

Regular Session, 2012

HOUSE BILL NO. 1137

BY REPRESENTATIVE SCHRODER

CIVIL SERVICE/FIRE & POL: Provides relative to the filling of vacancies in certain positions in the classified police service

1 AN ACT

2 To amend and reenact R.S. 33:2494(A) and 2554(A) and to enact R.S. 33:2494.1 and
3 2554.1, relative to the municipal fire and police civil service; to provide relative to
4 vacancies in certain positions in the classified police service; to provide for the
5 filling of such vacancies; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2494(A) and 2554(A) are hereby amended and reenacted and R.S.
8 33:2494.1 and 2554.1 are hereby enacted to read as follows:

9 §2494. Certification and appointment

10 A. Whenever the appointing authority proposes to fill a vacancy in the
11 classified service, except by demotion, transfer, emergency appointment, or by
12 substitute employment not to exceed thirty days, or as provided in R.S. 33:2494.1,
13 he shall request the board to certify names of persons eligible for appointment to the
14 vacant position. The board shall thereupon certify in writing the names of eligible
15 persons from the appropriate employment list, and the appointing authority shall, if
16 he fills the vacancy, make the appointment as provided by this Section.

17 * * *

1 §2494.1. Certification and appointment; certain vacancies in the classified police
2 service

3 A. Whenever the appointing authority proposes to fill a vacancy in the
4 classified police service for positions with the rank of sergeant, lieutenant, captain,
5 major, or commander, the vacancy shall be filled on a competitive basis from a list
6 of eligibles as provided in R.S. 33:2491(D). The right of selection and appointment
7 for such positions shall be vested in the chief of police, as provided in this Section.
8 and shall be subject to the approval of the appointing authority.

9 B. The chief of police shall select and appoint a person with one of the five
10 highest scores on the list of eligibles.

11 * * *

12 §2554. Certification and appointment

13 A. Whenever the appointing authority proposes to fill a vacancy in the
14 classified service, except by demotion, transfer, emergency appointment, or by
15 substitute employment not to exceed thirty days, or as provided in R.S. 33:2554.1,
16 he shall request the board to certify names of persons eligible for appointment to the
17 vacant position. The board thereupon shall certify in writing the names of eligible
18 persons from the appropriate employment list, and the appointing authority shall, if
19 it fills the vacancy, make the appointment as provided by this Section.

20 * * *

21 §2554.1. Certification and appointment; certain vacancies in the classified police
22 service

23 A. Whenever the appointing authority proposes to fill a vacancy in the
24 classified police service for positions with the rank of sergeant, lieutenant, captain,
25 major, or commander, the vacancy shall be filled on a competitive basis from a list
26 of eligibles as provided in R.S. 33:2551(4). The right of selection and appointment
27 for any such position shall be vested in the chief of police, as provided in this
28 Section, and shall be subject to the approval of the appointing authority.

1 B. The chief of police shall select and appoint a person with one of the five
2 highest scores on the list of eligibles.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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)]

Schroder

HB No. 1137

Abstract: Requires the appointing authority to select and appoint a person with one of the five highest scores on the employment list to fill vacancies in certain positions in the classified police 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 of La. made statutory by the 1974 Constitution of La. 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 a 2/3 vote of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 Constitution of La. made statutory by the La. Constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law relative to both systems, establishes a municipal fire and police civil service board in the municipal government composed of five members who serve without compensation. Requires the board to establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service.

Proposed law retains present law.

Present law requires the appointing authority, when he proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed 30 days, to request the board to certify names of persons eligible for appointment to the vacant position. Requires the board to certify in writing the names of eligible persons from the appropriate employment list. Further requires the appointing authority to make the appointment as provided in present law.

Proposed law retains present law but provides an exception for filling certain vacancies in the classified police service. Requires the appointing authority, when he proposes to fill a vacancy for positions with the rank of sergeant, lieutenant, captain, major, or commander,

to fill the vacancy on a competitive basis from a list of eligibles as provided in present law. Provides that the right of selection and appointment for the positions will be vested in the police chief and will be subject to approval of the appointing authority. Requires the police chief to select and appoint a person with one of the five highest scores on the list of eligibles.

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

(Amends R.S. 33:2594(A) and 2554(A); Adds R.S. 33:2594.1 and 2554.1)