

2016 Regular Session

HOUSE BILL NO. 859

BY REPRESENTATIVE MONTOUCET

CIVIL SERVICE/FIRE & POL: Provides relative to the appointment and removal of employees of the municipal fire and police civil service

1 AN ACT

2 To amend and reenact R.S. 33:2554(B) and 2555(B)(3)(a), relative to the municipal fire and  
3 police civil service; to provide relative to the employees of the classified service; to  
4 provide relative to the appointment and removal of such employees; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2554(B) and 2555(B)(3)(a) are hereby amended and reenacted  
8 to read as follows:

9 §2554. Certification and appointment

10 \* \* \*

11 B. The board first shall certify the name of the person appearing upon the  
12 reinstatement list who is eligible for the first reinstatement in the class of the vacant  
13 position. The name of this person and all others appearing upon the reinstatement  
14 list for the class shall be certified and offered the appointment in the order provided  
15 by ~~R.S. 33:2550(A)~~ R.S. 33:2550(B) before the vacancy is filled by any subsequent  
16 method provided by this Part. The appointing authority shall appoint to the vacant  
17 position the first person so certified to it who is willing to accept the appointment.

18 If the position is one of a class from which lay-offs have been made as provided by  
19 R.S. 33:2559, the names of eligible persons appearing upon the re-employment list

1 for the class shall be certified and offered the appointment in the order provided by  
2 R.S. 33:2550(C) before any other appointment is made thereto.

3 \* \* \*

4 §2555. Working tests

5 \* \* \*

6 B.

7 \* \* \*

8 (3)(a) Any probational employee in a position of a competitive class of the  
9 classified police service, except an entry level police officer, and an entry level radio,  
10 police alarm, or signal system operator, who has served less than six months of his  
11 working test for any given position may be removed therefrom only with the prior  
12 approval of the board. Any probational employee in a position of a promotional  
13 class of the classified police service, who has served less than three months of his  
14 working test for any given position may be removed therefrom only with the prior  
15 approval of the board. Any such probational employee ~~may appeal to the board~~ may  
16 be removed only upon one of the following grounds:

17 (i) He is unable or unwilling to perform satisfactorily the duties of the  
18 position to which he has been appointed.

19 (ii) His habits and dependability do not merit his continuance therein.

20 \* \* \*

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

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**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)]

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HB 859 Engrossed

2016 Regular Session

Montoucet

**Abstract:** Provides relative to the appointment and removal of employees of the municipal fire and police civil service.

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 requires, with some exceptions, that every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list is a probational employee and he must be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

Proposed law retains present law.

Present law provides that any employee in a position of a competitive class of the classified police service, except entry level police officers and entry level radio, police alarm, or signal system operators, who has served less than six months of his working test may be removed only upon grounds as provided in present law, with prior approval of the board. With respect to any employee in a position of a promotional class of the classified police service, present law provides that any such employee who has served less than three months of his working test may be removed only with prior approval of the board. Provides that such employee may appeal to the board only upon the following grounds:

- (1) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.
- (2) His habits and dependability do not merit his continuance therein.

Proposed law retains present law except provides that such employee may be removed from his position on grounds provided for in present law. Removes reference to an employee's grounds for appeal to the board.

Present law requires that promotions to vacant positions be filled by reinstatement or reemployment. Provides that all employees whose names appear upon the reinstatement list for a respective class must be reinstated in a position thereof, in the reverse order from which their names are placed upon the list, before any other appointment is made.

Proposed law retains present law but makes a technical change.

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

(Amends R.S. 33:2554(B) and 2555(B(3)(a))