

Regular Session, 2012

HOUSE BILL NO. 242

BY REPRESENTATIVE HARRIS

CIVIL SERVICE/FIRE & POL: Provides relative to the position of deputy chief of police in the city of Alexandria

1 AN ACT

2 To enact R.S. 33:2481.5, relative to the city of Alexandria; to provide relative to the
3 municipal fire and police civil service; to provide relative to the position of deputy
4 chief of police; to include the governing authority of the city of Alexandria among
5 those authorized to create that position; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2481.5 is hereby enacted to read as follows:

11 §2481.5. Deputy chief of police; competitive appointment; city of Alexandria

12 Notwithstanding the provisions of Section 3 of Act No. 748 of the 2010
13 Regular Session of the Legislature, the governing authority of the city of Alexandria
14 may create, by ordinance, the position of deputy chief of police in accordance with
15 the provisions of R.S. 33:2481.4.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

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)]

Harris

HB No. 242

Abstract: Authorizes the governing authority of the city of Alexandria to create the position of deputy police chief.

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 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 police chief and assistant police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Present law (R.S. 33:2481.4) additionally authorizes the governing authority to create the position of deputy police chief. Provides that the position of deputy police chief is not the same as the position of assistant police chief as provided in present law. Further provides that the right of selection from a promotional list of qualified applicants as well as the appointment, supervision, and discharge for the position is vested in the police chief, subject to the approval of the appointing authority. Requires the governing authority to provide for the duties and responsibilities of the deputy police chief in the ordinance creating the position. Provides that the deputy police chief may have direct supervision over all positions in the classified service below the rank of assistant police chief. Provides further with respect to the qualifications, duties, and responsibilities for such position.

Present law provides that any person who resigns from a position in the classified police service to serve as deputy police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that such person shall accumulate seniority during the time he is serving as deputy chief. Further provides that if any person resigns the position of deputy police chief or is removed without cause, he shall be reemployed to a position in the classified police service which requires a rank not lower than the rank he held immediately preceding his resignation from the classified police service. Provides that a person who is removed for cause has the same rights as any other employee in the classified fire and police service.

Present law (Sec. 2 of Act No. 748 of 2010 R.S.) provides that the provisions of present law shall not be construed to require any governing authority to create the position of deputy police chief. Additionally provides that the provisions of present law shall not affect any person employed in the classified police service on June 29, 2010, who is in the second

highest class in the classified police service at the rank of assistant chief of police or deputy chief of police, or similarly named second-highest rank. Provides that any such person shall continue to hold such rank and shall continue to be employed in the classified police service on and after June 29, 2010.

Proposed law retains present law.

Present law (Sec. 3 of Act No. 748 of 2010 R.S.) provides that the provisions of present law (R.S. 33:2481.4) shall not apply to the governing authority of any parish, municipality or other local taxing authority in a parish with a population between 147,000 and 150,000 or to the governing authority of a municipality or local taxing authority with a population between 46,000 and 50,000 and between 17,800 and 18,000.

Proposed law retains present law but authorizes the governing authority of the city of Alexandria, notwithstanding present law (Sec. 3 of Act No. 748 of 2010 R.S.), to create the position of deputy police chief in accordance with present law provisions (R.S. 33:2481.4).

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

(Adds R.S. 33:2481.5)