

Regular Session, 2013  
HOUSE BILL NO. 663

# ACT No. 331

BY REPRESENTATIVE HARRIS

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

1 AN ACT

2 To amend and reenact R.S. 33:2491(F), 2495, 2551(6), and 2555 and to enact R.S.  
3 33:2495.1.1 and 2555.1, relative to municipal fire and police civil service; to provide  
4 relative to certain employment lists established and maintained by municipal fire and  
5 police civil service boards; to provide relative to employees appointed from the lists  
6 to a working test period; to provide for the removal of certain employees during the  
7 working test period; to provide with respect to appeals of employees who are  
8 rejected after serving a certain period of time of the working test period; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:2491(F), 2495, 2551(6), and 2555 are hereby amended and  
12 reenacted and R.S. 33:2495.1.1 and 2555.1 are hereby enacted to read as follows:

13 §2491. Establishment and maintenance of employment lists

14 The board shall establish and maintain employment lists containing names  
15 of persons eligible for appointment to the various classes of positions in the  
16 classified service, as follows:

17 \* \* \*

18 F.(1) The minimum and maximum period for which a name may remain  
19 upon a ~~promotional and~~ a competitive employment list established and maintained  
20 by the board for any of the various classes of positions in the classified fire and  
21 police service shall be twelve and eighteen months, respectively, for each list.

22 (2)(a) Notwithstanding any provision of law to the contrary, the minimum  
23 and maximum period for which a name may remain upon a promotional employment  
24 list established and maintained by the board for any of the various classes of

1 positions in the classified fire and police service shall be twelve and forty-eight  
2 months, respectively, for each list.

3 (b) Except as provided in R.S. 33:2491.4(D), the provisions of this Paragraph  
4 shall apply to any promotional employment list established and maintained by the  
5 board pursuant to this Part for any of the various classes of positions in the classified  
6 fire and police service containing the names of eligible persons on and after the  
7 effective date of this Subsection.

8 \* \* \*

9 §2495. Working tests

10 A. Every person appointed to a position in the classified service following  
11 the certification of his name from a promotional or a competitive employment list,  
12 except as provided in R.S. 33:2495.1.1 and except those appointed on a temporary  
13 basis, shall be reported to the board as a probational employee within fifteen days of  
14 his appointment. The probational employee shall be tested by a working test while  
15 occupying the position before he may be confirmed as a regular and permanent  
16 employee in the position.

17 B.(1)(a) ~~Except as provided in Paragraphs (2) and (3) of this Subsection~~ R.S.  
18 33:2495.1.1, the period of the working test shall commence immediately upon  
19 appointment and shall continue for a period of not less than six months nor more  
20 than one year.

21 (2)(a) Any probational employee in the classified fire service, except an  
22 entry level fireman and an entry level radio, fire alarm, or signal system operator,  
23 who has served less than six months of his working test for any given position may  
24 be removed therefrom only with the prior approval of the board, and only upon one  
25 of the following grounds:

26 (i) He is unable or unwilling to perform satisfactorily the duties of the  
27 position to which he has been appointed.

28 (ii) His habits and dependability do not merit his continuance therein.

29 (b) Any such probational employee in the classified fire service may appear  
30 before the board and present his case before he is removed.

1           (c) Any such probational employee in the classified fire service who is  
2           rejected after having served a working test of six months but not more than one year,  
3           may appeal to the board only upon the grounds that he has not been given a fair  
4           opportunity to prove his ability in the position.

5           (3)(a) Any probational employee in a position of a competitive class of the  
6           classified police service, except an entry level police officer, and an entry level radio,  
7           police alarm, or signal system operator, who has served less than six months of his  
8           working test for any given position may be removed therefrom only with the prior  
9           approval of the board. Any probational employee in a position of a promotional  
10          class of the classified police service, who has served less than three months of his  
11          working test for any given position may be removed therefrom only with the prior  
12          approval of the board. Any such probational employee may be removed only upon  
13          one of the following grounds:

14               (i) He is unable or unwilling to perform satisfactorily the duties of the  
15               position to which he has been appointed.

16               (ii) His habits and dependability do not merit his continuance therein.

17           (b) Any such probational employee in the classified police service may  
18           appear before the board and present his case before he is removed.

19           (c) Any such probational employee in the classified police service appointed  
20           to a position of a competitive class who is rejected after having served a working test  
21           of six months but not more than one year, may appeal to the board only upon the  
22           grounds that he has not been given a fair opportunity to prove his ability in the  
23           position.

24           (d) Any such probational employee in the classified police service appointed  
25           to a position of a promotional class who is rejected after having served a working test  
26           of three months but not more than one year, may appeal to the board only upon the  
27           grounds that he has not been given a fair opportunity to prove his ability in the  
28           position.

29           ~~(2)(a) Each person selected for appointment to an entry level position in the~~  
30           ~~classified service from the competitive firefighter, firefighter/operator, or police~~

1 ~~officer employment list who has demonstrated successful completion of formal~~  
2 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~  
3 ~~shall immediately begin the working test.~~

4 ~~(b)(i) Any person selected for appointment to an entry level position in the~~  
5 ~~classified service from the competitive firefighter, firefighter/operator, or police~~  
6 ~~officer employment list who has not demonstrated successful completion of formal~~  
7 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~  
8 ~~shall be employed by the appointing authority and reported to the board as a recruit~~  
9 ~~and, whenever practical or possible, shall immediately begin such formal training.~~  
10 ~~The formal training shall be provided for through the appointing authority, and the~~  
11 ~~period for such formal training shall be for the duration of not more than six months~~  
12 ~~from the date of appointment. The formal training period shall conclude six months~~  
13 ~~from the date of original appointment or upon the successful completion of the~~  
14 ~~formal training, whichever occurs first, at which time the working test shall~~  
15 ~~commence. The appointing authority shall, within fifteen days, advise the board of~~  
16 ~~the appointment of the recruit as a probational firefighter, probational~~  
17 ~~firefighter/operator, or probational police officer as the case may be.~~

18 ~~(ii) Nothing in this Paragraph shall be construed to require that a newly~~  
19 ~~appointed firefighter, firefighter/operator, or police officer be terminated should he~~  
20 ~~fail to enroll in or complete formal training within the six-month formal training~~  
21 ~~period.~~

22 ~~(c)(i) Successful completion of formal training as required by this Paragraph~~  
23 ~~for a position in the classification of firefighter or firefighter/operator shall be~~  
24 ~~demonstrated by certification as Firefighter I in accordance with National Fire~~  
25 ~~Protection Association Standard 1001.~~

26 ~~(ii) Successful completion of formal training as required by this Paragraph~~  
27 ~~for a position in the classification of police officer shall be demonstrated by~~  
28 ~~certification from a peace officer standards and training accredited training program~~  
29 ~~as provided by R.S. 40:2405(A).~~

1           ~~(3)(a) Notwithstanding any other provision of law to the contrary, each~~  
2           ~~person selected for appointment to an entry level position in the classified service~~  
3           ~~from the competitive Fire Communications Officer (I) employment list in the city~~  
4           ~~of Shreveport who has demonstrated successful completion of formal training as~~  
5           ~~provided in Subparagraph (c) of this Paragraph prior to such appointment shall~~  
6           ~~immediately begin the working test.~~

7           ~~(b)(i) Any person selected for appointment to an entry level position in the~~  
8           ~~classified service from the competitive Fire Communications Officer (I) employment~~  
9           ~~list in the city of Shreveport who has not demonstrated successful completion of~~  
10           ~~formal training as provided in Subparagraph (c) of this Paragraph prior to such~~  
11           ~~appointment shall be employed by the appointing authority and reported to the board~~  
12           ~~as a recruit and, whenever practical or possible, shall immediately begin such formal~~  
13           ~~training. The formal training shall be provided for through the appointing authority,~~  
14           ~~and the period for such formal training shall be for the duration of not more than six~~  
15           ~~months from the date of appointment. The formal training period shall conclude six~~  
16           ~~months from the date of original appointment or upon the successful completion of~~  
17           ~~the formal training, whichever occurs first, at which time the working test shall~~  
18           ~~commence. The appointing authority shall, within fifteen days, advise the board of~~  
19           ~~the appointment of the recruit as a probational Fire Communications Officer (I).~~

20           ~~(ii) Nothing in this Paragraph shall be construed to require that a newly~~  
21           ~~appointed Fire Communications Officer (I) be terminated should he fail to enroll in~~  
22           ~~or complete formal training within the six-month formal training period.~~

23           ~~(c) Successful completion of formal training as required by this Paragraph~~  
24           ~~for a position in the classification of Fire Communications Officer (I) shall be~~  
25           ~~demonstrated by certification as Telecommunicator in accordance with National Fire~~  
26           ~~Protection Association Standards 1061 and 1221.~~

27           C. Upon any employee completing his working test, the appointing authority  
28           shall so advise the board and furnish a signed statement to the respective employee  
29           of its confirmation and acceptance of the employee as a regular and permanent  
30           employee in the respective position or of its refusal to confirm the employee and the

1 reasons therefor. If, at the expiration of an employee's working test period, the  
 2 appointing authority fails to confirm or reject the employee, such failure to act shall  
 3 constitute a confirmation. ~~Any employee who is rejected after serving a working test~~  
 4 ~~of six months but not more than one year may appeal to the board only upon the~~  
 5 ~~grounds that he was not given a fair opportunity to prove his ability in the position.~~

6 D. The appointing authority may remove, and shall remove upon the order  
 7 of the board, any employee during his working test period who the board finds, after  
 8 giving him notice and an opportunity to be heard, was appointed as a result of an  
 9 error, misrepresentation, or fraud.

10 E. In any event where an employee is permitted under this Section to appeal  
 11 to the board, the decision of the board shall be subject to the judicial review provided  
 12 by this Part and the appointing authority and employee shall be governed  
 13 accordingly.

14 §2495.1.1. Recruit and recruit period

15 A.(1) Each person selected for appointment to an entry level position in the  
 16 classified service from the competitive firefighter, firefighter/operator, or police  
 17 officer employment list who has demonstrated successful completion of formal  
 18 training as provided in Paragraph (4) of this Subsection prior to such appointment  
 19 shall immediately begin the working test.

20 (2)(a) Any person selected for appointment to an entry level position in the  
 21 classified service from the competitive firefighter, firefighter/operator, or police  
 22 officer employment list who has not demonstrated successful completion of formal  
 23 training as provided in Paragraph (4) of this Subsection prior to such appointment  
 24 shall be employed by the appointing authority and reported to the board as a recruit  
 25 and, whenever practical or possible, shall immediately begin such formal training.

26 (b) The formal training shall be provided for through the appointing  
 27 authority, and the period for such formal training shall be for the duration of not  
 28 more than six months from the date of appointment. The formal training period shall  
 29 conclude six months from the date of original appointment or upon the successful

1 completion of the formal training, whichever occurs first, at which time the working  
2 test shall commence.

3 (c) The appointing authority shall, within fifteen days, advise the board of  
4 the appointment of the recruit as a probational firefighter, probational  
5 firefighter/operator, or probational police officer as the case may be.

6 (3) Nothing in this Subsection shall be construed to require that a newly  
7 appointed firefighter, firefighter/operator, or police officer be terminated should he  
8 fail to enroll in or complete formal training within the six-month formal training  
9 period.

10 (4)(a) Successful completion of formal training as required by this  
11 Subsection for a position in the classification of firefighter or firefighter/operator  
12 shall be demonstrated by certification as Firefighter I in accordance with National  
13 Fire Protection Association Standard 1001.

14 (b) Successful completion of formal training as required by this Subsection  
15 for a position in the classification of police officer shall be demonstrated by  
16 certification from a peace officer standards and training accredited training program  
17 as provided by R.S. 40:2405(A).

18 B.(1) Notwithstanding the provisions of Subsection A of this Section or any  
19 other provision of law to the contrary, each person selected for appointment to an  
20 entry level position in the classified service from the competitive Fire  
21 Communications Officer (I) employment list in the city of Shreveport who has  
22 demonstrated successful completion of formal training as provided in Paragraph (4)  
23 of this Subsection prior to such appointment shall immediately begin the working  
24 test.

25 (2)(a) Notwithstanding the provisions of Subsection A of this Section or any  
26 other provision of law to the contrary, any person selected for appointment to an  
27 entry level position in the classified service from the competitive Fire  
28 Communications Officer (I) employment list in the city of Shreveport who has not  
29 demonstrated successful completion of formal training as provided in Paragraph (4)  
30 of this Subsection prior to such appointment shall be employed by the appointing

1 authority and reported to the board as a recruit and, whenever practical or possible,  
2 shall immediately begin such formal training.

3 (b) The formal training shall be provided for through the appointing  
4 authority, and the period for such formal training shall be for the duration of not  
5 more than six months from the date of appointment. The formal training period shall  
6 conclude six months from the date of original appointment or upon the successful  
7 completion of the formal training, whichever occurs first, at which time the working  
8 test shall commence.

9 (c) The appointing authority shall, within fifteen days, advise the board of  
10 the appointment of the recruit as a probational Fire Communications Officer (I).

11 (3) Nothing in this Subsection shall be construed to require that a newly  
12 appointed Fire Communications Officer (I) be terminated should he fail to enroll in  
13 or complete formal training within the six-month formal training period.

14 (4) Successful completion of formal training as required by this Subsection  
15 for a position in the classification of Fire Communications Officer (I) shall be  
16 demonstrated by certification as Telecommunicator in accordance with National Fire  
17 Protection Association Standards 1061 and 1221.

18 \* \* \*

19 §2551. Establishment and maintenance of employment lists

20 The board shall establish and maintain lists containing names of persons  
21 eligible for appointment to the various classes of positions in the classified service,  
22 as follows:

23 \* \* \*

24 (6)(a) The minimum and maximum period for which a name may remain  
25 upon a ~~promotional and~~ competitive employment list established and maintained by  
26 the board for any of the various classes of positions in the classified fire and police  
27 service shall be twelve and eighteen months, respectively, for each list.

28 (b) Notwithstanding any provision of law to the contrary, the minimum and  
29 maximum period for which a name may remain upon a promotional employment list  
30 established and maintained by the board for any of the various classes of positions





1           (c) Any such probational employee in the classified fire service who is  
2           rejected after having served a working test of six months but not more than one year,  
3           may appeal to the board only upon the grounds that he has not been given a fair  
4           opportunity to prove his ability in the position.

5           (3)(a) Any probational employee in a position of a competitive class of the  
6           classified police service, except an entry level police officer, and an entry level radio,  
7           police alarm, or signal system operator, who has served less than six months of his  
8           working test for any given position may be removed therefrom only with the prior  
9           approval of the board. Any probational employee in a position of a promotional  
10          class of the classified police service, who has served less than three months of his  
11          working test for any given position may be removed therefrom only with the prior  
12          approval of the board. Any such probational employee may appeal to the board only  
13          upon one of the following grounds:

14           (i) He is unable or unwilling to perform satisfactorily the duties of the  
15           position to which he has been appointed.

16           (ii) His habits and dependability do not merit his continuance therein.

17           (b) Any such probational employee in the classified police service may  
18           appear before the board and present his case before he is removed.

19           (c) Any such probational employee in the classified police service appointed  
20           to a position of a competitive class who is rejected after having served a working test  
21           of six months but not more than one year, may appeal to the board only upon the  
22           grounds that he has not been given a fair opportunity to prove his ability in the  
23           position.

24           (d) Any such probational employee in the classified police service appointed  
25           to a position of a promotional class who is rejected after having served a working test  
26           of three months but not more than one year, may appeal to the board only upon the  
27           grounds that he has not been given a fair opportunity to prove his ability in the  
28           position.

29           ~~(2)(a) Each person selected for appointment to an entry level position in the~~  
30           ~~classified service from the competitive firefighter, firefighter/operator, or police~~

1 ~~officer employment list who has demonstrated successful completion of formal~~  
2 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~  
3 ~~shall immediately begin the working test.~~

4 ~~(b)(i) Any person selected for appointment to an entry level position in the~~  
5 ~~classified service from the competitive firefighter, firefighter/operator, or police~~  
6 ~~officer employment list who has not demonstrated successful completion of formal~~  
7 ~~training as provided in Subparagraph (c) of this Paragraph prior to such appointment~~  
8 ~~shall be employed by the appointing authority and reported to the board as a recruit~~  
9 ~~and, whenever practical or possible, shall immediately begin such formal training.~~  
10 ~~The formal training shall be provided for through the appointing authority, and the~~  
11 ~~period for such formal training shall be for the duration of not more than six months~~  
12 ~~from the date of appointment. The formal training period shall conclude six months~~  
13 ~~from the date of original appointment or upon the successful completion of the~~  
14 ~~formal training, whichever occurs first, at which time the working test shall~~  
15 ~~commence. The appointing authority shall, within fifteen days, advise the board of~~  
16 ~~the appointment of the recruit as a probational firefighter, probational~~  
17 ~~firefighter/operator, or probational police officer as the case may be.~~

18 ~~(ii) Nothing in this Paragraph shall be construed to require that a newly~~  
19 ~~appointed firefighter, firefighter/operator, or police officer be terminated should he~~  
20 ~~fail to enroll in or complete formal training within the six-month formal training~~  
21 ~~period.~~

22 ~~(c)(i) Successful completion of formal training as required by this Paragraph~~  
23 ~~for a position in the classification of firefighter or firefighter/operator shall be~~  
24 ~~demonstrated by certification as Firefighter I in accordance with National Fire~~  
25 ~~Protection Association Standard 1001.~~

26 ~~(ii) Successful completion of formal training as required by this Paragraph~~  
27 ~~for a position in the classification of police officer shall be demonstrated by~~  
28 ~~certification from a peace officer standards and training accredited training program~~  
29 ~~as provided by R.S. 40:2405(A).~~

1 C. Upon any employee completing his working test, the appointing authority  
2 shall so advise the board and furnish a signed statement to the respective employee  
3 of its confirmation and acceptance of the employee as a regular and permanent  
4 employee in the respective position or of its refusal to confirm the employee, and the  
5 reasons therefor. If, at the expiration of an employee's working test period, the  
6 appointing authority fails to confirm or reject the employee, such failure to act shall  
7 constitute a confirmation. ~~Any employee who is rejected after serving a working test~~  
8 ~~of six months but not more than one year may appeal to the board only upon the~~  
9 ~~grounds that he was not given a fair opportunity to prove his ability in the position.~~

10 D. The appointing authority may remove, and shall remove upon the order  
11 of the board, any employee during his working test period whom the board finds,  
12 after giving him notice and an opportunity to be heard, was appointed as a result of  
13 an error, misrepresentation, or fraud.

14 E. In any event where any employee is permitted under this Part to appeal  
15 to the board, the decision of the board shall be subject to the judicial review provided  
16 by this Part and the appointing authority and employee shall be governed  
17 accordingly.

18 §2555.1. Recruit and recruit period

19 A. Each person selected for appointment to an entry level position in the  
20 classified service from the competitive firefighter, firefighter/operator, or police  
21 officer employment list who has demonstrated successful completion of formal  
22 training as provided in Subsection D of this Section prior to such appointment shall  
23 immediately begin the working test.

24 B.(1) Any person selected for appointment to an entry level position in the  
25 classified service from the competitive firefighter, firefighter/operator, or police  
26 officer employment list who has not demonstrated successful completion of formal  
27 training as provided in Subsection D of this Section prior to such appointment shall  
28 be employed by the appointing authority and reported to the board as a recruit and,  
29 whenever practical or possible, shall immediately begin such formal training.

1           (2) The formal training shall be provided for through the appointing  
 2           authority, and the period for such formal training shall be for the duration of not  
 3           more than six months from the date of appointment. The formal training period shall  
 4           conclude six months from the date of original appointment or upon the successful  
 5           completion of the formal training, whichever occurs first, at which time the working  
 6           test shall commence.

7           (3) The appointing authority shall, within fifteen days, advise the board of  
 8           the appointment of the recruit as a probational firefighter, probational  
 9           firefighter/operator, or probational police officer as the case may be.

10           C. Nothing in this Section shall be construed to require that a newly  
 11           appointed firefighter, firefighter/operator, or police officer be terminated should he  
 12           fail to enroll in or complete formal training within the six-month formal training  
 13           period.

14           D.(1) Successful completion of formal training as required by this Section  
 15           for a position in the classification of firefighter or firefighter/operator shall be  
 16           demonstrated by certification as Firefighter I in accordance with National Fire  
 17           Protection Association Standard 1001.

18           (2) Successful completion of formal training as required by this Section for  
 19           a position in the classification of police officer shall be demonstrated by certification  
 20           from a peace officer standards and training accredited training program as provided  
 21           by R.S. 40:2405(A).

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_