

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 399 by Representative Danahay

CIVIL SERVICE/FIRE & POL: Provides relative to the offices of state examiner and deputy state examiner of the municipal fire and police civil service and provides relative to the position of police chief in certain municipalities

Synopsis of Senate Amendments

1. Adds provisions that the position of police chief in certain municipalities is in the unclassified service, that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the municipality subject to municipal governing authority approval, and provisions relative to qualifications and to resignation from and return to the classified service.

Digest of Bill as Finally Passed by Senate

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 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 creates the office of state examiner of municipal fire and police civil service and additionally creates the office of deputy state examiner, subject to the supervision and orders of the state examiner.

Proposed law retains present law.

Present law requires that the state examiner be a resident and qualified voter of the state and requires him to serve on a full-time basis. Requires the state examiner to have experience in personnel administration. Requires that he be paid a salary of not less than \$4,200 per year and that the deputy state examiner be paid a salary in an amount fixed by the governor. Further requires that the state examiner be paid for his traveling and living expenses while away from the city of Baton Rouge and that the deputy state examiner be paid for his traveling and living expenses while away from his place of residence. Present law provides that no state civil service pay plan shall be applicable to the state examiner or deputy state examiner.

Proposed law instead requires that the state examiner be paid a salary set by the State Civil Service Commission and the deputy state examiner be paid a salary set by the state examiner. Requires that salaries be set in accordance with the commission's uniform pay plan. Requires that the position of state examiner be assigned to the same pay range to which the deputy director of state civil service is assigned and the position of deputy state examiner be assigned to the pay range which is two levels below the pay range to which the deputy director of state civil service is assigned. Requires the state examiner and the deputy state examiner to have experience in personnel administration, classification, or employment testing in a classified civil service system; provides however, that selection preference may

be given to persons with such experience in the municipal fire and police civil service system. Requires both the state examiner and the deputy state examiner to serve on a full-time basis and each to be paid for his traveling and living expenses while away from his place of residence. Proposed law removes present law provisions relative to state civil service pay plans not being applicable to the state examiner or deputy state examiner.

Present law provides that the state examiner and the deputy state examiner shall come within and be bound under and amenable to the classified service of the state but provides however, that the State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Provides that its functions and powers relating to these offices shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

Proposed law retains present law and additionally requires that the state examiner and the deputy state examiner be subject to rules adopted and promulgated by the State Civil Service Commission. Provides that the commission's functions and powers shall also include pay actions for the state examiner.

Present law requires the State Civil Service Commission, when a vacancy occurs in the office of state examiner or deputy state examiner, to make a provisional appointment of any person it deems qualified to fill the vacancy until a competitive examination can be given by and under the direction of the commission and until a list of persons eligible for appointment to the office can be established. Requires the commission to appoint one of the three persons ranking highest upon the eligible list to fill the office and requires the person appointed to serve a working test period of six months which shall be considered a portion of the examination. Provides that the appointee shall become a regular employee as defined by the State Civil Service Law at the termination of the working test period, if successfully completed.

Proposed law requires the commission to make a provisional appointment within 30 days of a vacancy. Requires that a competitive examination be prepared, administered, and scored under the direction of the commission. Requires the commission to appoint any person upon the eligibility list who has experience in personnel administration, classification, and employment testing in a classified civil service system; provides however, that selection preference may be given to any person with such experience in the municipal fire and police classified civil service system. Retains present law provisions that require the person appointed to serve a six-month working test period and provisions that provide that the appointee shall become a regular employee upon successful completion of the working test period.

Present law provides that a person appointed to fill a vacancy in the office of state examiner and deputy state examiner may be subjected to removal or other disciplinary action by the commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards or by any qualified elector of the state. Provides that removal shall take place only after a public hearing held by the commission in accordance with rules to be adopted by the commission.

Proposed law removes present law.

Present law relative to both systems, 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 that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief in municipalities with a population of not less than 8,700 and not more than 9,000 persons.

Provides that such position is in the unclassified service and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the city. Further provides that the appointment of the police chief shall be subject to the approval of the municipal governing authority.

Proposed law requires the police chief to have five years of full-time law enforcement experience and to successfully complete a certified training program approved by the Council on Peace Officers Standards and Training. Further requires the police chief to meet all qualifications provided in the municipal compensation plan.

Proposed law provides that any person who resigns from a position in the classified service to be appointed police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his former employer shall employ him to a comparable position.

(Amends Art. XIV, §15.1(9)(a), (b), (c), (d), and (e) of 1921 Const. of La. and R.S. 33:2479(B), (D), and (H); Adds R.S. 33:2481.7; Repeals Art. XIV, §15.1(9)(g) of 1921 Const. of La.)