

2015 Regular Session

SENATE BILL NO. 38

BY SENATOR JOHNS

MUNICIPALITIES. Provides relative to the city of Lake Charles municipal fire and police civil service system. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:2494(C), relative to the city of Lake Charles; to provide

3 relative to the municipal fire and police civil service system; to provide relative to

4 the certification and appointment of eligible persons in the police department; to

5 provide for an effective date; 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. 33:2494(C) is hereby amended and reenacted to read as follows:

9 §2494. Certification and appointment

10 * * *

11 C.(1) In the event a vacancy cannot be filled by reinstatement, or by

12 reemployment as above provided, the board shall next certify the names of the

13 persons upon the promotional list, in the order in which they appear thereon, for the

14 class in which the vacancy is to be filled. The appointing authority shall select and

15 appoint to the first vacancy to be filled the one person certified to him who has the

16 greatest seniority in the departmental service. Any remaining positions to be filled

17 in the same class shall be filled by appointing to each such successive vacancy the

1 one of the remaining persons certified therefor who has the next highest seniority in
2 the departmental service. If any one or more persons so certified should refuse the
3 appointment, the appointing authority shall then select and appoint one of the
4 persons certified by the board with the next highest seniority in the departmental
5 service. This procedure shall be followed until the position has been filled by
6 appointment of the one person who has the greatest seniority in the departmental
7 service, and who is willing to accept the appointment, or until each person whose
8 name appears upon the list, has in this order been certified and offered the
9 appointment for the vacancy.

10 (2) Notwithstanding any other provision of law to the contrary, the
11 municipal fire and police civil service system for the city of Lake Charles shall
12 fill a vacant position in the police department in the following manner:

13 (a) In the event a vacancy cannot be filled by reinstatement, or by
14 reemployment as provided in Subsections A and B of this Section, a qualified
15 applicant from the next preceding class of employees shall be promoted to the
16 rank having the vacancy in the following manner. The board shall certify the
17 names of the persons upon the promotional list, in the order in which they
18 appear thereon, for the class in which the vacancy is to be filled. The appointing
19 authority shall select and appoint to the first vacancy to be filled the one person
20 certified to him who has the greatest seniority in the next preceding lower rank.
21 Any remaining positions to be filled in the same class shall be filled by
22 appointing to each such successive vacancy the one of the remaining persons
23 certified therefor who has the next highest seniority in the next preceding lower
24 rank. If any one or more persons so certified should refuse the appointment,
25 the appointing authority shall then select and appoint one of the persons
26 certified by the board with the next highest seniority in the next preceding lower
27 rank. This procedure shall be followed until the position has been filled by
28 appointment of the one person who has the greatest seniority in the next
29 preceding lower rank, and who is willing to accept the appointment, or until

1 each person whose name appears upon the list, has in this order been certified
2 and offered an appointment to the vacancy.

3 (b) Determination of seniority for promotion to a higher promotional
4 position shall be determined by the employee's total number of cumulative days
5 of service in the next preceding lower rank to the vacant position being filled,
6 not seniority in total departmental service. Eligible days of service in a certain
7 rank shall be calculated in probational, provisional, and permanent assignments
8 to that class of positions or rank, but days of service as substitute assignments
9 shall not count towards seniority in that rank.

10 * * *

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

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

SB 38 Original DIGEST 2015 Regular Session Johns

Present law, relative to municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, provides that promotions to vacant positions shall be filled by qualified applicants in order of seniority in total departmental service.

Proposed law retains present law, but makes an exception for the Lake Charles Police Department. Provides that when a vacant position in the Lake Charles Police Department is filled by a promotion, it shall be by qualified applicants in the order of seniority in the next preceding lower rank.

Proposed law further provides that seniority in a rank for purposes of promotions shall be determined by the employee's total number of cumulative days of service in the rank. Provides that days of service shall include days assigned in probational, provisional, and permanent status in the rank, but shall not include any days of service assigned in substitute status.

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

(Amends R.S. 33:2494(C))