Regular Session, 2011

ACT No. 295

HOUSE BILL NO. 581

1

BY REPRESENTATIVE ROY

2	To amend and reenact Paragraphs (C)(2) and (4) of Section 1 of Act No. 487 of the 1954
3	Regular Session of the Legislature, as amended by Act No. 390 of the 2001 Regular
4	Session of the Legislature, and to enact Paragraphs (A)(11) and (C)(5) of Section 1
5	of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act
6	No. 390 of the 2001 Regular Session of the Legislature, relative to the city of
7	Alexandria; to provide relative to the civil service system for the employees of the
8	city; to provide relative to the Alexandria Civil Service Commission; to provide
9	relative to the position of civil service director, the qualifications of any person
10	appointed to such position by the commission, and the evaluation of the job
11	performance of any person serving in such position; to provide relative to filling
12	vacancies in commission membership; to authorize the commission to select an
13	individual attorney or law firm to serve as legal counsel to the commission and to
14	represent the commission in legal proceedings; to provide limitations; and to provide
15	for related matters.
16	Notice of intention to introduce this Act has been published
17	as provided by Article III, Section 13 of the Constitution of
18	Louisiana.
19	Be it enacted by the Legislature of Louisiana:
20	Section 1. Paragraphs (C)(2) and (4) of Section 1 of Act No. 487 of the 1954 Regular
21	Session of the Legislature, as amended by Act No. 390 of the 2001 Regular Session of the
22	Legislature, are hereby amended and reenacted and Paragraphs $(A)(11)$ and $(C)(5)$ of Section
23	1 of Act No. 487 of the 1954 Regular Session of the Legislature, as amended by Act No. 390
24	of the 2001 Regular Session of the Legislature, are hereby enacted to read as follows:

AN ACT

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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Section 1.(A) It shall be the policy of the city of Alexandria to employ those persons best qualified to perform the functions of the city and to foster effective career service in city employment. Any appointment and promotion of any employee in the classified service of the city and of each of its departments, offices, and agencies shall be made on the basis of merit and fitness which shall be determined, insofar as practicable, by competitive test. All employees of the city of Alexandria, except employees of the fire and police departments shall be in the classified service, except that the following shall not be in the classified service and shall not be subject to the provisions of this Act regarding appointment, promotion, and dismissal:

* * *

(11) All employees who are scheduled to work less than thirty-two hours per week. However, the provisions of this Paragraph shall not apply to any permanent employee who is required to work less than thirty-two hours per week due to furloughs, layoffs, or any other reduction in work hours by the appointing authority.

* * *

17 (C)

18 * * *

(2)(a) The commission shall appoint a civil service director. The director shall be qualified and experienced in civil service matters and shall be responsible to the commission for the administration of the classified civil service system for the city. The civil service director, whether or not he is a division head, shall be in the classified service as provided in this Act for employees of the city who are subject to the provisions of this Act.

(b) Notwithstanding any other provision of law to the contrary, the civil service director shall possess, at a minimum, a bachelor's degree from an accredited college or university. The requirement that the civil service director possess a bachelor's degree shall be mandatory and shall not be waived or substituted. The civil service director shall also possess experience in human resources or personnel administration.

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(c)(i) The job performance of the civil service director shall be evaluated on an annual basis by the commission and shall be evaluated every third year by an independent consultant employed or contracted with by the commission for such purpose.

(ii) Any overall performance review rating of the civil service director of "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable" shall require that the commission develop a Performance Improvement Plan for the director that may include additional education requirements, training, or any other activities that the commission deems appropriate. Depending on the specifics of the Performance Improvement Plan, the commission shall specify a time period not to exceed six months for a special evaluation of the job performance of the director.

(iii) Two or more overall performance review ratings of "Below Average/Does Not Meet Expectations" or "Poor/Unacceptable" of the civil service director within a three-year time period shall constitute cause for termination of employment.

* * *

(4) For appointments made pursuant to Subparagraphs (b) through (e) of Paragraph (C)(3) of this Section, within sixty days after a vacancy occurs, the appointing body shall make the required appointment the appointing authority shall submit the appointment to the city clerk for the city of Alexandria by regular mail. The city clerk shall date and time stamp the mail immediately upon receipt. Within thirty forty-five days thereafter after the date and time stamp of the city clerk verifying the receipt of the appointment, the city council must shall ratify or reject the appointment. If the appointment is rejected, another appointment must shall be solicited from the same source appointing authority. If the city council rejects two consecutive appointments from an appointing authority, the third person submitted by that appointing authority shall automatically be appointed without ratification Louisiana Civil Service League shall make the appointment. If the council fails to act within thirty forty-five days after the date and time stamp of the city clerk verifying the receipt of the name of the appointee, the appointment shall be

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automatically ratified. If one of the appointing authorities fails to submit nominees in the time required, the Louisiana Civil Service League shall make the appointment. The Louisiana Civil Service League shall not appoint any person who has been previously rejected by the city council. In addition, at no time during the appointment process shall the appointing authority resubmit the name of any person whose appointment has been previously rejected by the city council. If one of the named appointing authorities fails to submit nominees in the time required, the Louisiana Civil Service League shall make the appointment. If one of the named appointing authorities ceases to exist, the city council shall choose the president of another accredited college or university within Louisiana to replace it. A board member shall serve until his successor is appointed and qualified.

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(5)(a) On matters that representation by the city attorney's office would present a conflict of interest, the commission is authorized to solicit proposals from individual attorneys or law firms to serve as legal counsel to the commission. The commission shall have the right to accept or reject any or all proposals for any reason, to negotiate with any attorney or law firm, and to select the attorney or law firm deemed to have submitted the proposal which is in the best interest of the commission.

- (b) The attorney or firm selected by the commission shall be required to sign a written contract which shall provide for the hourly rate at which any such attorney or firm shall be compensated. The commission shall fix the hourly rate in accordance with the Louisiana attorney general's maximum hourly fee schedule for professional legal services. The job performance of any such attorney or firm shall be evaluated by the commission on an annual basis.
- (c) The attorney or firm that serves as legal counsel to the commission may represent the commission in legal proceedings; however, the commission shall not be prohibited from selecting a different attorney or law firm to represent the commission in any such proceeding. Any such attorney or firm shall be required to sign a written contract which provides for an hourly rate of compensation as

1 provided in Subparagraph (b) of this Paragraph. A majority of the members of the 2 commission shall give their written approval prior to any attorney or law firm 3 representing the commission in a legal proceeding. 4 5 Section 2. This Act shall become effective upon signature by the governor or, if not 6 signed by the governor, upon expiration of the time for bills to become law without signature 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become 9 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____