

Regular Session, 2013

SENATE BILL NO. 213

BY SENATOR MORRELL

LAW ENFORCEMENT. Provides relative to benefits for a classified employee of the New Orleans Police Department on temporary or provisional assignment. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 33:2419(B)(1) and to enact R.S. 33:2434, relative to civil  
3 service; to provide relative to the New Orleans Police Department; to provide  
4 relative to benefits for certain employees in certain positions; to provide for  
5 definitions; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:2419(B)(1) is hereby amended and reenacted and R.S. 33:2434  
9 is hereby enacted to read as follows:

10 §2419. Conditional and temporary appointments

11 \* \* \*

12 B. Temporary appointments to positions in the classified service may be  
13 made for short periods without compliance with the provisions of this Part requiring  
14 certification, as follows:

15 (1)(a) Provisional appointments. When a vacancy is to be filled in a position  
16 of a class for which there are no eligibles available for certification, the appointing  
17 authority, with the prior approval of the director, may make a provisional

1 appointment of any person whom he deems qualified. Such provisional appointment  
2 shall terminate upon the regular filling of the vacancy in any manner authorized  
3 under this Part and, in any event, within fifteen working days after a certification  
4 from which appointment can be required. A provisional appointment shall never  
5 continue for a period in excess of one year unless it is extended by the commission  
6 upon the director's certification that eligibles are not available and that it is not  
7 possible or practicable to provide such eligibles.

8 **(b) Notwithstanding any other provisions of law to the contrary, a**  
9 **classified employee of the New Orleans Police Department who has been**  
10 **temporarily appointed to a provisional appointment shall not be eligible for any**  
11 **additional benefits which is to accrue based upon the promotion, or increase in**  
12 **compensation.**

13 \* \* \*

14 **§2434. Executive level assignment; New Orleans Police Department**

15 **A. Notwithstanding any other provisions of law to the contrary, no**  
16 **additional benefits shall accrue or be earned from compensation above the**  
17 **normal rate of pay for a classified employee of the New Orleans Police**  
18 **Department who has been appointed to a temporary executive level assignment**  
19 **within the department and for which such employee receives special assignment**  
20 **pay.**

21 **B. For purposes of this Section, the following phrases shall have the**  
22 **following meaning:**

23 **(1) "Executive level" shall mean managerial or supervisory level work**  
24 **which is considered ineligible for overtime earnings.**

25 **(2) "Normal rate of pay" shall mean the rate of pay the employee would**  
26 **receive if the assignment was recalled.**

27 **(3) "Special assignment pay" shall mean the special rate of pay or**  
28 **additional earnings that is paid to an employee for performing a special**  
29 **assignment.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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## DIGEST

Morrell (SB 213)

Proposed law retains present law regarding provisional appointments, but prohibits a classified employee of the New Orleans Police Department who has been temporarily appointed to a provisional appointment from being eligible for any benefits which are to accrue based upon the promotion, or increase in salary.

Proposed law provides that notwithstanding any other provisions of law to the contrary, no additional benefits shall accrue or be earned from compensation above the normal rate of pay for a classified employee of the New Orleans Police Department who has been appointed to a temporary executive level assignment within the department and for which such employee receives special assignment pay.

Proposed law provides for definitions.

Effective August 1, 2013.

(Amends R.S. 33:2419(B)(1); adds R.S. 33:2434)