

2016 Regular Session

HOUSE BILL NO. 859

BY REPRESENTATIVE MONTOUCET

1 AN ACT

2 To amend and reenact R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and  
3 (G), 2554(B), (C), and (G) and 2555(B)(3)(a), and to enact R.S. 33:2494(C)(2)(e),  
4 2495(F), 2555(F) and 2585.10, relative to the municipal fire and police civil service;  
5 to provide relative to the employees of the classified service; to provide relative to  
6 the appointment and removal of such employees; to provide relative to working test  
7 and work-related incapacities; to provide relative to the deputy chief of police  
8 position in certain municipalities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §2554. Certification and appointment

13 \* \* \*

14 B. The board first shall certify the name of the person appearing upon the  
15 reinstatement list who is eligible for the first reinstatement in the class of the vacant  
16 position. The name of this person and all others appearing upon the reinstatement  
17 list for the class shall be certified and offered the appointment in the order provided  
18 by ~~R.S. 33:2550(A)~~ R.S. 33:2550(B) before the vacancy is filled by any subsequent  
19 method provided by this Part. The appointing authority shall appoint to the vacant  
20 position the first person so certified to it who is willing to accept the appointment.  
21 If the position is one of a class from which lay-offs have been made as provided by  
22 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. R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and (G),  
22 and 2554(C) and (G) are hereby amended and reenacted and R.S. 33:2494(C)(2)(e), 2495(F),  
23 and 2555(F) are hereby enacted to read as follows:

24 §2494. Certification and appointment

25 \* \* \*

26 C.(1) In the event a vacancy cannot be filled by reinstatement, or by  
27 reemployment as above provided, the board shall next certify the names of the  
28 persons upon the promotional list, in the order in which they appear thereon, for the  
29 class in which the vacancy is to be filled.



1           (e) Any person certified to the appointing authority who, because of work-  
 2           related illness, injury, or incapacity, is unable to immediately begin a working test,  
 3           shall be appointed in accordance with Subparagraph (b) of this Paragraph. However,  
 4           the working test shall be immediately interrupted and shall not commence until the  
 5           employee has fully recovered and returns to full duty. If the employee fails to  
 6           recover and return to full duty within six months of the date of his appointment, the  
 7           board shall declare him ineligible to continue therein, and the appointment shall be  
 8           made to one of the remaining persons certified therefor who has the next highest  
 9           promotional seniority. Any such person appointed in accordance with R.S.  
 10           33:2496(2) to substitute for the injured employee during the period of interrupted  
 11           working test shall have such time counted toward his twelve-month working test  
 12           period.

\* \* \*

14           G. ~~The~~ Except as provided in R.S. 33:2494(C)(1)(b) and (2)(e), the  
 15           appointing authority shall fill each vacancy, including vacancies in classifications  
 16           hereafter created, within sixty days after the occurrence of the vacancy. This  
 17           Subsection shall not prevent the board from abolishing unnecessary classifications.  
 18           §2495. Working tests

\* \* \*

20           F. Any employee appointed in accordance with R.S. 33:2494, who has  
 21           commenced a working test shall have the working test considered interrupted by any  
 22           absence greater than thirty consecutive days. The working test, even if interrupted,  
 23           shall not be more than the aggregate period of one year.

\* \* \*

25           §2554. Certification and appointment

\* \* \*

27           C. In the event a vacancy cannot be filled by reinstatement or by re-  
 28           employment as above provided, the board next shall certify the names of the persons  
 29           upon the promotional list, in the order in which they appear thereon, for the class in  
 30           which the vacancy is to be filled.





1 employee has fully recovered and returns to full duty. If the employee fails to  
2 recover and return to full duty within six months of the date of his appointment, the  
3 board shall declare him ineligible to continue therein, and the appointment shall be  
4 made to one of the remaining persons certified therefor who has the next highest  
5 seniority in the departmental service. Any such person appointed in accordance with  
6 R.S. 33:2556(2) to substitute for the injured employee during the period of  
7 interrupted working test shall have such time counted toward his twelve-month  
8 working test period.

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

12 (a) If a vacancy cannot be filled by reinstatement, or by reemployment as  
13 provided in Subsections A and B of this Section, the board shall next certify the  
14 names of the persons on the promotional list, in the order in which they appear  
15 thereon, for the class in which the vacancy is to be filled.

16 (b) The appointing authority shall select and appoint to the first vacancy to  
17 be filled the one person certified to him who has the greatest promotional seniority  
18 in the next lower rank. Any remaining positions to be filled in the same class shall  
19 be filled by appointing to each such successive vacancy the one of the remaining  
20 persons certified therefor who has the next highest promotional seniority in the next  
21 lower class.

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





1           unclassified service. The right of selection, appointment, supervision, and discharge  
2           for the position shall be vested in the chief of police of the municipality.

3           (2) Any person who is appointed from a position in the classified police  
4           service to serve as deputy chief of police shall not forfeit his seniority accumulated  
5           to the date of his appointment and shall continue to accumulate seniority during the  
6           time he holds the position of deputy chief of police.

7           Section 5. The provisions of Section 2 of this Act shall become effective on August  
8           1, 2016.

9           Section 6. The provisions of Section 3 of this Act shall take effect and become  
10          operative if and when the Act which originated as House Bill No. 157 of this 2016 Regular  
11          Session of the Legislature is enacted and becomes effective. If the provisions of Section 3  
12          of this Act become effective, they shall prevail over any conflicting provisions in Section  
13          2 of this Act and any conflicting provisions in the Act which originated as House Bill No.  
14          157 of this 2016 Regular Session.

15          Section 7. The provisions of Sections 1, 4, 5, 6 and 7 of this Act shall become  
16          effective upon signature by the governor or, if not signed by the governor, upon expiration  
17          of the time for bills to become law without signature by the governor, as provided by Article  
18          III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently  
19          approved by the legislature, this Act shall become effective on the day following such  
20          approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_