

2016 Regular Session

HOUSE BILL NO. 117

BY REPRESENTATIVE MONToucET

CIVIL SERVICE/FIRE & POL: Provides relative to the classified police service in the city of Crowley

1 AN ACT

2 To amend and reenact R.S. 33:2491(D)(1) and (H)(1) and (3) and to enact R.S.  
3 33:2491(D)(3) and (H)(4), 2494(C)(3), and 2498(D), relative to the city of Crowley;  
4 to provide relative to the classified police service; to provide relative to departmental  
5 and promotional seniority; to provide relative to the establishment and maintenance  
6 of employment lists; to provide relative to the certification and appointment of  
7 eligible persons; to provide relative to the abolition of classes; and to provide for  
8 related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:2491(D)(1) and (H)(1) and (3) are hereby amended and reenacted  
14 and R.S. 33:2491(D)(3) and (H)(4), 2494(C)(3), and 2498(D) are hereby enacted to read as  
15 follows:

16 §2491. Establishment and maintenance of employment lists

17 The board shall establish and maintain employment lists containing names  
18 of persons eligible for appointment to the various classes of positions in the  
19 classified service, as follows:

20 \* \* \*

1           D.(1) Except as provided for in ~~Paragraph (2)~~ Paragraphs (2) and (3) of this  
2           Subsection, names of persons attaining a passing score on a promotion test shall be  
3           placed upon the promotion employment list for the class for which they were tested,  
4           from highest to lowest, according to their total departmental seniority. The names  
5           of persons attaining a passing score on a competitive test shall be placed upon the  
6           competitive employment list for the class for which they were tested, from highest  
7           to lowest, according to their final test scores.

8                           \*       \*       \*

9           (3) Names of persons attaining a passing score on the promotional test in the  
10          Crowley Police Department shall be placed on the promotion employment list for the  
11          class for which they were tested, from highest to lowest, according to their total  
12          promotional seniority in the next lower class. If two or more persons possess an  
13          equal amount of promotional seniority, the names of those persons shall be placed  
14          on the promotional list in the order of departmental seniority, from highest to lowest.

15                          \*       \*       \*

16          H.(1) Except as provided in ~~Paragraph (2)~~ Paragraphs (2) and (3) of this  
17          Subsection, when new names are to be placed upon a promotion list for a given class,  
18          the remaining names thereon shall be rearranged with the new names so that all  
19          names appearing upon the list for the class shall rank, from highest to lowest,  
20          according to total departmental seniority.

21                          \*       \*       \*

22          (3) When new names are to be placed on a promotion list for a given class  
23          in the Crowley Police Department, the remaining names thereon shall be rearranged  
24          with the new names so that all names appearing on the list for the class shall rank,  
25          from highest to lowest, according to total promotional seniority in the next lower  
26          class from which the promotion list is established. If two or more persons possess  
27          an equal amount of promotional seniority, the names of those persons shall be placed  
28          on the promotional list in the order of departmental seniority, from highest to lowest.

(4) When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.

\* \* \*

## §2494. Certification and appointment

\* \* \*

C.

\* \* \*

(3) Notwithstanding any other provision of law to the contrary, in the city of Crowley a vacant position in the police department shall be filled in the following manner:

(a) If a vacancy cannot be filled by reinstatement or by reemployment as provided in Subsections A and B of this Section, the board shall next certify the names of the persons on the promotional list, in the order in which they appear 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 class. 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 one person who has the greatest promotional seniority in the next lower class and who is willing to accept the appointment or until each person whose name appears on the list, has in this order been certified and offered an appointment to the vacancy.

(d) If two or more persons possess an equal amount of promotional seniority, those persons shall be reinstated or listed on the promotional list and offered promotions in the order of departmental seniority, from highest to lowest.

4 \* \*

5 §2498. Abolition of positions in the classified service

6 \* \* \*

D. Notwithstanding the provisions of Subsection B of this Section, if an entire class in the Crowley Police Department is abolished in the classified service, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total promotional seniority earned in the class, from highest to lowest. If two or more persons possess an equal amount of promotional seniority, the names of such persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

# 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)]

HB 117 Original

2016 Regular Session

Montoucet

**Abstract:** Establishes promotional seniority within classes of positions in the classified police service of the city of Crowley.

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.

Proposed law retains present law.

Present law, relative to the system applicable to municipalities with a population of not fewer than 13,000, provides that "departmental seniority" refers to the period of continuous employment in the department. Defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Specifies further relative to employment counted toward seniority in the next lower class.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal government. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list for the tested class, from highest to lowest, according to their total "departmental seniority". When new names are to be placed on a promotion list for a given class, the remaining names must be arranged in the same manner according to "departmental seniority".

Present law adds an exception for the Lake Charles Police Dept. by requiring that names be placed on the promotion employment list for the tested class, from highest to lowest, according to their "promotional seniority". If two or more persons possess an equal amount of "promotional seniority", then the names must be placed on the promotion employment list, from highest to lowest, according to "departmental seniority". When new names are to be placed on a promotion employment list for a given class, the remaining names must be arranged in the same manner.

Proposed law retains present law and provides an additional exception for the Crowley Police Dept. by requiring that the names be placed on the promotion employment lists in the same manner as provided in present law for the Lake Charles Police Dept.

Present law requires that promotions to vacant positions be filled by reinstatement or reemployment. If the position cannot be filled in this manner, then the position must be filled by the person with the greatest seniority in departmental service.

Present law makes an exception for the Lake Charles Police Dept. as follows:

- (1) If a vacancy cannot be filled by reinstatement or reemployment then the names of persons on the promotional list are to be certified in the order in which they appear on the list for the class in which the vacancy is to be filled.
- (2) Appointment for the first vacancy is to be made with the person having the greatest "promotional seniority" in the next lower rank. Remaining positions to be filled are to be filled by appointing to each succeeding vacancy, the person who is certified to have the next highest "promotional seniority" in the next lower class.
- (3) If an appointment is refused then the person certified with the next highest "promotional seniority" in the next lower class is to be selected.
- (4) If two or more persons possess an equal amount of "promotional seniority" in a class, then those employees are to be placed on the promotional list in order of their "departmental seniority" from highest to lowest.

Proposed law retains present law and makes an additional exception for the Crowley Police Dept. Requires the department to fill vacancies in the same manner as provided in present law for the Lake Charles Police Dept.

Present law, relative to the abolition of an entire class in the classified service, requires that the regular employees of the class be demoted to lower classes and priority to positions be governed by total seniority earned in the departmental service, from highest to lowest.

Present law provides an exception to the Lake Charles Police Dept. by requiring that priority to positions be governed by total "promotional seniority" earned in the class, from highest to lowest. Provides that if two or more employees possess an equal amount of "promotional seniority", the names of those persons must be placed on the promotional list in order of "departmental seniority", from highest to lowest.

Proposed law retains present law and makes an additional exception for the Crowley Police Dept. Requires that priority to positions be governed in the same manner as provided in present law for the Lake Charles Police Dept.

(Amends R.S. 33:2491(D)(1) and (H)(1) and (3); Adds R.S. 33:2491(D)(3) and (H)(4), 2494(C)(3), and 2498(D))