

Regular Session, 2010
HOUSE BILL NO. 1363
BY REPRESENTATIVE KLECKLEY

ACT No. 748

1 AN ACT

2 To enact R.S. 33:2481.4 and 2541.1, relative to the municipal police civil service; to
3 authorize the municipal governing authority to create the position of deputy chief of
4 police; to provide that the position is appointed on a competitive basis; to provide
5 relative to the appointment, supervision, and discharge of any person in any such
6 position; to provide relative to the qualifications, duties, and responsibilities for such
7 position; to provide relative to reinstatement to previous class of positions; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2481.4 and 2541.1 are hereby enacted to read as follows:

11 §2481.4. Deputy chief of police; competitive appointment

12 A. Notwithstanding any other provision of law to the contrary, the governing
13 authority may create, by ordinance, the position of deputy chief of police in
14 accordance with the provisions of this Section. The position shall be filled on a
15 competitive basis from a list of eligibles as provided for under R.S. 33:2491(D), and
16 the right of selection, appointment, supervision, and discharge for such position shall
17 be vested in the chief of police, subject to approval of the appointing authority. In
18 addition, the governing authority shall establish the duties and responsibilities of the
19 deputy chief of police in the ordinance creating the position. Such duties and
20 responsibilities may include direct supervision over all positions in the classified
21 service below the rank of chief of police. The position of deputy chief of police is
22 not the same as the position of assistant chief of police as provided in R.S.
23 33:2481(A)(1).

1 B.(1) The deputy chief of police shall have not less than eight years of full
2 time law enforcement experience and shall at least hold the rank of sergeant in the
3 classified police service at the time of his appointment.

4 (2) Any person who holds the position of deputy chief of police may, while
5 holding such position, apply for admission to the promotional examination for the
6 class next higher than that from which he was appointed as deputy chief of police.
7 However, the name and score of any deputy chief of police shall not be certified to
8 the appointing authority by the civil service board as eligible for appointment to a
9 position of the promotional class, and his name and score shall be eligible for
10 certification, in accordance with the maximum period for which a name may remain
11 on the eligibility list in accordance with the provisions of this Part, only upon
12 demotion to a position of the class from which he was appointed as deputy chief of
13 police.

14 (3) Eligibility for admission to the competitive test for deputy chief of police
15 shall be limited to members of the same department as the chief of police at the time
16 of appointment.

17 C.(1) Any person who is appointed from a position in the classified police
18 service to serve as deputy chief of police shall not forfeit his seniority accumulated
19 to the date of his appointment, and he shall continue to accumulate seniority in
20 accordance with the provisions of this Part during the time he holds the position of
21 deputy chief of police. The deputy chief of police shall serve indefinitely in the
22 classified competitive position and shall be evaluated every three years by the chief
23 of police. After each evaluation by the chief of police, the chief may reconfirm the
24 deputy chief for another three year period, or may, at his discretion, demote the
25 deputy chief to his former class of positions.

26 (2) If any such person is demoted as the result of such evaluation, or
27 otherwise vacates the position on the approval of the chief of police, he shall be
28 demoted to a position in the class he held immediately preceding his appointment as
29 deputy chief of police. If a deputy chief of police is subjected to corrective or

1 disciplinary action, he shall have the same rights as any other employee in the
 2 municipal fire and police civil service.

3 * * *

4 §2541.1. Deputy chief of police; competitive appointment

5 A. Notwithstanding any other provision of law to the contrary, the governing
 6 authority may create, by ordinance, the position of deputy chief of police in
 7 accordance with the provisions of this Section. The position shall be filled on a
 8 competitive basis from a list of eligibles as provided for in R.S. 33:2551(4), and the
 9 right of selection, appointment, supervision, and discharge for such position shall be
 10 vested in the chief of police, subject to approval of the appointing authority. In
 11 addition, the governing authority shall establish the duties and responsibilities of the
 12 deputy chief of police in the ordinance creating the position. Such duties and
 13 responsibilities may include direct supervision over all positions in the classified
 14 service below the rank of chief of police. The position of deputy chief of police is
 15 not the same as the position of assistant chief of police which is in the classified
 16 police service pursuant to this Part.

17 B.(1) The deputy chief of police shall have not less than eight years of full
 18 time law enforcement experience and shall at least hold the rank of sergeant in the
 19 classified police service at the time of his appointment.

20 (2) Any person who holds the position of deputy chief of police may, while
 21 holding such position, apply for admission to the promotional examination for the
 22 class next higher than that from which he was appointed as deputy chief of police.
 23 However, the name and score of any deputy chief of police shall not be certified to
 24 the appointing authority by the civil service board as eligible for appointment to a
 25 position of the promotional class, and his name and score shall be eligible for
 26 certification, in accordance with the maximum period for which a name may remain
 27 on the eligibility list in accordance with the provisions of this Part, only upon
 28 demotion to a position of the class from which he was appointed as deputy chief of
 29 police.

1 (3) Eligibility for admission to the competitive test for deputy chief of police
2 shall be limited to members of the same department as the chief of police at the time
3 of appointment.

4 C.(1) Any person who is appointed from a position in the classified police
5 service to serve as deputy chief of police shall not forfeit his seniority accumulated
6 to the date of his appointment, and he shall continue to accumulate seniority in
7 accordance with the provisions of this Part during the time he holds the position of
8 deputy chief of police. The deputy chief of police shall serve indefinitely in the
9 classified competitive position and shall be evaluated every three years by the chief
10 of police. After each evaluation by the chief of police, the chief may reconfirm the
11 deputy chief for another three year period, or may, at his discretion, demote the
12 deputy chief to his former class of positions.

13 (2) If any such person is demoted as the result of such evaluation, or
14 otherwise vacates the position on the approval of the chief of police, he shall be
15 demoted to a position in the class he held immediately preceding his appointment as
16 deputy chief of police. If a deputy chief of police is subjected to corrective or
17 disciplinary action, he shall have the same rights as any other employee in the
18 municipal fire and police civil service.

19 Section 2. The provisions of this Act shall not be construed to require any governing
20 authority to create the position of deputy chief of police. In addition, the provisions of this
21 Act shall not affect any person employed in the classified police service on the effective date
22 of this Act who is in the second highest class in the classified police service at the rank of
23 assistant chief of police, deputy chief of police, or similarly named second highest rank.
24 Any such person shall continue to hold such rank and shall continue to be employed in the
25 classified police service on and after the effective date of this Act.

26 Section 3. The provisions of this Act shall not apply to the governing authority of
27 any parish, municipality, or other local taxing authority in a parish with a population
28 between one hundred forty seven thousand and one hundred fifty thousand, to the governing
29 authority of any municipality or other local taxing authority with a population between forty-
30 six thousand and fifty thousand or to the governing authority of any municipality or other

1 local taxing authority with a population between seventeen thousand eight hundred and
2 eighteen thousand according to the most recent federal decennial census.

3 Section 4. 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____