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## DIGEST

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Montoucet

HB No. 801

**Abstract:** Relative to employees who resign or retire from a position in the classified service due to injury, provides that any such employee may be reemployed at any time following his resignation or retirement.

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution. Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal and parish government as well as certain fire protection districts. Provides that the board shall be composed of five members who are required to serve without compensation.

Present law provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides further with respect to which positions are in the classified and unclassified service and provides with respect to classification plans, allocation of positions, employment lists, and tests.

Proposed law retains present law.

Present law provides that any regular employee who resigns from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class or in a position of any lower class for which he is qualified. Requires that reemployment be made within four years of the date of resignation. Provides that any such person may be reemployed provided that no person whose name appears upon either the reinstatement, promotional

employment, or reemployment list for a class to which the person is reemployed is willing to accept an appointment. Requires that any person who is reemployed, after a recent examination by a practicing physician, be physically fit to perform the duties of the position to which he is appointed as certified by a favorable medical certificate to the appointing authority and the board.

Proposed law retains present law and additionally provides that any regular employee who resigns or retires from a position in the classified service upon sustaining an injury compensable under present law (worker's compensation), may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his resignation or retirement or in a position in any lower class. Provides that the employee may be reemployed at any time after his resignation or retirement but requires that he be qualified for the position to which he is reemployed. Further requires that the employee be reemployed with the seniority accumulated to the date of his resignation or retirement.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2490(E) and 2550(E))