Talbot (HB 92) **Act No. 247**

Existing 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. Existing law (R.S. 33:423.2) provides that in Harahan, the police chief appoints and discharges police personnel subject to budgetary limitations. New law provides that in Harahan, the duties of the assistant police chief 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.

Existing 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.

Existing law (R.S. 33:2541) generally provides that any person with law enforcement responsibilities, except an elected police chief, is in the classified service. New law excepts the position of assistant police chief of Harahan, providing that this position 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 assistant police chief, new 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 position.

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

Provides that after each such evaluation, the chief may reconfirm the assistant chief for another three year period, or, at his discretion, demote him. 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 assistant 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.

Effective August 15, 2011.

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