

2016 Regular Session

HOUSE BILL NO. 157

BY REPRESENTATIVE ARMES

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

1 AN ACT

2 To amend and reenact R.S. 33:2533(20), 2541.1(C)(1), 2541.2(C)(1), 2550(E) and (F),
3 2551(4) and (8), 2551.1(A), 2554(C), and 2558, relative to the city of DeRidder; to
4 provide relative to the classified police civil service; to provide relative to
5 departmental and promotional seniority; to provide relative to the establishment and
6 maintenance of employment lists; to provide relative to the certification and
7 appointment of eligible persons; to provide relative to the abolition of classes; and
8 to provide for 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. 33:2533(20), 2541.1(C)(1), 2541.2(C)(1), 2550(E) and (F), 2551(4)
14 and (8), 2551.1(A), 2554(C), and 2558 are hereby amended and reenacted to read as follows:

15 §2533. Definitions

16 The following words and phrases, when used in this Part, shall have the
17 following meaning unless the context clearly requires otherwise:

18 * * *

20. "Seniority" means the following:

(a) "Departmental seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously, to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940 shall be construed to mean continuous service and shall be included in the computation of his seniority. Total departmental seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated departmental seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his departmental seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future compensation.

(b) "Promotional seniority" means the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class less the aggregate of suspensions without pay while serving in a position of the class. The appointing authority shall maintain accurate records of appointments and suspensions and shall report such appointments and suspensions to the board in strict compliance with R.S. 33:2563.

* * *

§2541.1. Deputy chief of police; competitive appointment

* * *

C.(1) Any person who is appointed from a position in the classified police service to serve as deputy chief of police shall not forfeit his departmental or

1 promotional seniority accumulated to the date of his appointment, and he shall
2 continue to accumulate departmental or promotional seniority in accordance with the
3 provisions of this Part during the time he holds the position of deputy chief of police.
4 The deputy chief of police shall serve indefinitely in the classified competitive
5 position and shall be evaluated every three years by the chief of police. After each
6 evaluation by the chief of police, the chief may reconfirm the deputy chief for
7 another three year period, or may, at his discretion, demote the deputy chief to his
8 former class of positions.

9 * * *

10 §2541.2. Chief of administration of fire department; competitive appointment

11 * *

C.(1) Any person who is appointed from a position in the classified fire service to serve as chief of administration of fire department shall not forfeit his departmental seniority accumulated to the date of his appointment, and he shall continue to accumulate departmental seniority in accordance with the provisions of this Part during the time he holds the position of chief of administration of fire department.

18 * * *

19 §2550. Reinstatement and reemployment

20 * * *

E. Any regular employee who resigns or retires from a position in the classified service 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. Any such employee may be reemployed at any time after his resignation or retirement, but he shall be qualified for the position to which he is reemployed. In addition, the employee shall be reemployed with the departmental and promotional seniority accumulated through the date of reinstatement; however, a regular employee shall be reemployed as provided in this Subsection only if his resignation or retirement occurred as a result

1 of the employee being unable to perform the essential functions of his job upon
2 sustaining any injury that is compensable pursuant to the provisions of Chapter 10
3 of Title 23 of the Louisiana Revised Statutes of 1950.

4 F. Any regular employee who retires from a position in the classified fire
5 service as a result of an injury or a medical condition which prevents him from
6 performing the essential functions of his job, may, with the prior approval of the
7 board, be reemployed in a position of the class in which he was employed
8 immediately preceding his retirement or in a position in any lower class. Any such
9 employee may be reemployed at any time after his retirement, but he shall be
10 qualified for the position to which he is reemployed and be able to perform the
11 essential functions of the position. In addition, the employee shall be reemployed
12 with the departmental and promotional seniority accumulated through the date of
13 retirement. This Subsection shall not be applicable to employees whose injury or
14 medical condition resulted from their own negligent or intentional act.

15 §2551. Establishment and maintenance of employment lists

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

19 * * *

20 (4)(a) ~~Names~~ Except as provided for in Subparagraph (b) of this Paragraph,
21 names of persons attaining a passing score on a promotion test shall be placed upon
22 the promotion employment list for the class for which they were tested, from highest
23 to lowest, according to their total departmental seniority ~~in the departmental service~~.
24 The names of persons attaining a passing score on a competitive test shall be placed
25 upon the competitive employment list for the class for which they were tested, from
26 highest to lowest, according to their final test scores.

27 (b) Names of persons attaining a passing score on the promotional test in the
28 DeRidder Police Department shall be placed on the promotion employment list for
29 the class for which they were tested, from highest to lowest, according to their total

1 promotional seniority in the next lower class. If two or more persons possess an
2 equal amount of promotional seniority, the names of those persons shall be placed
3 on the promotional list in the order of departmental seniority, from highest to lowest.

4 * * *

5 (8)(a) ~~When~~ Except as provided in Subparagraph (b) of this Paragraph, when
6 new names are to be placed upon a promotion list for a given class, the remaining
7 names thereon shall be re-arranged with the new names so that all names appearing
8 upon the list for the class shall rank, from highest to lowest, according to total
9 departmental seniority in the departmental service.

10 (b) When new names are to be placed on a promotion list for a given class
11 in the DeRidder Police Department, the remaining names thereon shall be rearranged
12 with the new names so that all names appearing on the list for the class shall rank,
13 from highest to lowest, according to total promotional seniority in the next lower
14 class from which the promotion list is established. If two or more persons possess
15 an equal amount of promotional seniority, the names of those persons shall be placed
16 on the promotional list in the order of departmental seniority, from highest to lowest.

17 (c) When new names are to be placed upon a competitive list for a given
18 class, the remaining names thereon shall be re-arranged with the new names so that
19 all names appearing upon the list for the class shall rank, from highest to lowest,
20 according to their final test scores.

21 * * *

22 §2551.1. Promotional employment lists; limitations

23 A. Notwithstanding the provisions of R.S. 33:2551, departmental service in
24 any classified police position with the primary duty or responsibility of police
25 headquarters desk service, jailer, police matron, operations and maintenance of radio,
26 police alarm or signal system, automotive or police apparatus repairs, secretary to
27 the chief, or department records clerk shall not be counted by the municipal fire and
28 police civil service board in determining the total departmental or promotional
29 seniority in the departmental service of a person for purposes of ranking the name

1 of that person on a promotional employment list for a classified police position with
2 the primary duty or responsibility of law enforcement, a position as chief or assistant
3 chief, or a position as an intradepartmental division, bureau, squad, platoon, or
4 company officer of the police department.

5 * * *

6 §2554. Certification and appointment

7 * * *

8 C.(1) In the event a vacancy cannot be filled by reinstatement or by re-
9 employment as above provided, the board next shall certify the names of the persons
10 upon the promotional list, in the order in which they appear thereon, for the class in
11 which the vacancy is to be filled. The appointing authority shall select and appoint
12 to the first vacancy to be filled the one person certified to it who has the greatest
13 seniority in the departmental service. Any remaining positions to be filled in the
14 same class shall be filled by appointing to each such successive vacancy the one of
15 the remaining persons certified therefor who has the next highest seniority in the
16 departmental service. If any one or more persons so certified should refuse the
17 appointment, the appointing authority shall then select and appoint one of the
18 persons certified by the board with the next highest seniority in the department
19 service. This procedure shall be followed until the position has been filled by
20 appointment of the one person who has the greatest seniority in the departmental
21 service who is willing to accept the appointment, or until each person whose name
22 appears upon the list has in this order been certified and offered the appointment for
23 the vacancy.

24 (2) Notwithstanding any other provision of law to the contrary, in the city
25 of DeRidder a vacant position in the police department shall be filled in the
26 following manner:

27 (a) If a vacancy cannot be filled by reinstatement, or by reemployment as
28 provided in Subsections A and B of this Section, the board shall next certify the

1 names of the persons on the promotional list, in the order in which they appear
2 thereon, for the class in which the vacancy is to be filled.

3 (b) The appointing authority shall select and appoint to the first vacancy to
4 be filled the one person certified to him who has the greatest promotional seniority
5 in the next lower rank. Any remaining positions to be filled in the same class shall
6 be filled by appointing to each such successive vacancy the one of the remaining
7 persons certified therefor who has the next highest promotional seniority in the next
8 lower class.

9 (c) If any one or more persons so certified should refuse the appointment, the
10 appointing authority shall then select and appoint one of the persons certified by the
11 board with the next highest promotional seniority in the next lower class. This
12 procedure shall be followed until the position has been filled by appointment of the
13 one person who has the greatest promotional seniority in the next lower class and
14 who is willing to accept the appointment or until each person whose name appears
15 on the list has in this order been certified and offered an appointment to the vacancy.

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

19 * * *

20 §2558. Abolition of positions in the classified service

A. Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position, he shall be transferred to another position in the respective class, and the holder of that position thereupon shall be demoted in the order provided by R.S. 33:2548.

28 B. Notwithstanding any other provision of law to the contrary, if an entire
29 class in the DeRidder Police Department is abolished in the classified service, the

1 regular employees of the class shall be demoted to lower classes and priority to
 2 positions shall be governed by the total promotional seniority earned in the class,
 3 from highest to lowest. If two or more persons possess an equal amount of
 4 promotional seniority, the names of such persons shall be placed on the promotional
 5 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 157 Reengrossed

2016 Regular Session

Armes

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

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 fewer than 13,000, but not fewer than 7,000 persons, provides that "seniority" refers to the period of continuous employment in the department.

Proposed law defines the term "seniority" to mean "departmental seniority" and "promotional seniority". Defines "departmental seniority" to mean the same as the term "seniority" as defined by present law. 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 provides that any person who is appointed from a position in the classified service to serve as deputy police chief or chief of administration of the fire department does not forfeit his "seniority" accumulated to the date of his appointment and continues to accumulate "seniority" during the time he holds his position.

Proposed law provides that the deputy police chief does not forfeit his "departmental or promotional seniority" and the chief of administration of fire does not forfeit his "departmental seniority" accumulated to the date of appointment. Provides that the deputy police chief continues to accumulate "departmental or promotional seniority" and the chief of administration of the fire department continues to accumulate "departmental seniority" during the time that each person holds his position.

Present law, relative to any regular employee who resigns or retires from a position in the classified service with the prior approval of the board, provides that the employee may be reemployed at any time after his resignation or retirement, but must be qualified for the position to which he is reemployed. Requires that the person be reemployed with the "seniority" accumulated through the date of reinstatement. Proposed law requires that the employee be reemployed with the "departmental and promotional seniority" accumulated through the date of reinstatement or retirement.

Present law 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".

Proposed law retains present law but provides an exception for the DeRidder 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.

Present law provides that departmental service in certain classified police positions, including police headquarters desk service, jailer, police matron, and operations and maintenance of radio, police alarm, or signal system, cannot be counted by the municipal fire and police civil service board of the city in determining the total "seniority" in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for classified police positions with certain duties or responsibilities. Proposed law provides that departmental service in these positions cannot be counted toward total "departmental or promotional seniority".

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.

Proposed law makes an exception for the DeRidder 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, relative to the abolition of an entire class in the classified police service of the city of DeRidder, requires that employees be demoted to lower classes and priority to positions be governed by total "promotional seniority" earned in the class in the order of 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.

(Amends R.S. 33:2533(20), 2541.1(C)(1), 2541.2(C)(1), 2550(E) and (F), 2551(4) and (8), 2551.1(A), 2554(C), and 2558)