

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. 33:2473(20), 2491(D) and (H), and 2494(C), relative to the city
3 of Lake Charles; to provide relative to the municipal fire and police civil service
4 system; to provide for definitions; to provide relative to the certification and
5 appointment of eligible persons in the police department; to provide for an effective
6 date; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2473(20), 2491(D) and (H), and 2494(C) are hereby amended and
10 reenacted to read as follows:

11 §2473. Definitions

12 The following words and phrases when used in this Part shall have
13 the following meaning, unless the context clearly requires otherwise:

14 * * *

15 20. "Seniority" means the following:

16 (a) "Departmental seniority" means the total employment
17 computed for an employee beginning with the last date on which he was

1 regularly and permanently appointed and has worked continuously to and
 2 including the date of computation. Time during which an employee has
 3 served in the armed forces of the United States subsequent to May 1, 1940,
 4 not to exceed four years, shall be construed to mean continuous service and
 5 shall be included in the computation of his **departmental** seniority. Total
 6 **departmental** seniority ~~in the departmental service~~, including positions of
 7 any and all classes, or seniority in any one or more given classes, may be
 8 computed for an employee, but in either case employment shall be
 9 continuous and unbroken by a resignation or discharge of the respective
 10 employee. An employee who is finally discharged or resigns from his
 11 position shall forfeit all accumulated **departmental** seniority. An employee
 12 who is suspended and returns to his position immediately following the
 13 expiration of his suspension shall not forfeit his **departmental** seniority
 14 accumulated to the date of his suspension, but he shall not be given credit for
 15 the lost time at any future computation.

16 **(b) "Promotional seniority" means the total cumulative**
 17 **employment in a class of positions of the next lower class from which a**
 18 **promotion is to be made. Employment counted toward seniority in the**
 19 **next lower class shall include the aggregate of all temporary**
 20 **appointments, the working test period, and employment as a regular and**
 21 **permanent employee in the class, less the aggregate of suspensions**
 22 **without pay while serving in a position of the class. The appointing**
 23 **authority shall maintain accurate records of appointments and**
 24 **suspensions, and shall report such appointments and suspensions to the**
 25 **board in strict compliance with R.S. 33:2503.**

26 * * *

27 §2491. Establishment and maintenance of employment lists

28 The board shall establish and maintain employment lists containing
 29 names of persons eligible for appointment to the various classes of positions

1 in the classified service, as follows:

2 * * *

3 **D.(1) Except as provided in Paragraph (2) of this Subsection,**
4 **names** Names of persons attaining a passing score on a promotion test shall
5 be placed upon the promotion employment list for the class for which they
6 were tested, from highest to lowest, according to their total **departmental**
7 seniority ~~in the departmental service~~. The names of persons attaining a
8 passing score on a competitive test shall be placed upon the competitive
9 employment list for the class for which they were tested, from highest to
10 lowest, according to their final test scores.

11 **(2) Names of persons attaining a passing score on the promotional**
12 **test in the Lake Charles Police Department shall be placed upon the**
13 **promotion employment list for the class for which they were tested, from**
14 **highest to lowest, according to their total promotional seniority in the**
15 **next lower class.**

16 * * *

17 **H.(1) Except as provided in Paragraph (2) of this Subsection, when** When
18 new names are to be placed upon a promotion list for a given class, the remaining
19 names thereon shall be rearranged with the new names so that all names appearing
20 upon the list for the class shall rank, from highest to lowest, according to total
21 **departmental** seniority ~~in the departmental service~~.

22 **(2) When new names are to be placed upon a promotion list for a given**
23 **class in the Lake Charles Police Department, the remaining names thereon shall**
24 **be rearranged with the new names so that all names appearing upon the list for**
25 **the class shall rank, from highest to lowest, according to total promotional**
26 **seniority in the next lower class from which the promotion list is established.**

27 **(3)** When new names are to be placed upon a competitive list for a given
28 class, the remaining names thereon shall be rearranged with the new names so that
29 all names appearing upon the list for the class shall rank, from highest to lowest,

1 according to their final test scores.

2 * * *

3 §2494. Certification and appointment

4 * * *

5 C.(1) In the event a vacancy cannot be filled by reinstatement, or by
6 reemployment as above provided, the board shall next certify the names of the
7 persons upon the promotional list, in the order in which they appear thereon, for the
8 class in which the vacancy is to be filled. The appointing authority shall select and
9 appoint to the first vacancy to be filled the one person certified to him who has the
10 greatest seniority in the departmental service. Any remaining positions to be filled
11 in the same class shall be filled by appointing to each such successive vacancy the
12 one of the remaining persons certified therefor who has the next highest seniority in
13 the departmental service. If any one or more persons so certified should refuse the
14 appointment, the appointing authority shall then select and appoint one of the
15 persons certified by the board with the next highest seniority in the departmental
16 service. This procedure shall be followed until the position has been filled by
17 appointment of the one person who has the greatest seniority in the departmental
18 service, and who is willing to accept the appointment, or until each person whose
19 name appears upon the list, has in this order been certified and offered the
20 appointment for the vacancy.

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

24 **(a) In the event a vacancy cannot be filled by reinstatement, or by**
25 **reemployment as provided in Subsections A and B of this Section, the board**
26 **shall next certify the names of the persons upon the promotional list, in the**
27 **order in which they appear thereon, for the class in which the vacancy is to be**
28 **filled.**

29 **(b) The appointing authority shall select and appoint to the first vacancy**

1 to be filled the one person certified to him who has the greatest promotional
 2 seniority in the next lower rank. Any remaining positions to be filled in the
 3 same class shall be filled by appointing to each such successive vacancy the one
 4 of the remaining persons certified therefor who has the next highest
 5 promotional seniority in the next lower class.

6 (c) If any one or more persons so certified should refuse the appointment,
 7 the appointing authority shall then select and appoint one of the persons
 8 certified by the board with the next highest promotional seniority in the next
 9 lower class. This procedure shall be followed until the position has been filled
 10 by appointment of the one person who has the greatest promotional seniority
 11 in the next lower class, and who is willing to accept the appointment, or until
 12 each person whose name appears upon the list, has in this order been certified
 13 and offered an appointment to the vacancy.

14 * * *

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

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Dawn Romero Watson.

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Present law, relative to municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, defines "seniority" as the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed to a particular department and has worked continuously to and including the date of computation.

Proposed law provides that "departmental seniority" is defined as the term "seniority" is defined in present law and adds "promotional seniority" as a defined term to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Further provides that employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate

of suspensions without pay while serving in a position of the class.

Present law 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 promotional seniority in the next lower rank.

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

(Amends R.S. 33:2473(20), 2491(D) and (H), and 2494(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds definition of "promotional seniority".
2. Adds authority for the municipal civil service board for the Lake Charles Police Department to maintain and generate employment lists based on promotional seniority.