

Regular Session, 2012

HOUSE BILL NO. 801

BY REPRESENTATIVE MONTOUCET

CIVIL SERVICE/FIRE & POL: Provides relative to the reemployment of employees who have resigned or retired from the classified service due to injury

1 AN ACT

2 To enact R.S. 33:2490(E) and 2550(E), relative to the municipal fire and police civil service;  
3 to provide relative to employees who have resigned or retired from the classified  
4 service due to injury; to provide that any such employee may be reemployed at any  
5 time after his resignation or retirement; to provide relative to the position and class  
6 to which he may be reemployed; to provide relative to the qualifications and  
7 seniority of any such employee; to provide limitations; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2490(E) and 2550(E) are hereby enacted to read as follows:

11 §2490. Reinstatement and reemployment

12 \* \* \*

13 E. Any regular employee who resigns or retires from a position in the  
14 classified service may, with the prior approval of the board, be reemployed in a  
15 position of the class in which he was employed immediately preceding his  
16 resignation or retirement or in a position in any lower class. Any such employee  
17 may be reemployed at any time after his resignation or retirement, but he shall be  
18 qualified for the position to which he is reemployed. In addition, the employee shall  
19 be reemployed with the seniority accumulated to the date of his resignation or  
20 retirement; however, a regular employee shall be reemployed as provided in this

1        Subsection only if his resignation or retirement occurred as a result of the employee  
2        being unable to perform the essential functions of his job upon sustaining any injury  
3        that is compensable pursuant to the provisions of Chapter 10 of Title 23 of the  
4        Louisiana Revised Statutes of 1950.

5                            \*       \*       \*

6        §2550. Reinstatement and reemployment

7                            \*       \*       \*

8            E. Any regular employee who resigns or retires from a position in the  
9        classified service may, with the prior approval of the board, be reemployed in a  
10       position of the class in which he was employed immediately preceding his  
11       resignation or retirement or in a position in any lower class. Any such employee  
12       may be reemployed at any time after his resignation or retirement, but he shall be  
13       qualified for the position to which he is reemployed. In addition, the employee shall  
14       be reemployed with the seniority accumulated to the date of his resignation or  
15       retirement; however, a regular employee shall be reemployed as provided in this  
16       Subsection only if his resignation or retirement occurred as a result of the employee  
17       being unable to perform the essential functions of his job upon sustaining any injury  
18       that is compensable pursuant to the provisions of Chapter 10 of Title 23 of the  
19       Louisiana Revised Statutes of 1950.

20        Section 2. This Act shall become effective upon signature by the governor or, if not  
21        signed by the governor, upon expiration of the time for bills to become law without signature  
22        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24        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)]

Montoucet

HB No. 801

**Abstract:** Relative to employees who resign or retire from a position in the classified service due to injury, provides that any such employee may be reemployed at any time following his resignation or retirement.

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. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Present law retains present constitution and present law.

Present law, relative to both systems, provides that a municipal fire and police civil service board is created in the municipal and parish government as well as certain fire protection districts. Provides that the board shall be composed of five members who are required to serve without compensation.

Present law 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 further with respect to which positions are in the classified and unclassified service and provides with respect to classification plans, allocation of positions, employment lists, and tests.

Proposed law retains present law.

Present law provides that any regular employee who resigns from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class or in a position of any lower class for which he is qualified. Requires that reemployment be made within four years of the date of resignation. Provides that any such person may be reemployed provided that no person whose name appears upon either the reinstatement, promotional employment, or reemployment list for a class to which the person is reemployed is willing to accept an appointment. Requires that any person who is reemployed, after a recent examination by a practicing physician, be physically fit to perform the duties of the position to which he is appointed as certified by a favorable medical certificate to the appointing authority and the board.

Proposed law retains present law and additionally provides that any regular employee who resigns or retires from a position in the classified service upon sustaining an injury compensable under present law (worker's compensation), may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately preceding his resignation or retirement or in a position in any lower class. Provides that the employee may be reemployed at any time after his resignation or retirement but requires that he be qualified for the position to which he is reemployed. Further requires that the

employee be reemployed with the seniority accumulated to the date of his resignation or retirement.

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

(Adds R.S. 33:2490(E) and 2550(E))