

2019 Regular Session

HOUSE BILL NO. 34

BY REPRESENTATIVE WRIGHT

CIVIL SERVICE/FIRE & POL: Provides that the position of fire chief for the city of Covington is in the unclassified service

1 AN ACT

2 To enact R.S. 33:2541.7, relative to the municipal fire and police civil service; to provide
3 relative to the position of fire chief for the city of Covington; to provide that such
4 position is in the unclassified service; to provide relative to the appointment,
5 supervision, and discharge of any person in any such position; to provide relative to
6 qualifications; to provide relative to resignation from the position and return to the
7 classified service; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2541.7 is hereby enacted to read as follows:

13 §2541.7. Fire chief; city of Covington; unclassified

14 A. Notwithstanding any provision of law to the contrary, the position of fire
15 chief for the city of Covington is in the unclassified service, and the right of
16 selection, appointment, supervision, and discharge for such position is vested in the
17 mayor of the city. The appointment and selection of the fire chief shall be subject
18 to the approval of the municipal governing authority.

19 B.(1) The fire chief shall meet all requirements provided in at least one of
20 the following Subparagraphs:

1 (a) A bachelor's degree in fire science, fire administration, business
2 administration, public administration, or a related curriculum and at least five years
3 of experience in full-time fire service positions, at least two years of which were in
4 positions that include administrative or supervisory responsibilities.

5 (b) An associate's degree in fire science or fire administration or a bachelor's
6 degree in an unrelated curriculum and at least seven years of experience in full-time
7 fire service positions, at least two years of which were in positions that include
8 administrative or supervisory responsibilities.

9 (c) A high school diploma or its equivalent and at least nine years of
10 experience in full-time fire service positions, at least two years of which were in
11 positions that include administrative or supervisory responsibilities. A certificate of
12 completion is not a sufficient substitute for a diploma or its equivalent.

13 (2) Fire service experience shall include full-time experience with a paid fire
14 department in fire suppression and rescue.

15 (3) Any person appointed to the position of fire chief shall meet all
16 qualifications and requirements as provided in the municipal compensation plan in
17 effect at the time of his appointment.

18 C. Any person who resigns from a position in the classified service to accept
19 an appointment as fire chief shall not forfeit his seniority accumulated to the date of
20 his resignation, but he shall not accumulate seniority during the time he is not in the
21 classified service. Any such person who resigns from the position of fire chief or is
22 terminated for any reason other than malfeasance in office shall be eligible to be
23 reemployed to the same position in the classified service in which he was employed
24 immediately preceding his resignation from the classified service. If the position has
25 been filled or no longer exists, his employer shall employ him in a comparable
26 position.

27 Section 2. The provisions of this Act are prospective only and shall not apply to the
28 individual occupying the position of fire chief for the city of Covington on the effective date
29 of this Act.

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

HB 34 Engrossed

2019 Regular Session

Wright

Abstract: Relative to the position of fire chief for the city of Covington, provides that the position is in the unclassified service. Provides further with respect to the right of selection, appointment, supervision, and discharge for such position and provides relative to the resignation from the position and return to the classified 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 constitution and present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of fire chief for the city of Covington. Provides that such position is in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the city. Further provides that the appointment of the fire chief shall be subject to the approval of the municipal governing authority. Provides relative to the qualifications of the fire chief.

Proposed law provides that any person who resigns from a position in the classified service to accept an appointment as fire chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the

position has been filled or no longer exists, then his employer shall employ him to a comparable position.

Proposed law provides that the provisions of proposed law are prospective only and shall not apply to the individual occupying the position of fire chief for the city of Covington on the effective date of proposed law.

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

(Adds R.S. 33:2541.7)