approval of the chief of police, he shall be demoted to a position in the class he held immediately preceding his appointment as assistant chief of police. If an assistant chief of police is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Talbot HB No. 92

Abstract: Provides relative to the position of assistant police chief of Harahan.

Present law (R.S. 33:423) requires the police chief of a municipality to make recommendations to the mayor and board of aldermen for the appointment, promotion, and dismissal of police personnel and to effect disciplinary action. Present law (R.S. 33:423.2) provides that in Harahan, the police chief appoints and discharges police personnel subject to budgetary limitations of the mayor and board of aldermen.

Proposed law retains present law and further provides that the duties of the assistant chief of police shall be determined by the police chief and that the assistant chief shall act as chief in the administration of the police department in the chief's absence.

Present law (R.S. 33:2531 et seq.) establishes a civil service system applicable to police departments in cities with a population of 7,000-13,000 persons (including Harahan). Specifies which positions in such a department are part of the unclassified service and, therefore, are not subject to system requirements, such as competitive examinations for employment and promotion. Proposed law retains present law.

Present law (R.S. 33:2541) generally provides that any person with law enforcement responsibilities, except an elected police chief, is in the classified service. Proposed law retains present law except provides that the position of assistant police chief of Harahan is in the unclassified service. Further provides that the right of selection, appointment, supervision, and discharge for such position is vested in the police chief.

Relative to a person who is appointed from a position in the classified police service to serve as deputy chief of police, proposed law provides as follows:

(1) He shall not forfeit his seniority accumulated to the date of his appointment;

(2) He shall continue to accumulate seniority during the time he holds such position;

(3) He shall serve indefinitely in the classified competitive position; and

(4) He shall be evaluated every three years by the police chief.

Provides that after each such evaluation, the chief may reconfirm the deputy chief for another three year period, or at his discretion, demote him to his former class of position. Provides that if he is demoted or otherwise vacates the position on the approval of the chief, he shall be demoted to a position in the class he held immediately preceding his appointment as deputy chief. Provides that if he is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

(Amends R.S. 33:423.2; Adds R.S. 33:2570)

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Adds provisions relative to seniority accumulated by a person prior to and while serving as deputy police chief.

2. Adds that the deputy police chief shall be evaluated every three years and authorizes the chief to reconfirm the deputy chief or demote him.

3. Adds, if the deputy police chief is demoted or otherwise vacates the position on approval of the chief of police, that he shall be demoted to a position in the class he held immediately preceding his appointment as deputy chief of police.

4. Grants the deputy police chief the same rights as any other employee in the municipal fire and police civil service if he is subjected to corrective or disciplinary action.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.