

Regular Session, 2013
HOUSE BILL NO. 399

ACT No. 313

BY REPRESENTATIVE DANAHAHAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Subparagraphs (a), (b), (c), (d), and (e) of Paragraph 9 of Article XIV,
3 Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X,
4 Section 18 of the Louisiana Constitution of 1974, and R.S. 33:2479(B), (D), and (H),
5 and to repeal Subparagraph (g) of Paragraph 9 of Article XIV, Section 15.1 of the
6 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the
7 Louisiana Constitution of 1974, relative to the municipal fire and police civil service;
8 to provide relative to the offices of state examiner and deputy state examiner; to
9 provide relative to the powers and functions of the State Civil Service Commission
10 with respect to such offices; to provide relative to the qualifications of persons
11 appointed to such offices and the salaries paid to such persons; and to provide for
12 other related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Subparagraphs (a), (b), (c), (d), and (e) of Paragraph 9 of Article XIV,
15 Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X, Section 18
16 of the Louisiana Constitution of 1974 are hereby amended and reenacted to read as follows:

17 §15.1. Fire and police civil service; municipalities of 13,000 to 250,000

18 * * *

19 9. State Examiner and Deputy State Examiner of Municipal Fire and Police
20 Civil Service.

21 a. The office of state examiner of municipal fire and police civil service is
22 created. The state examiner shall be a resident and qualified voter of the state. He
23 shall be a person who has had experience in personnel administration, classification,
24 or employment testing in a classified civil service system and shall serve on a full-

1 time basis. He shall receive and be paid a salary set by the State Civil Service
 2 Commission in accordance with the State Civil Service Commission's uniform pay
 3 plan. The position of state examiner shall be assigned to the same pay range to
 4 which the deputy director of state civil service is assigned. The state examiner shall
 5 be paid traveling and living expenses while away from his place of residence.

6 b. The office of ~~Deputy State Examiner of Municipal Fire and Police Civil~~
 7 ~~Service~~ deputy state examiner of municipal fire and police civil service is created,
 8 subject to the supervision and orders of the state examiner; ~~he~~. The deputy state
 9 examiner is authorized and empowered to exercise the authority and perform the
 10 duties of the state examiner as ~~herein provided~~; provided in this Section. He shall
 11 be a resident and qualified voter of the state. He shall be a person who has had
 12 experience in personnel administration, classification, or employment testing in a
 13 classified civil service system and shall serve on a full-time basis. He shall receive
 14 and be paid a salary in the amount fixed by the Governor set by the state examiner
 15 in accordance with the State Civil Service Commission's uniform pay plan. The
 16 position of deputy state examiner shall be assigned to the pay range which is two
 17 levels below the pay range to which the deputy director of state civil service is
 18 assigned. The deputy state examiner and shall be paid traveling and living expenses
 19 while away from the place of his residence.

20 c. ~~The state examiner shall be a resident and qualified voter of the state. He~~
 21 ~~shall be a person who has had experience in the field of personnel administration.~~
 22 ~~He~~ The state examiner and the deputy state examiner of the municipal fire and police
 23 civil service shall come within and be bound under and amenable to the ~~Classified~~
 24 ~~Service of the State~~ classified service of the state as established and existing, ~~except~~
 25 ~~no pay plan thereunder shall be applicable to the said state examiner or deputy state~~
 26 ~~examiner.~~ The state examiner and deputy state examiner shall be subject to the rules
 27 adopted and promulgated by the State Civil Service Commission. The state
 28 examiner and deputy state examiner shall be subject to removal and other
 29 disciplinary action by the State Civil Service Commission only for a good and
 30 sufficient cause set forth in written charges filed with the ~~Commission~~ commission

1 by any one of the ~~Municipal Fire and Police Civil Service Board~~ municipal fire and
 2 police civil service boards created by this amendment or by any qualified elector of
 3 the ~~State~~ state, and only after a public hearing by the State Civil Service Commission
 4 to be held in accordance with rules to be adopted by the ~~said Commission~~
 5 commission.

6 d.(i) The State Civil Service Commission shall exercise no administrative
 7 control over the ~~State Examiner or Deputy State Examiner~~ state examiner or deputy
 8 state examiner. Its functions and powers relating to ~~this office~~ these offices shall
 9 consist solely of the right of appointment, hearing of charges for removal or other
 10 disciplinary action legally brought against the incumbents of these offices, and the
 11 ordering of their removal or the rendering of such other judgment of a disciplinary
 12 nature as it may deem proper after a hearing.

13 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph the State
 14 Civil Service Commission's functions and powers shall also include approval of pay
 15 actions for the state examiner.

16 e. When a vacancy occurs in the office of the ~~said State Examiner or Deputy~~
 17 ~~State Examiner~~ state examiner or deputy state examiner, the State Civil Service
 18 Commission shall, within thirty days, make a provisional appointment of any person
 19 it deems qualified to fill the vacancy ~~until a~~ a competitive examination ~~can be~~
 20 ~~given by and~~ shall be prepared, administered, and scored under the direction of the
 21 State Civil Service Commission; ~~and until in order that~~ a list of persons eligible for
 22 appointment to the office can be established. As soon as such list can be and is
 23 established, the State Civil Service Commission shall appoint ~~one of the three~~
 24 ~~persons ranking highest upon said eligible~~ any person upon the eligibility list who
 25 has the experience required in Subparagraphs (a) and (b) of this Paragraph to fill the
 26 office; ~~and the person thus~~ however, selection preference may be given to any person
 27 having such experience in the municipal fire and police classified civil service
 28 system. The person appointed shall serve a working test period of six ~~(6)~~ months
 29 which shall be considered a portion of the examination. At the termination of such
 30 working test period, if successfully completed, the appointee shall become a regular

1 employee as defined in the State Civil Service Law and subject and amenable thereto
 2 to the same extent as the original State Examiner as hereinbefore set forth; and may
 3 be subjected to removal or other disciplinary action by the State Civil Service
 4 Commission only for a good and sufficient cause set forth in written charges filed
 5 with the Commission by any one of the Municipal Fire and Police Civil Service
 6 Boards created by this Act, or by any qualified elector of the State, and only after a
 7 public hearing by the State Commission to be held in accordance with rules to be
 8 adopted by the State Civil Service Commission.

9 * * *

10 Section 2. R.S. 33:2479(B), (D), and (H) are hereby amended and reenacted to read
 11 as follows:

12 §2479. State examiner of municipal fire and police civil service

13 * * *

14 B. The state examiner shall be a resident and qualified voter of the state. He
 15 shall be a person who has had experience in the field of personnel administration,
 16 classification, or employment testing in a classified civil service system; however,
 17 selection preference may be given to persons having such experience in the
 18 municipal fire and police classified civil service system.

19 * * *

20 D. The state examiner shall serve on a full-time basis. He shall receive and
 21 be paid a salary of not less than forty-two hundred dollars per year set by the State
 22 Civil Service Commission in accordance with the State Civil Service Commission's
 23 uniform pay plan. He The position of state examiner shall be assigned to the same
 24 pay range to which the deputy director of state civil service is assigned. The state
 25 examiner shall be paid for his traveling and living expenses while away from the city
 26 of Baton Rouge his place of residence.

27 * * *

28 H. The office of ~~Deputy State Examiner of Municipal Fire and Police Civil~~
 29 ~~Service~~ deputy state examiner of municipal fire and police civil service is created,
 30 subject to the supervision and orders of the state examiner; ~~he, He~~ He is authorized and

1 empowered to exercise the authority and perform the duties of the state examiner as
 2 ~~herein provided~~ provided in this Part or Part III of this Chapter. He shall receive and
 3 be paid a salary ~~in the amount fixed by the Governor~~ set by the state examiner in
 4 accordance with the State Civil Service Commission's uniform pay plan. ~~and~~ The
 5 position of deputy state examiner shall be assigned to the pay range which shall be
 6 two levels below the pay range to which the deputy director of state civil service is
 7 assigned. He shall be paid traveling and living expenses while away from the place
 8 of his residence.

9 Section 3. Subparagraph (g) of Paragraph 9 of Article XIV, Section 15.1 of the
 10 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the Louisiana
 11 Constitution of 1974, is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____