

**SENATE FLOOR AMENDMENTS**

2016 Regular Session

Amendments proposed by Senator Ward to Engrossed House Bill No. 859 by Representative Montoucet

AMENDMENT NO. 1

In the set of Senate Committee Amendments proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on May 19, 2016, in Amendment No. 3, on page 3, between lines 15 and 16, insert the following:

"Section 3. R.S. 33:2554(C) and (G) are hereby amended and reenacted to read as follows:

§2554. Certification and appointment

\* \* \*

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

(a) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to it who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the department service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

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

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

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

(b) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest promotional seniority in the next lower rank. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive

1 vacancy the one of the remaining persons certified therefor who has the next  
2 highest promotional seniority in the next lower class.

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

11 (d) If two or more persons possess an equal amount of promotional  
12 seniority, those persons shall be reinstated or listed on the promotional list  
13 and offered promotions in the order of departmental seniority, from highest  
14 to lowest.

15 (e) Any person certified to the appointing authority who, because of  
16 work-related illness, injury or incapacity, is unable to immediately begin a  
17 working test, shall be appointed in accordance with the Subparagraph (a) of  
18 this Paragraph. However, the working test shall be immediately interrupted  
19 and shall not commence until the employee has fully recovered and returns  
20 to full duty. If the employee fails to recover and return to full duty within six  
21 months of the date of his appointment, the board shall declare him ineligible  
22 to continue therein, and the appointment shall be made to one of the  
23 remaining persons certified therefor who has the next highest promotional  
24 seniority. Any such person appointed in accordance with R.S. 33:2496(2) to  
25 substitute for the injured employee during the period of interrupted working  
26 test shall have such time counted toward his twelve-month working test  
27 period.

28 \* \* \*

29 G. Except as provided in R.S. 33:2554(C)(1)(b) and (2)(e), it shall  
30 be mandatory for the appointing authority to fill each vacancy, including  
31 vacancies in classifications hereafter created, within 60 days of the  
32 occurrence of the vacancy. This shall not operate to prevent the board from  
33 abolishing any unnecessary classifications.

34 \* \* \*"

35 AMENDMENT NO. 2

36 In the set of Senate Committee Amendments proposed by the Senate Committee on Local  
37 and Municipal Affairs and adopted by the Senate on May 19, 2016, in Amendment No. 3,  
38 on page 3, line 16, change "Section 3." to "Section 4."

39 AMENDMENT NO. 3

40 In the set of Senate Committee Amendments proposed by the Senate Committee on Local  
41 and Municipal Affairs and adopted by the Senate on May 19, 2016, in Amendment No. 3,  
42 on page 3, line 30, change "Section 4." to "Section 5."

43 AMENDMENT NO. 4

44 In the set of Senate Committee Amendments proposed by the Senate Committee on Local  
45 and Municipal Affairs and adopted by the Senate on May 19, 2016, delete Amendment No.  
46 4.

47 AMENDMENT NO. 5

48 On page 2, delete 21, and insert in lieu thereof the following:

49 "Section 6. The provisions of Section 3 of this Act shall take effect and become  
50 operative if and when the Act which originated as House Bill No. 157 of this 2016 Regular  
51 Session of the Legislature is enacted and becomes effective. If the provisions of Section 3  
52 of this Act become effective, they shall prevail over any conflicting provisions in Section

1 2 of this Act and any conflicting provisions in the Act which originated as House Bill No.  
2 157 of this 2016 Regular Session.  
3 Section 7. The provisions of Sections 1, 4, 5, 6 and 7 of this Act shall become  
4 effective upon signature by the governor or, if not"