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## DIGEST

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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)