

STATE OF LOUISIANA
MUNICIPAL FIRE AND POLICE CIVIL SERVICE LAW
FOR MUNICIPALITIES BETWEEN 13,000 AND 400,000

LOUISIANA CONSTITUTION OF 1974
ARTICLE X
SECTIONS 16 - 20

AND

REVISED STATUTES 33:2471, et seq.

FIRE AND POLICE CIVIL SERVICE LAW
FOR
LARGE MUNICIPALITIES
WITH A POPULATION OF MORE THAN 13,000



COMPILED BY

Office of the State Examiner
Municipal Fire and Police Civil Service

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CONSTITUTION OF THE STATE OF LOUISIANA OF 1974
ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES
PART II. FIRE AND POLICE CIVIL SERVICE

§16. Establishment of System

Section 16. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

§17. Appointments and Promotions

Section 17. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable municipal fire and police civil service board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

§18. Prior Provisions

Section 18. Except as inconsistent with this Part, the provisions of Article XIV, Section 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approved their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

§19. Exclusion

Section 19. Nothing in Part I of this Article authorizing cities or other political subdivisions to be placed under the provisions of said Part by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

§20. Political Activities

Section 20. Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect.

LOUISIANA REVISED STATUTES

TITLE 33

MUNICIPALITIES AND PARISHES

CHAPTER 5.

CIVIL SERVICE

PART II.

FIRE AND POLICE CIVIL SERVICE LAW FOR MUNICIPALITIES BETWEEN 13,000 AND 250,000

R.S. 33:2471.	Applicability
R.S. 33:2472.	Short title
R.S. 33:2473.	Definitions
R.S. 33:2474.	Effective date of provisions
R.S. 33:2475.	System of classified civil service
R.S. 33:2476.	Municipal fire and police civil service boards
R.S. 33:2476.1	Shreveport fire and police civil service board
R.S. 33:2476.2	City of Opelousas Municipal Fire and Police Civil Service; compensation of members
R.S. 33:2476.3	City of Hammond Municipal Fire and Police Civil Service; compensation of members
R.S. 33:2476.4	Jefferson Parish municipal fire and police civil service board; board secretary
R.S. 33:2477.	Duties of the board
R.S. 33:2478.	Rules
R.S. 33:2479.	State examiner of municipal fire and police civil service
R.S. 33:2480.	Appropriations; facilities for board
R.S. 33:2481.	Classified and unclassified service
R.S. 33:2481.1	Emergency medical services
R.S. 33:2481.2	Lake Charles police chief; term of office
R.S. 33:2481.3	Police chief; city of Houma; unclassified service
R.S. 33:2481.4	Deputy chief of police; competitive appointment
R.S. 33:2482.	Right of employee who entered armed forces to be reinstated
R.S. 33:2483.	Classification plan
R.S. 33:2484.	Allocation of positions to classes
R.S. 33:2485.	Use of class titles
R.S. 33:2486.	Status of incumbent of position when allocated
R.S. 33:2487.	Methods of filling vacancies
R.S. 33:2488.	Demotion
R.S. 33:2489.	Transfer
R.S. 33:2490.	Reinstatement and re-employment
R.S. 33:2491.	Establishment and maintenance of employment lists
R.S. 33:2491.1	Promotional employment list; Shreveport
R.S. 33:2491.2	Promotional employment list: Sulphur
R.S. 33:2491.3	Promotional employment lists; limitations
R.S. 33:2491.4	Promotional employment lists; city of West Monroe; classified police service
R.S. 33:2492.	Tests
R.S. 33:2493.	Admission to tests
R.S. 33:2494.	Certification and appointment
R.S. 33:2495.	Working tests
R.S. 33:2495.1	Continuation of system
R.S. 33:2495.2	Continuation of system
R.S. 33:2496.	Temporary appointments
R.S. 33:2497.	Leaves of absence
R.S. 33:2498.	Abolition of positions in the classified service
R.S. 33:2499.	Lay-offs
R.S. 33:2500.	Corrective and disciplinary action for maintaining standards of service
R.S. 33:2501.	Appeals by employees to the board
R.S. 33:2501.1	Authorization for awarding attorney fees

R.S. 33:2502. Oath, testimony, production of records; refusal to testify
R.S. 33:2503. Duties of officers and employees
R.S. 33:2504. Political activities prohibited
R.S. 33:2505. Other prohibited acts
R.S. 33:2506. Legal services
R.S. 33:2507. Penalties
R.S. 33:2508. Effect of other laws

PART IV.

MISCELLANEOUS PROVISIONS

R.S.33:2586. Fire and police civil service; incentive pay
R.S.33:2589.1 Shreveport chief of fire support staff; competitive appointment

LOUISIANA REVISED STATUTES

TITLE 33 MUNICIPALITIES AND PARISHES

CHAPTER 5. CIVIL SERVICE

PART II. FIRE AND POLICE CIVIL SERVICE LAW FOR MUNICIPALITIES BETWEEN 13,000 AND 250,000

Const. 1921, Art. 14, § 15.1

Const. 1921, Art. 14, § 15.1, relative to fire and police civil service in municipalities of 13,000 to 250,000, was continued as a statute by Art. 10, § 18 of the Constitution of 1974.

§ 2471. **Applicability**

This Part applies to any municipality which operates a regularly paid fire and police department and which has a population of not less than thirteen thousand nor more than two hundred fifty thousand according to the latest regular federal census for which the official figures have been made public.

§ 2472. **Short title**

This Part shall be known and may be cited as "the Municipal Fire and Police Civil Service Law."

§ 2473. **Definitions**

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

1. "Allocation" means the official determination of the class to which a position in the classified service belongs.
2. "Appointing authority" means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police services.
3. "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.
4. "Board" means the municipal fire and police civil service board.
5. "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.
6. "Classification plan" means all the classes of positions established for the classified service.
7. "Classified service" means every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Part; and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Part.

8. "Demotion" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally affords less responsibility and pay.
9. "Department service" means employment in the public service offered and performed separately by the fire and by the police departments of the municipality.
10. "Eligible" means a person whose name is on a list.
11. "Employee" means a person legally occupying a position.
12. "Employment list" or "list" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a reemployment list.
13. "Position" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.
14. "Promotion" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.
15. "Promotion employment list" or "promotion list" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Part to be established from the results of a competitive test.
16. "Promotion test" means a test for positions in a particular class which is not specifically required by this Part to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.
17. "Reemployment list" means an employment list for the entrance or lowest ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the "lay off" provisions of this Part. This list shall not be applicable to persons who have resigned or have been discharged.
18. "Regular employee" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this Part after completing his working test period.
19. "Reinstatement employment list" or "reinstatement list" means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.
20. "Seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, not to exceed four years, shall be construed to mean continuous service and shall be included in the computation of his seniority. Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future computation.

21. "Temporary appointment" means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

Amended by Acts 1982, No. 112, § 1; Acts 1982, No. 651, § 1.

§ 2474. Effective date of provisions

Any system of municipal fire and police civil service under Act 102 of 1944, as amended, which is in force on the effective date of the Revised Statutes, is continued in effect under the provisions of this Part.

The rights of any person under Act 102 of 1944, as amended, which exist on the effective date of the Revised Statutes are continued in effect. Every rule, classification plan, or allocation established under Act 102 of 1944, as amended, which is in force on the effective date of the Revised Statutes is continued in effect until it is amended or repealed by the proper authority under this Part.

§ 2475. System of classified civil service

There is created in the municipal government a classified civil service embracing the positions of employment, the officers, and employees of the municipal fire and police services. The classified civil service shall be known as "the municipal fire and police civil service."

§ 2476. Municipal fire and police civil service boards

A. A municipal fire and police civil service board is created in the municipal government. The board shall be composed of five members who shall serve without compensation. The board shall have a chairman, vice-chairman, and a secretary. The domicile of the board shall be in the municipality it serves.

B. (1)(a) To be eligible for appointment or to serve as a member of a board, a person shall be a citizen of the United States of America, a resident of the municipality in which he is to serve for at least five years next preceding his appointment, and, at the time of his appointment, shall be a qualified voter of the municipality.

(b) However, with respect to the two members elected from the municipal fire and the municipal police departments, such members shall be residents of the parish in which the municipality they are to serve is located for a period of at least five years preceding their appointment upon adoption of resolution so permitting residence location by the local governing authority.

(c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, the two members elected from the municipal fire and the municipal police departments shall not be required to be residents or qualified voters of the municipality in which they are appointed to serve or residents of the parish in which the municipality is located provided that such exceptions are approved by resolution of the local governing authority.

(2)(a) Any employee while serving as a member of a board, shall occupy, as a regular employee, a position or office lower than that of chief, assistant chief, district chief, or battalion chief in the fire service; or a position or office lower than that of chief, assistant chief, or major in the police service.

(b) No member of a board shall have been, during a period of six months immediately preceding his appointment, a member of any local, state, or national committee of a political

party, or an officer or member of a committee in any factional political club or organization.

(c)(i) No member of a board shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal fire or police department which is expressly required by the provisions of this Part.

(ii) However, a member of the Municipal Fire and Police Civil Service Board of the city of Houma may hold a position of public employment if said position of public employment is not with the city of Houma.

C. The first five members of a board shall be appointed by the governing body of the municipality during the ninety day period immediately following the date that this Part takes effect in a municipality under R.S. 33:2471. The members of the board shall be appointed by the governing body as follows:

(1) One shall be appointed by the governing body upon its own nomination.

(2) Two members shall be appointed from a list of four nominees that shall be furnished, within sixty days after the governing authority makes a request by certified letter for such list, by the executive head of a legally chartered and established four-year institution of higher education located within the municipality; or, if there is no such institution in the municipality, by the executive head of such an institution which is within the state and which is the most geographically proximate to the municipality. However, if only two such four-year institutions of higher education are located within the municipality, the head of each of the two institutions shall furnish a list of two nominees and one member shall be appointed from each such list. If a list of nominations is not submitted within sixty days after submission of request for such list, such failure shall be considered a failure to perform a ministerial duty required by law of a public official or corporate officer. To this end, the district attorney for the parish in which the institution is located shall provoke the issuance of a writ of mandamus to compel the official or officer to act as provided by law.

(3) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments as follows:

One member shall be elected and appointed from the fire department, and one member shall be elected and appointed from the police department. The employee-nominee from each department shall be elected by secret ballot of the regular employees of his respective department at an election to be called and held for that purpose by the chief of the department. The chief of each department shall call such an election within forty-five days after this Part takes effect in the municipality by posting, for a fifteen day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department; and, shall officially notify the governing body of the municipality within the ten day period immediately following the election, the name of the employee-nominee so elected by the regular employees of his department. The chief of the department shall vote in the election only in the case of a tied vote.

D. The term of office for all members of the board shall be for a period of three years, except that the first member appointed by the governing body of a municipality upon its own nomination shall serve for a period of two years; the first employee members nominated and appointed as provided above shall serve a term of one year. Each member shall serve until his successor has been appointed and qualified.

E. Upon the term of office expiring for a member of a board, or because of a vacancy in the office of any member thereof, the governing body of the municipality shall appoint a

successor in the same manner as the outgoing member was appointed; and such successive appointment shall be made within ninety days immediately following the expiration or vacancy.

- F. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the Constitution and laws of Louisiana and of the United States; to administer faithfully and impartially the provisions of this Part and the rules adopted under the authority of this Part.
- G. Members of such a board serving under Act 102 of 1944, as amended at the time the Revised Statutes take effect shall continue in office until the expiration of the term for which they were appointed.
- H. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. The district attorney of the district wherein the board member resides may institute such suit, and shall do so upon the written request, specifying the charges, of twenty-five citizens and taxpayers of the municipality of which the board member is a resident. The district attorney shall associate in the diligent prosecution of such suit any attorney selected and employed by the citizens and taxpayers.
- I. The governing body of the municipality shall advise, within and not later than the expiration of the ninety day period provided for the appointment of the board members, each appointee of his appointment and term of office as a member of the municipal fire and police civil service board; and, an official record thereof shall be placed in the official minutes of the governing body.
- J. The original members of the board shall meet within thirty days after their appointment in their first official meeting; take the oath of office; elect a chairman and vice-chairman; and transact any other business pertinent at that time. The oath of office shall be administered by the city clerk or by any other person having the legal authority to administer it.
- K. A chairman and vice-chairman shall be elected by the members of the board. The term for which either the chairman or vice-chairman shall serve as such, shall run concurrently with that for which he was appointed a member of the board; except the term of either office shall terminate upon death of the incumbent, or his resignation from the office or from the board or his removal from the board.
- L. (1) At the discretion of the board, the office of secretary shall be filled in one of the following ways:
 - (a) By electing one of its members thereto.
 - (b) By appointing the city clerk, or secretary-treasurer of the municipality to fill such office ex-officio.
 - (c) By employing on a part-time basis any other person and paying a salary not to exceed twelve hundred fifty dollars per month which salary shall be approved by the municipal governing authority.
- (2) The board may terminate the term of office of any person serving as its secretary at any time. No person serving as secretary of a board, except a member thereof, shall have the right to vote in its proceedings. The secretary shall attend the meetings of the board; keep a record of its proceedings; attend to correspondence directed to him, and other correspondence ordered by the chairman; perform other functions assigned

to him by the board; and cooperate with the state examiner in a manner that will assist the examiner to carry out effectively the duties imposed upon him by this Part or those functions which may be requested of him by the board.

- M. The board shall meet at any time after its original meeting upon the call of the chairman, who shall give all members of the board due notice thereof. The chairman of the board shall call, and the members of the board shall attend, one regular meeting of the board within each quarterly period of each calendar year. If a chairman fails or refuses to call such quarterly meeting of his board, the members of the board shall meet upon the written call of any two members mailed ten days in advance of the meeting. Four members of the board shall constitute a quorum, and the concurring votes of any three members comprising the quorum of the board shall be sufficient for the decision of all matters to be decided or transacted by it. Meetings of the boards shall be open to the public.

Amended by Acts 1969, No. 146, § 1; Acts 1975, No. 363, § 1; Acts 1976, No. 69, § 1; Acts 1976, No. 166, § 1; Acts 1977, No. 470, § 1; Acts 1978, No. 184, § 1; Acts 1980, No. 302, § 1; Acts 1981, No. 776, § 1; Acts 1983, No. 473, § 1; Acts 1993, No. 689, § 1; Acts 1997, No. 517, § 1, eff. July 3, 1997; Acts 1997, No. 1326, § 1, eff. July 15, 1997; Acts 1999, No. 454, § 1; Acts 1999, No. 1177, § 1; Acts 2010, No. 627, § 1, eff. July 1, 2010.

§ 2476.1. Shreveport fire and police civil service board

- A. Notwithstanding the provisions of R.S. 33:2476, the members of the Shreveport municipal fire and police civil service board shall be appointed by the governing authority of the municipality as follows:

(1) One shall be appointed by the governing authority upon its own nomination.

(2) Two members shall be appointed from a list of nominees submitted by the chancellor of Louisiana State University at Shreveport and two shall be appointed from a list of nominees submitted by the chancellor of Southern University at Shreveport. Each chancellor shall submit two nominations for each position which is to be filled. Such nominations shall be made within sixty days of request, made by certified letter, for such list. If a list of nominations is not submitted within sixty days after submission of request for such list, such failure shall be considered a failure to perform a ministerial duty required by law of a public official or corporate officer. To this end, the district attorney for Caddo Parish shall provoke the issuance of a writ of mandamus to compel the official or officer to act as provided by law.

(3) In an effort to ensure that the board is sensitive to concerns of all of the citizens of the municipality, the governing authority shall make appointments pursuant to Paragraphs (1) and (2) of this Subsection so as to provide that membership on the board will reflect the ethnic and cultural diversity of the population of the municipality.

(4) The governing authority shall appoint four members who have been nominated and elected by and from the regular employees of the fire and police departments as follows:

(a) Two members shall be elected and appointed from the fire department, and two members shall be elected and appointed from the police department. The employee-nominees from each department shall be elected by secret ballot of the regular employees of their respective department at an election to be called and held for that purpose by the chief of the department. In such an election, each voting employee shall cast two votes and may distribute them among candidates in any manner the voter chooses, including casting both votes for a single candidate. The two candidates receiving the most votes shall be elected.

(b) The chief of each department shall call such an election within forty-five days after the effective date of this Paragraph by posting, for a fifteen-day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department. The chief shall officially notify the governing authority of the municipality, within the ten-day period immediately following the election, of the names of the employee-nominees so elected.

(c) The chief of the department shall vote in the election only in the case of a tie vote.

- B. The terms of members appointed pursuant to Subsection A of this Section shall be three years except that the initial terms of such members shall be as follows: the member appointed on the governing authority's own nomination shall serve three years; the members appointed from nominees submitted by the executive head of a college or university shall serve two years; and the employee members shall serve one year.
- C. Any single vacancy in an employee-member position on the Shreveport board which occurs prior to the expiration of a term shall be filled by election-nomination and appointment as provided in Paragraph A(4) of this Section except that each voting employee shall cast a single vote.
- D. In Shreveport, five members of the board shall constitute a quorum, and the concurring votes of a majority of those present and voting, a quorum being present, shall be sufficient for the decision of all matters to be decided or transacted by it.

Added by Acts 1999, No. 1190, § 1. Amended by Acts 2001, No. 505, § 1.

§ 2476.2 City of Opelousas Municipal Fire and Police Civil Service Board: compensation of members

Notwithstanding any other provisions of this Part to the contrary, the members of the City of Opelousas Municipal Fire and Police Civil Service Board, except the two members elected from the municipal fire and municipal police departments, shall receive from funds available to the board compensation in the amount of twenty-five dollars for attendance at meeting of the board not to exceed two meetings per month, for maximum of twenty-four days per year.

Added by Acts 2001, No. 683, § 1.

§ 2476.3 City of Hammond Municipal Fire and Police Civil Service Board: compensation of members

Notwithstanding any contrary provision of this Part or of Paragraph 6 of Section 15.1 of Article XIV of the Louisiana Constitution of 1921 made statutory by the provisions of Article XIV, Section 18 of the Louisiana Constitution of 1974, the members of the City of Hammond Municipal Fire and Police Civil Service Board, except the two members elected from the municipal fire and the municipal police departments, shall receive from funds available to the board compensation in the amount of fifty dollars per day for attendance at meetings of the board not to exceed two days per month, for a maximum of twenty-four days per year.

Added by Acts 2002, No. 76, § 1, eff. April 18, 2002.

§ 2476.4 Jefferson Parish municipal fire and police civil service board; board secretary

Notwithstanding the provisions of R.S. 33:2476(L)(1), any municipal fire and police civil service board in any municipality in Jefferson Parish may also fill the office of secretary by employing any

other person on a full-time basis with a rate of salary equivalent to like administrative personnel of the municipality, which salary range shall be subject to approval by the governing authority and the mayor.

Added by Acts 2009, No. 393, § 1, eff. July 7, 2009.

§ 2477. Duties of the board

The board shall:

- (1) Represent the public interest in matters of personnel administration in the fire and police services of the said municipal government.
- (2) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments of the municipality, with reference to the maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.
- (3) Advise and assist the employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.
- (4) Make, at the direction of the mayor, commissioner of public safety, chief of either the fire or police department, or upon the written petition of any citizen for just cause, or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Part in the said municipal fire and police services; review, and modify or set aside upon its own motion, any of its actions; take any other action which it determines to be desirable or necessary in the public interest, or to carry out effectively the provisions and purposes of this Part. However, any investigation requested of the board by the mayor, commissioner of public safety, chief of either the fire or police department, or upon the written petition of any citizen for just cause shall be completed within sixty days of the board's receipt of the request for an investigation or receipt of a written petition of any citizen, or both.
- (5) Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Part. Investigations conducted pursuant to the provisions of this Paragraph shall be completed within sixty days. However, the sixty-day limitation shall not apply to any investigation conducted pursuant to the provisions of Subpart H of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:2181 et seq.
- (6) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments affected by this Part, and the state examiner of municipal fire and police civil service bring before it.
- (7) Make, alter, amend, and promulgate rules necessary to carry out effectively the provisions of this Part.
- (8) Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by rules of the board.
- (9) Make reports to the governing body, either upon its own motion or upon the official request of the governing body, regarding general or special matters of personnel

administration in and for the municipal fire and police services of the municipality, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

Amended by Acts 2004, No. 274, § 1.

§ 2478. Rules

Each board may adopt and execute rules, regulations, and orders necessary or desirable effectively to carry out the provisions of this Part, and shall do so when expressly required by this Part. No rule, regulation, or order shall be contrary to, or in violation of, any provision, purpose, or intent of this Part or contrary to any other provision of law. The board may amend or repeal any rule or part thereof in the same manner provided herein for the adoption of the rule. All rules shall be applicable to both the fire and police classified services, unless by express provisions therein, it is made applicable to only one of the services.

A board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any municipal officer, employee, private citizen, and the state examiner shall be given an opportunity to show cause why the proposed rule, amendment, or any part thereof should not be adopted. Before the board holds this public hearing, it shall furnish at least thirty days notice in advance of the date, time, and place therefor to the mayor, commissioner of public safety, and other municipal commissioner when the rule may in any way affect, the chief and each station of the departmental service to be affected by the adoption of any such rule, and to the state examiner. A copy of all proposed rules to be discussed at any hearing shall be furnished with all notices. Each notice and copy of proposed rule furnished the various stations of a respective department shall be posted upon the bulletin board of each station for a period of at least thirty days in advance of the hearing.

Within thirty days after the board has adopted any rule, whether it is a new rule or amendment to an existing rule, or an abolition in whole or part thereof, it shall furnish an official copy thereof to all persons and places set forth above.

Rules adopted under the authority of this section shall have the force and effect of law.

§ 2479. State examiner of municipal fire and police civil service

- A. The office of state examiner of municipal fire and police civil service is created.
- B. The state examiner shall be a resident and qualified voter of the state. He shall be a person who has had experience in the field of personnel administration.
- C. The state examiner shall maintain a suitable office in the city of Baton Rouge. The officer charged by law with the custody of state buildings shall assign suitable office space to the examiner. The examiner shall appoint employees necessary for him to carry out his duties effectively.
- D. The state examiner shall serve on a full-time basis. He shall be paid a salary of not less than forty-two hundred dollars per year. He shall be paid for his traveling and living expenses while away from the city of Baton Rouge.
- E. The state examiner shall take the oath of office and furnish bond for the faithful performance of his duties according to law in the sum of five thousand dollars. The premium of the bond shall be paid from the funds appropriated to the state examiner. The state examiner shall be ex-officio a notary public for the state at large.

- F. The state examiner may obtain on a contractual or fee basis the services which his office is unable to supply and which are necessary for his compliance with the provisions of this Part.
- G. The state examiner shall:
- (1) Assist the various boards in an advisory capacity in the discharge of their duties.
 - (2) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in R.S. 33:2483.
 - (3) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified service of the municipalities; score the tests and furnish the results to the board for which the tests are given.
 - (4) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.
 - (5) Assist and cooperate in an advisory manner with the various appointing authorities, department officers, and the classified employees, of the municipalities regarding the duties and obligations imposed upon them by the provisions of this Part.
 - (6) Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.
 - (7) Make annual or biennial reports regarding the work of his office to the governor.
- H. The office of Deputy State Examiner of Municipal Fire and Police Civil Service is created, subject to the supervision of and orders of the state examiner; he is authorized and empowered to exercise the authority and perform the duties of the state examiner as herein provided. He shall receive and be paid a salary in the amount fixed by the Governor and shall be paid traveling and living expenses while away from the place of his residence.

Amended by Acts 1950, No. 108, §§ 1,2; Acts 1999, No. 456, § 1.

§ 2480. Appropriations; facilities for board

The legislature shall make adequate annual appropriations to enable the state examiner to carry out effectively the duties imposed upon him by this Part. The governing body of the municipality shall make adequate annual appropriations to enable the board of the municipality to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

§ 2481. Classified and unclassified service

- A. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

(Fire)

- (1) The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon

and company officers of the fire department.

- (2) Fire fighting.
- (3) Fire prevention; inspection.
- (4) Driving, tillering, and operation of fire apparatus.
- (5) Operations and maintenance of radio, fire alarm, or signal system.
- (6) Fire department instructors in employee training.
- (7) Fire salvage and overhauling services, first aid, advanced life support, and emergency medical services.
- (8) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.
- (9) Secretary to the chief. Departmental records clerk.

(Police)

- (1) The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon, and company officers of the police department.
- (2) Law enforcement.
- (3) Crime prevention; identification; inspection; and investigation.
- (4) Police headquarters desk service; jailer, and police matron.
- (5) Operations and maintenance of radio, police alarm, or signal system.
- (6) Police department instructors in employee training.
- (7) Police control of traffic (vehicular and pedestrian.)
- (8) Automotive or police apparatus repairs, if such service is operated exclusively by and for either or both the police or fire department.
- (9) Secretary to the chief. Department records clerk.

B. The unclassified service shall comprise the following:

- (1) All officers, employees, and positions of employment in the municipal government, not having as a principal duty one of the duties hereinabove provided in the classified service.
- (2) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.
- (3) Secretaries, stenographers, and all clerical positions not specifically included in the classified service.
- (4) Pound keepers, dog catchers, janitors, porters, elevator operators, chefs, kitchen helpers and workers, mechanic's helper, car washers, unskilled labor, special guards at schools, or any part-time, or temporary employee.

- (5) Any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge is vested in and with those other than the municipal government or an officer or employee thereof.
- (6) The chief of police for the City of Hammond.

Amended by Acts 1985, No. 998, § 1, eff. July 23, 1985, Amended by Acts 2001, No. 5, § 1.

§ 2481.1. Emergency medical services

- A. Any municipality subject to the provisions of this Part may, in accordance with this Section, establish with the fire department an emergency medical services division. Assignments to the division shall be made from within the classified service. The local fire and police civil service board shall prescribe qualifications for positions within the division and the office of the state examiner shall prepare and administer a competitive test for the entrance level position in the division. All positions in the division above the entrance level shall be by promotion in accordance with the other provisions of this Part based upon promotional tests prepared and administered by the office of state examiner to determine fitness for such promotional positions as such positions are described by the rules adopted by the fire and police civil service board. No person shall be admitted to a test for any position in the emergency medical services division who does not hold as a minimum a certificate as a "Certified Emergency Medical Technician-Basic" as that term is defined in R.S. 40:1231.
- B. A fire and police civil service board may by rule require that any person assigned to emergency medical services division shall maintain minimum certification as a "Certified Emergency Medical Technician-Basic" as provided in R.S. 40:1231. Any person not maintaining such certification shall be returned to the position that he occupied in the classified service prior to his assignment to the emergency medical services division in accordance with the other provisions of this Part.
- C. Nothing in this Section shall be construed to prohibit any municipality, parish, or fire protection district from establishing an emergency medical services division, department, or other agency rendering such services outside of the fire department without compliance with the provisions of this Section. However, a fire department may provide advance life support and emergency medical services without creating a separate division for that purpose.

Added by Acts 1985, No. 998, § 1, eff. July 23, 1985.

§ 2481.2 Lake Charles police chief; term of office

The city of Lake Charles may, by amendment to its home rule charter in accordance with law, establish procedures for the appointment of the position of police chief for a term of not less than six years. The position shall be a classified position, but the person appointed chief shall be subject to removal or reappointment at the expiration of the term of office in accordance with the procedures established by the city charter. The mayor may reappoint the police chief for a subsequent term in accordance with the provisions set forth in the city charter. If the mayor does not reappoint the police chief to a subsequent term, the new police chief must be appointed from a list of qualified candidates who have completed the same application process which applies to any other civil service applicant including competitive testing and evaluation. Except as provided in this Section, the office of police chief shall be subject to all provisions of this Part and all rules and regulations adopted by the state examiner and by the local fire and police civil service board.

Added by Acts 2001, No. 709, § 1.

§ 2481.3 Police chief; city of Houma; unclassified service

- A. Notwithstanding any provision of law to the contrary, the position of chief of police for the city of Houma is in the unclassified service, and the right of selection, appointment, supervision, and discharge for such position is vested in the president of the parish of Terrebonne. The chief of police shall have not less than five years of full time law enforcement experience and shall have successfully completed a certified training program approved by the Council on Peace Officers Standards and Training. The appointment of the chief of police shall be subject to the approval of the parish governing authority. Any person appointed to the position of chief of police shall meet all qualifications and requirements as provided in the parish compensation plan in effect at the time of his appointment.
- B. Any person who resigns from a position in the classified service to be appointed chief of police shall not forfeit his seniority accumulated to the date of his resignation, but he shall not accumulate seniority during the time he is not in the classified service. If any such person resigns from the position of chief of police or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. If the position has been filled or no longer exists, then his former employer shall employ him in a comparable position.
- C. The provisions of this Section shall be null and void on July 1, 2012.

Added by Acts 2009, No. 416, § 1, eff. July 7, 2009; Acts 2009, No. 418, § 1, eff. July 7, 2009.

§ 2481.4 Deputy chief of police; competitive appointment

- A. Notwithstanding any other provision of law to the contrary, the governing authority may create, by ordinance, the position of deputy chief of police in accordance with the provisions of this Section. The position shall be filled on a competitive basis from a list of eligibles as provided for under R.S. 33:2491(D), and the right of selection, appointment, supervision, and discharge for such position shall be vested in the chief of police, subject to approval of the appointing authority. In addition, the governing authority shall establish the duties and responsibilities of the deputy chief of police in the ordinance creating the position. Such duties and responsibilities may include direct supervision over all positions in the classified service below the rank of chief of police. The position of deputy chief of police is not the same as the position of assistant chief of police as provided in R.S. 33:2481(A)(1).
- B. (1) The deputy chief of police shall have not less than eight years of full time law enforcement experience and shall at least hold the rank of sergeant in the classified police service at the time of his appointment.

(2) Any person who holds the position of deputy chief of police may, while holding such position, apply for admission to the promotional examination for the class next higher than that from which he was appointed as deputy chief of police. However, the name and score of any deputy chief of police shall not be certified to the appointing authority by the civil service board as eligible for appointment to a position of the promotional class, and his name and score shall be eligible for certification, in accordance with the maximum period for which a name may remain on the eligibility list in accordance with the provisions of this Part, only upon demotion to a position of the class from which he was appointed as deputy chief of police.

(3) Eligibility for admission to the competitive test for deputy chief of police shall be limited to members of the same department as the chief of police at the time of appointment.

- C. (1) Any person who is appointed from a position in the classified police service to serve as deputy chief of police shall not forfeit his seniority accumulated to the date of his appointment, and he shall continue to accumulate seniority in accordance with the provisions of this Part during the time he holds the position of deputy chief of police. The deputy chief of police shall serve indefinitely in the classified competitive position and shall be evaluated every three years by the chief of police. After each evaluation by the chief of police, the chief may reconfirm the deputy chief for another three year period, or may, at his discretion, demote the deputy chief to his former class of positions.
- (2) If any such person is demoted as the result of such evaluation, or otherwise vacates the position on the approval of the chief of police, he shall be demoted to a position in the class he held immediately preceding his appointment as deputy chief of police. If a deputy chief of police is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

Added by Acts 2010, No. 748, § 1, eff. June 29, 2010.

§ 2482. Right of employee who entered armed forces to be reinstated

Any regular and permanent employee who left a position of the departmental service, which now comes within the classified service, subsequent to May 1, 1940, and entered the armed forces of the United States shall be restored to his position and, thereafter, be subject to the rights and jurisdiction of the classified service created by this Part if he makes application therefor to the appointing authority within sixty days from the date of his honorable discharge or discharge under honorable conditions, and is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

§ 2483. Classification plan

Each board, as soon as practicable (not to exceed a period of eighteen months) after this Part takes effect in the municipality, shall adopt a classification plan for the fire and police services of the municipality. Each classification plan shall consist of classes to be designated either by standard titles, ranks, or a combination thereof, for all positions included in the classified service for each of the fire and police services. The classification plan may be divided into groups of classes. The various classes of positions shall be arranged in each classification plan so as to show the principal and natural lines of promotion and demotion. The classification plan shall be adopted as rules of the board, in the manner provided by this Part for the adoption of rules. Rules creating the classification plan, future classifications, abolition of any classification, any amendment thereto, or revision thereof shall be adopted by a board only after consultation with the appointing authority, and the state examiner. The original classification plan to be established when this Part takes effect in a municipality shall be prepared, after consultation with the appointing authority, and submitted to the board for its approval and adoption, by the state examiner. The board may amend or revise the classification plans before adopting them. The state examiner shall advise and assist the board in all future classifications when requested to do so.

§ 2484. Allocation of positions to classes

The board, or chairman thereof subject to the subsequent approval of the board, as soon as practicable (not exceeding forty-five days) after the adoption of a classification plan, after consultation with the appointing authorities concerned, shall allocate each position in the classified service to its appropriate class; and thereafter shall likewise allocate each new position created in the service, and, when for the benefit of the service, reallocate positions from class to class.

Whenever the duties of a position are so changed by the appointing authority that the position in effect becomes one of a different class from that to which it is allocated, the change shall operate to abolish the position and to create a new position of the different class.

Whenever the board finds any change in the duties of any position in the classified service was brought about by the appointing authority to effect a reduction in the classification of any employee because of political, religious, or discriminatory reasons, or without just cause, it shall refuse to recognize any such action, and shall order the appointing authority to continue the employee in the position and class with all rights and privileges.

§ 2485. Use of class titles

The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all other titles on all pay rolls, budget estimates, and official records and reports pertaining to the position, except that any abbreviation or code symbol approved by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by this Part. No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

§ 2486. Status of incumbent of position when allocated

Every person employed in the municipal fire and police services for a continuous period of at least six calendar months immediately preceding the date that this Part takes effect in the municipality, who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and bound under the classified service, the provisions of this Part, and the rules adopted hereunder.

When any position is first allocated hereunder, or is reallocated to a different class to correct an error in its previous allocation, or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee and the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Part if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or reallocated. Such employee however may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard thereon by the board; and the board shall hear and decide the complaint in any manner deemed proper.

§ 2487. Methods of filling vacancies

Vacancies in positions in the classified service shall be filled by one of the following methods:

- (1) Demotion
- (2) Transfer
- (3) Reinstatement
- (4) Promotional appointment
- (5) Competitive appointment
- (6) Reemployment
- (7) Temporary appointment.

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof.

§ 2488. Demotion

Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

§ 2489. Transfer

Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service, at the pleasure of the appointing authority without notice to and confirmation by the board.

Any regular employee so transferred shall have the right of appeal to his board upon the grounds (1) that his transfer was made to a position not included within the class to which his position was previously allocated, or (2) that the position to which he has been transferred is not included within the classified service; or (3) the transfer was made deliberately to discriminate against him.

§ 2490. Reinstatement and reemployment

- A. Each employee who, during or at the expiration of his working test period of probation following his promotion after being certified from an appropriate employment list, is rejected and refused permanent status in the position and class to which he was promoted, shall be automatically reinstated to the position from which he was promoted without his name being placed upon any list.
- B. All employees whose names appear upon the reinstatement list for a respective class shall be reinstated in a position thereof, in the reverse order from which their names were placed upon the list, before any other appointment is made therein.
- C. All employees whose names appear upon the reemployment list for a class from which they were laid off according to the provisions of R.S. 33:2499, shall be reemployed in a position thereof, or offered such appointment, in the reverse order from which their names were placed upon the list for the class, before any other employment or appointment is made in it.
- D. 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, provided, that the reemployment is made within four years of the date of resignation, and that no person whose name appears upon either the reinstatement, promotional employment, or re-employment list for a class to which any such person is reemployed is willing to accept an appointment therein. Any person who is reemployed shall be physically fit to perform the duties of the position to which he is appointed. He shall furnish a favorable medical certificate to the appointing authority and the board after a recent examination by a practicing physician.

Amended by Acts 1985, No. 540, § 1.

§ 2491. Establishment and maintenance of employment lists

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

- A. Names of regular employees who are demoted from any class for a reason other than disciplinary action shall be placed upon the reinstatement list for the class from which they were demoted in the order in which the demotions were made.
- B. Only the names of regular employees who have been laid off in accordance with provision of R.S. 33:2499 shall be eligible for entry upon the reemployment list. The names of such persons shall be entered upon the reemployment list for the class from which they were laid off in the order in which the lay-offs were made.
- C. A name placed upon either the reinstatement or the reemployment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification from either list.
- D. Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total seniority in the departmental service. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.
- E. Any person whose name is placed upon the competitive employment list for the entrance or lowest ranking class in the classified service who has served in the armed forces of the United States of America during the times of war, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board in any manner it deems advisable.
- F. The minimum and maximum period for which a name may remain upon a promotional and competitive employment list shall be twelve and eighteen months, respectively, for each list.
- G. The employment lists for which eligibles are obtained from the results of tests given for that purpose shall be reestablished in the manner further provided in this Part.
- H. When new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total seniority in the departmental service. When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.
- I. A person who has attained a passing score on an examination administered by the state examiner for entrance police officer, entrance firefighter, or for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police services is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district under the Municipal Fire and Police Civil Service System, provided the person's application and score are accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. In order that his name may be placed upon the employment eligibility list, a person shall be required to meet the minimum qualifications adopted as rules of the respective civil service board, as if making original application for admission to the test. The eligibility of such an applicant shall not continue past the date on which his original eligibility expired.

Amended by Acts 1981, No. 937, § 1; Acts 1992, No. 213, § 1; Acts 1993, No. 186, § 1; Acts 2006, No. 216, § 1, eff. July 1, 2006.

§ 2491.1. Promotional employment lists; Shreveport

- A. Except as otherwise provided in this Section, the municipal fire and police civil service board of the city of Shreveport shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service as provided in R.S. 33:2491.
- B. Notwithstanding the provisions of R.S. 33:2491 and Article XIV, Section 15.1, Paragraph 21 of the Constitution of 1921 made statutory by Article X, Section 18 of the constitution, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm, or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and police civil service board of the city of Shreveport in determining the total seniority in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department.
- C. The provisions of this Section shall not be construed to affect the pay, retirement, or any other benefit based upon departmental service of any person occupying a classified police position in the municipal fire and police civil service of the city of Shreveport.

Added by Acts 1989, No. 692, § 2; Acts 1989, No. 799, § 2.

§ 2491.2. Promotional employment lists; Sulphur

- A. Except as otherwise provided in this Section, the municipal fire and police civil service board of the City of Sulphur shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service as provided in R.S.33: 2491.
- B. (1) Notwithstanding the provisions of R.S.33:2491 and Article XIV, Section 15.1, Paragraph 21 of the Constitution of 1921 made statutory by Article X, Section 18 of the Louisiana Constitution of 1974, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm, or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and police civil service board of the City of Sulphur in determining the total seniority in the departmental service of a person for the purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department.

(2) However, if the person has been employed in departmental service for at least five years in any classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department, then all service of such person in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm, or signal system, automotive or police apparatus repairs, secretary to the chief, or department

records clerk shall be counted by the municipal fire and police civil service board of the City of Sulphur in determining the total seniority in the departmental service of such person for the purposes of ranking the name of that person on a promotional employment list.

- C. The provisions of this Section shall not be construed to affect the pay, retirement, or any other benefit based upon departmental service of any person occupying a classified police position in the municipal fire and police civil service of the City of Sulphur.

Added by Acts 2001, No. 980, § 2

§ 2491.3. Promotional employment lists; limitations

- A. Except as otherwise provided in this Section, any municipal fire and police civil service board covered by this Subpart, except as provided in R.S. 33:2491.1 and 2491.2, shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service as provided in R.S. 33:2491.
- B. Notwithstanding the provisions of R.S. 33:2491 and Article XIV, Section 15.1, Paragraph 21 of the Louisiana Constitution of 1921 made statutory by Article X, Section 18 of the Louisiana Constitution of 1974, departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm or signal system, automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by the municipal fire and police civil service board of the city in determining the total seniority in the departmental service of a person for purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as a chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department.
- C. The provisions of this Section shall not be construed to affect the pay, retirement, or any other benefits upon departmental service of any person occupying a classified police position in the municipal fire and police civil service.
- D. The provisions of this Section shall not be applicable to any person employed prior to July 1, 2004, in a classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department.

Added by Acts 2004, No. 429, § 1.

§ 2491.4. Promotional employment lists; tests; city of West Monroe; classified police service

- A. Notwithstanding any provision of law to the contrary, the maximum period of time for which a name may remain upon a promotional employment list established and maintained by the municipal fire and police civil service board of the city of West Monroe for any of the various classes of positions in the classified police service shall be forty-eight months.
- B. The minimum period of time for which a name may remain upon a promotional employment list established and maintained by the municipal fire and police civil service board of the city of West Monroe for any of the various classes of positions in the classified police service shall be as provided in R.S. 33:2491(F).

- C. Promotional tests for positions in the various classes in the classified police service in the city of West Monroe, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but shall be given as provided in R.S. 33:2492(6).
- D. The provisions of this Section shall apply to any promotional employment list established and maintained by the municipal fire and police civil service board of the city of West Monroe for any of the various classes of positions in the classified police service containing the names of eligible persons on and after July 6, 2009.

Added by Acts 2009, No. 329, § 1, eff. July 6, 2009.

§ 2492. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

(1)(a) The board shall provide through the state examiner for promotional or competitive tests. Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (i) class of positions for which tests will be given, (ii) whether the tests will be given on a promotional or competitive basis, and (iii) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date for administering the tests.

(b) In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published at least four times during the thirty-day period in the official journal of the municipality in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe.

(2) As may be necessary from time to time, the state examiner may call for and administer examinations for the entrance classifications of firefighter, police officer, and for the entrance classes for positions of which the operation and maintenance of a radio, alarm, or signal system for the fire or police service is the primary duty. Tests may be administered at the discretion of the state examiner in any municipality, parish, or fire protection district to which this Part applies. Official notification shall not be made to the extent required under Paragraph (1) of this Section; however, public notice shall be published at least four times during a thirty-day period in the official journal of the state of Louisiana and may be posted on the bulletin board in each station of the respective department. This notice of examination need not state the exact date on which tests shall be administered, but all applicants shall be advised of the date, place, and time to report for an announced test at least five days in advance thereof in any manner the state examiner may prescribe.

3) Each person in a group of candidates being tested at a given time for the same class of employment shall be given the same test, and it shall be administered in the same manner to each candidate. No question shall be framed so as to elicit information concerning the political, factional, or religious opinions or affiliations of any applicant.

(4) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials in the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purposes of the tests.

- (5) Seventy-five percent shall constitute a passing score for all tests administered under the provisions of this Part.
- (6) Promotional tests for positions in the various classes in the classified service, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.
- (7) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:
- (a) Chief of the departmental service.
 - (b) The entrance or lowest ranking class in the classified service.
 - (c) The entrance or lowest ranking class in any group of classes where the various classes have been divided into groups by the classification plan.
 - (d) Operation, maintenance, and supervision of radio, fire alarm, police alarm, and other signal systems.
 - (e) Automotive or fire apparatus mechanics and repairmen.
 - (f) Secretary to the chief.
 - (g) Departmental records clerk.
 - (h) For a position in any class in the classified service after reasonable efforts by preceding methods provided by this Part have failed to produce names of persons eligible for regular appointment thereto.
- (8) All tests required by this Part shall be prepared, administered, and scored by the state examiner in accordance with the provisions of this Part. The results of the tests shall be furnished the board for which the tests have been held as soon as practicable after the tests have been administered. All test questions, answers, and papers shall at all times be kept in the custody of the state examiner and shall be produced by him and exhibited by him at the domicile of any board upon its written request.
- (9) The board for which any test is administered may, at any time up to six months after receiving the results from the state examiner, receive and review any or all parts of the test and the methods used in its grading, in order to determine whether the test was a fair and reasonable one and was fairly graded. If, after the board reviews any test and consults with the state examiner, it concludes that any item or parts of the test was unfair or unreasonable or finds errors in the grading, it may, at its discretion, cause a regrading of the test and, thereupon, correct or establish the appropriate employment list in accordance with the revised ratings. If the board finds that a fair rating can be determined only from an entire new test, it may cause a new test to be given to all persons taking the previous test and establish a new employment list for the class from the result of such new test.
- (10) Each applicant who makes a passing score on a test provided by the board through the state examiner under the provisions of Paragraph (1) of this Section shall be advised, in any manner the board prescribes, of his final score and relative standing on the list appropriate for the class for which he was tested.
- (11) Each applicant who makes a passing score on a test administered by the state examiner under the provisions of Paragraph (2) of this Section shall be advised, in any manner the state examiner prescribes, of his final score. Such score may be reported and approved by the

board under the provisions of R.S. 33:2491(I). The original eligibility of an applicant under the provisions of this Paragraph shall be the period of not more than eighteen months after the date on which the signature of the state examiner was affixed to his notification of score.

Amended by Acts 2006, No. 493, § 2, eff. July 1, 2006.

§ 2493. Admission to tests

A. Admission to tests provided by the civil service board through the state examiner shall be as follows:

(1) Admission to a promotional test shall be limited to regular employees of the class next lower from that for which they are to be examined. However, the rules may provide for admission to be extended to applicants from any one or more of the next lower classes.

(2) Admission to competitive tests shall be open to all persons who meet the requirements provided by this Part and the rules.

(3) Any applicant admitted to a test shall be a citizen of the United States and of legal age.

(4) Special requirements or qualifications for admission to tests, or for eligibility for appointment, such as age, education, physical requirements, etc., may be established by the rules adopted by the board, after consultation with the appointing authority. Any applicant must be, at the time of his appointment to a position in the classified service, of good health, good moral character, and of temperate and industrious habits.

(5) The board may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who:

(a) Is found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he has applied;

(b) Is physically unfit to perform effectively the duties of a position of the class;

(c) Is addicted to the habitual use of drugs or intoxicating liquors to excess;

(d) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct

(e) Has been dismissed from the respective service for delinquency or misconduct;

(f) Has made a false statement of any material fact; or

(g) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.

B. Any such facts shall also be considered cause for removal of any employee. The board shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of the tests.

C. Any applicant admitted to the competitive examinations which may be called for by the state examiner under the provisions of R.S. 33:2492(2), for the classifications of entrance police officer, entrance firefighter, or for the entrance classifications comprising the duties of the operation and maintenance of radio, alarm, or signal systems for the respective department,

shall be a citizen of the United States, and of legal age.

Amended by Acts 1980, No. 839, § 1; Acts 1997, No. 589, § 1, eff. July 3, 1997; Acts 1997, No. 1426, § 1; Acts 2003, No. 1150, § 1, eff. July 2, 2003; Acts 2004, No. 645, § 1, eff. July 5, 2004; Acts 2006, No. 212, § 2, eff. July 1, 2006.

§ 2494. Certification and appointment

- A. Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names or persons eligible for appointment to the vacant position. The board shall thereupon certify in writing the names of eligible persons from the appropriate employment list, and the appointing authority shall, if he fills the vacancy, make the appointment as provided by this Section.
- B. The board shall first certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by Sub-section B of R.S. 33:2490 before the vacancy is filled by any subsequent method provided by this Part. The appointing authority shall appoint to the vacant position the first person so certified to him who is willing to accept the appointment. If the position is one of a class from which lay-offs have been made as provided by R.S. 33:2499 the names of eligible persons appearing upon the reemployment list for the class shall be certified and offered the appointment in the order provided by Sub-section C of R.S. 33:2490 before any other appointment is made thereto.
- C. In the event a vacancy cannot be filled by reinstatement, or by reemployment as above provided, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered the appointment for the vacancy.
- D. Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by R.S. 33:2492(7). Upon the appointing authority's request for the certification of eligible persons from which he may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled, any one of the persons so certified to him for the vacancy. In making such appointment to entry-level positions, the appointing authority shall give a preference to Louisiana residents. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint any one of the remaining

persons certified by the board. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.

- E. Appointment to any position in the classified service from which the regular employee is away on an authorized leave of absence shall be made in accordance with the provisions of R.S. 33:2496.
- F. The appointing authority shall notify the board of the filling of a vacancy as provided in R.S. 33:2503.
- G. The appointing authority shall fill each vacancy, including vacancies in classifications hereafter created, within sixty days after the occurrence of the vacancy. This Subsection shall not prevent the board from abolishing unnecessary classifications.

Amended by Acts 1999, No. 1092, § 1; Acts 1999, No. 1093, § 1; Acts 1999, No. 1174.

§ 2495. Working tests

- A. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.
- B. (1)(a) Except as provided in Paragraphs (2) and (3) of this Subsection, the period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee, except an entry level fireman and an entry level radio, fire alarm, or signal system operator, who has served less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon one of the following grounds:
 - (i) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.
 - (ii) His habits and dependability do not merit his continuance therein.
- (b) Any such employee may appear before the board and present his case before he is removed.
- (2)(a) Each person selected for appointment to an entry level position in the classified service from the competitive firefighter, firefighter/operator, or police officer employment list who has demonstrated successful completion of formal training as provided in Subparagraph (c) of this Paragraph prior to such appointment shall immediately begin the working test.
- (b)(i) Any person selected for appointment to an entry level position in the classified service from the competitive firefighter, firefighter/operator, or police officer employment list who

has not demonstrated successful completion of formal training as provided in Subparagraph

(c) of this Paragraph prior to such appointment shall be employed by the appointing authority and reported to the board as a recruit and, whenever practical or possible, shall immediately begin such formal training. The formal training shall be provided for through the appointing authority, and the period for such formal training shall be for the duration of not more than six months from the date of appointment. The formal training period shall conclude six months from the date of original appointment or upon successful completion of the formal training, whichever occurs first, at which time the working test shall commence. The appointing authority shall, within fifteen days, advise the board of the appointment of the recruit as a probational firefighter, probational firefighter/operator, or probational police officer as the case may be.

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

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

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

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

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

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

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

- C. Upon any employee completing his working test, the appointing authority shall so advise the board and furnish a signed statement to the respective employee of its confirmation and acceptance of the employee as a regular and permanent employee in the respective position or of its refusal to confirm the employee and the reasons therefor. If, at the expiration of an employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. Any employee who is rejected after serving a working test of six months but not more than one year, may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position.
- D. The appointing authority may remove, and shall remove upon the order of the board, any employee during his working test period who the board finds, after giving him notice and an opportunity to be heard, was appointed as a result of an error, misrepresentation, or fraud.
- E. In any event where any employee is permitted under this Section to appeal to the board, the decision of the board shall be subject to the judicial review provided by this Part and the appointing authority and employee shall be governed accordingly.

Added by Acts 1952, No. 302, Section 25. Amended by Acts 1997, No. 1391, § 1, eff. July 15, 1997; Acts 1999, No. 1139, Section 1, eff. August 15, 1999; Acts 2003, No. 708, Section 1, eff. July 1, 2003; Acts 2005, No. 197, Section 1, eff. August 1, 2005.

§ 2495.1. Continuation of system

If a municipality with a population between thirty-two thousand five hundred and forty thousand persons based on the latest federal decennial census which has a municipal fire and police civil service system in existence on the effective date of this Section ceases to operate either its fire department or its police department, the civil service system shall continue in full force and effect for the remaining department as provided by law.

Added by Acts 2006, No. 623, § 1, eff. June 23, 2006, § 2 provides that the provisions of this Act shall become null and void and of no effect on and after January 1, 2008.

§ 2495.2. Continuation of system

If the city of New Iberia which has a municipal fire and police civil service system in existence on the effective date of this Section ceases to operate either its fire department or its police department, the civil service system shall continue in full force and effect for the remaining department as provided by law.

Added by Acts 2007, No. 163, § 1, eff. January 1, 2008.

§ 2496. Temporary appointments

Temporary appointments may be made to positions in the classified service without the appointees acquiring any permanent status therein, as follows:

- A. (1)(a) When a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent, or substitute, appointment, the appointing authority may make a provisional appointment of any person whom he deems qualified. Whenever practicable, the appointment should be made by the provisional promotion of any employee of a lower class. A provisional appointment shall not continue for more than three months. No position in the classified service shall be filled by one of more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. The board, may, however, authorize the renewal of such appointment, or authorize such successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to the vacancy. Except as provided in Subparagrah (b) of this Paragraph, any provisional appointment, if not terminated sooner, shall terminate upon the regular filling of the vacancy in any manner authorized under this Part and, in any event, within fifteen days after a certification from which a regular, or substitute appointment, as the case may be, can be made under the provisions of this Part. A provisional appointment shall be reported to the board within fifteen days following the appointment.
- (b) Any provisional appointment made to a position of the competitive classes, as provided for by R.S. 33:2492(7), shall be terminated upon the regular filling of the vacancy in any manner authorized under this Part and, in any event, within sixty days after certification from which a regular or substitute appointment, as the case may be, can be made under the provisions of this Part. A provisional appointment shall be reported to the board within fifteen days following the appointment.
- (2) During the times of war, and after the board continues to offer tests provided by this Part in an effort to obtain persons eligible for regular and permanent appointment to a position of any class which has been permanently vacated by the regular employee thereof, and it finds it impossible to establish a list of persons qualified for certification and permanent appointment to the position in the classified service, it may authorize the appointing authority to fill the position with a provisional appointee until the appropriate employment list can be established.
- (3) Provisional appointments may be made in any position until a classification plan is prepared and adopted and for such time thereafter as may be required for the preparation and administration of tests and the establishment of employment lists from the results of the tests. But such special authority shall be valid for a period for not more than eighteen months immediately following the date that this Part takes effect in the municipality.
- B. A substitute appointment may be made to any position in the classified service (1) from which the regular and permanent employee is away on an authorized leave of absence, or (2) from which the regular employee is substituting for some other regular employee who is authorized to be away from his respective position. No position shall be filled by a substitute appointee for a time beyond that for which the regular and permanent incumbent is away on an authorized leave. Whenever such appointment shall continue for not more than thirty days, the appointing authority may appoint thereto any one whom he deems qualified. Substitute appointments made for a period exceeding thirty days shall be made in the same manner as provided in R.S. 33:2494 for the filling of a vacancy by a regular and permanent appointment. Any person employed on a substitute basis shall, for the duration of the temporary employment, enjoy the class title and be entitled and receive the rate of pay for the

class and position in which he is employed. The appointing authority shall notify the board within fifteen days following any substitute appointment made for a period to exceed thirty days, the name of the appointee, the class of position filled, the period for which the appointment was made and attach to the notification a signed copy of the leave of absence granted the employee for whom the appointee is substituting.

- C. Emergency appointments of any person may be made at any time the needs of the service require because of any local emergency of a temporary and special nature. No such appointment shall be effective or continued for a period greater than ninety days, but in any case, an emergency appointment shall be terminated upon the conclusion of the emergency period. In the event that a state of emergency is declared by the governor, such appointments shall be effective for the duration of the state of emergency.

Amended by Acts 2006, No. 491, § 1, eff. July 1, 2006, Acts 2008, No. 265, § 1, eff. July 1, 2008.

§ 2497. Leaves of absence

The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and special leaves with or without pay. They may provide for special extended leaves with or without pay and for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority.

§ 2498. Abolition of positions in the classified service

Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position he shall be transferred to another position in the respective class, and the holder of that position shall thereupon be demoted in the order provided by R.S. 33:2488.

Whenever an entire class is abolished in the classified service, the regular employees of the class shall be demoted to lower classes and priority to positions shall be governed by total seniority earned in the departmental service in the order of highest to lowest.

§ 2499. Lay-offs

If, for any reason, the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Lay-offs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class of position held, and the order in which each person was laid off shall be reported to the board by the appointing authority. The board shall, thereupon, enter such information upon the reemployment list applicable for the class from which each person was removed.

Amended by Acts 1950, No. 316, § 7.

§ 2500. Corrective and disciplinary action for maintaining standards of service

- A. The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the service, or take such disciplinary action as the circumstances warrant in the manner provided below for any one of the following reasons:
- (1) Unwillingness or failure to perform the duties of his position in a satisfactory manner.
 - (2) The deliberate omission of any act that it was his duty to perform.
 - (3) The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.
 - (4) Insubordination.
 - (5) Conduct of a discourteous or wantonly offensive nature toward the public, any municipal officer or employee; and, any dishonest, disgraceful, or immoral conduct.
 - (6) Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of liquor.
 - (7) The use of intoxicating liquors, or habit forming drug, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.
 - (8) The conviction of a felony.
 - (9) Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or, practicing or attempting to practice fraud or deception in any test.
 - (10) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.
 - (11) Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.
 - (12) Inducing or attempting to induce by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Part, or of the rules.
 - (13) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.
 - (14) The willful violation of any provision of this Part or of any rule, regulation, or order hereunder.
 - (15) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.
- B. Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position of any

lower class and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.

- C. Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgement and order action to be taken by the appointing authority. Such action shall be forthwith taken by the appointing authority.
- D. In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

§ 2501. Appeals by employees to the board

- A. Any regular employee in the classified service who feels that he has been discharged or subjected to any corrective or disciplinary action without just cause, may, within fifteen days after the action, demand, in writing, a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.
- B. (1) All such hearings and investigations conducted by the board pursuant to the provisions of this Section shall be open to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance of the date, time, and place therefor. If either the appointing authority or the employee fails to appear at the place, and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Part.

(2) Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Part.

(3) The board shall have complete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of the fact.
- C. (1) After the investigation provided for in Subsection B of this Section, the board may, if the evidence is conclusive, affirm the action of the appointing authority. If the board finds that the action was not taken in good faith for cause under the provisions of this Part, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or

other disciplinary action by directing a suspension without pay, for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing thereof, or such other lesser punitive action that may be appropriate under the circumstances.

(2) The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority.

(3) Any employee of the classified service and any appointing authority affected by the finding of the board as provided in Paragraph (1) of this Subsection who is able to produce evidence of a violation of the provisions of R.S. 33:2505 such that the violation was material to the finding of the board may, within six months after the date of the board's finding, request in writing a reconsideration by the board on the matter. Such written request shall provide the name of any person in violation of R.S. 33:2505 and the details of the evidence. The board shall set the matter for reconsideration within thirty days after receipt of the written request and, based upon the merits of the evidence presented, may hold and conduct an investigation and hearing pursuant to this Part. Such hearing and investigation, if conducted, shall be held within thirty days of the board's decision. If the board determines that such violation occurred and was material to its original decision, the board may modify or reverse its decision and shall take any corrective action as authorized under the provisions of this Part. An appeal of the finding of the board under the provisions of this Paragraph may be taken by the employee or the appointing authority in accordance with the provisions of Subsection B of this Section; however, the exercise of the appeal for reconsideration under the provisions of this Paragraph shall not be used for the purpose of extending the prescriptive period for appeal to district court following the board's original finding.

D. Notwithstanding the provisions of this Section or any other provision of law to the contrary, any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any immediate family member of the appealing employee shall recuse himself from voting on any such decision. For purposes of this Subsection, immediate family member shall mean any parent, child, sibling, or spouse. If such recusal by a member of the board results in the inability of the board to make a finding of fact or to reach a decision by the concurring votes of three members, as required by R.S. 33:2476(M), the board shall be considered to have affirmed the action of the appointing authority.

E. (1) Any employee under classified service and any appointing authority may appeal from any decision of the board, or from any action taken by the board under the provisions of the Part that is prejudicial to the employee or appointing authority. This appeal shall lie direct to the court of original and unlimited jurisdiction in civil suits of the parish wherein the board is domiciled.

(2) The appeal shall be taken by serving the board, within thirty days after entry of its decision, a written notice of the appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of facts, and all papers on file in the office of the board affecting or relating to such decision, be filed with the designated court. The board shall, within ten days, after the filing of the notice of appeal, make, certify, and file the complete transcript with the designated court, and that court shall thereupon proceed to hear and determine the appeal in a summary manner.

(3) This hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of this Part. No appeal to the court shall be taken except upon these grounds and except as provided in Subsection D of

this Section.

Amended by Acts 1983, No. 473, § 1; Acts 1999, No. 457, § 1; Acts 2006, No. 270, § 1, eff. Aug. 1, 2006, Acts 2008, No. 309, § 1, eff. June 17, 2008.

§ 2501.1. Authorization for awarding attorney fees

When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501 to a municipal fire and police civil service board and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed one thousand dollars in any one appeal.

Added by Acts 1991, No. 1005, § 1, eff. July 24, 1991. Amended by Acts 1993, No. 590, § 1; Acts 1995, No. 878, § 1, eff. June 28, 1995.

§ 2502. Oath, testimony, production of records; refusal to testify

The board, and each of its members, shall have the same power and authority to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this Part as is possessed by the district courts of Louisiana. Any person who (1) fails to appear in response to a subpoena, (2) fails to answer any question, except those which may incriminate him, (3) fails to produce any books or papers pertinent to any investigation or hearing, or (4) knowingly gives false testimony therein shall be subject to the penal Sections of this Part. In case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Any person failing to obey such order may be punished by the court for contempt.

Any officer or employee in the classified service who wilfully refuses or fails to appear before any court, officer, board, body or person properly authorized to conduct any hearing or inquiry, or any employee or officer, who, having appeared, refuses to testify or answer any relevant question relating to the affairs of government of the municipality or the conduct of any municipal officer or employee, except upon the ground that his testimony or answers would incriminate him, shall, in addition to any other penalty to which he may be subject, forfeit his position, and shall not be eligible for appointment to any position in the classified service for a period of six years.

§ 2503. Duties of municipal officers and employees

The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority shall also report the date of and official action in, or knowledge of, any separation, promotion, demotion, suspension, lay-off, reinstatement, or reemployment in the classified section.

An officer or employee of the municipality shall comply with, and aid in all proper ways in carrying out the provisions of this Part and the rules, regulations, and orders. All officers and employees shall furnish any records or information which the board or state examiner requests for any purpose of this Part.

§ 2504. Political activities prohibited

A. Political activities by and extending to employees of the classified service are hereby prohibited as follows:

(1) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(3) No employee in the classified service shall, directly or indirectly, pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee in classified service. The prohibitions of this Sub-section shall not be construed as applying to membership dues paid, or contributions made, to non-political employee organizations, pension funds, civic enterprises, the Louisiana Civil Service League or any similar non-political and non-partisan organization.

(4) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional, political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote.

(5) No person elected to public office shall, while serving in the elective office, be appointed to or hold any position in the classified service.

(6) No appointing authority, or agent or deputy thereof, shall directly or indirectly, demote, suspend, discharge, or otherwise discipline, or threaten to demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly, to coerce the political action of any employee in the classified service.

B. The appointing authority shall discharge from the service any employee whom he deems guilty of violating any one or more of the provisions of this Section. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions. Any citizen, taxpayer, municipal officer, or employee may file with the board detailed charges in writing against any employee in the classified service for violating any one or more of the provisions of this Section. The board shall, within thirty days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the service and the appointing authority shall forthwith discharge the employee.

- C. Whoever violates this Section shall be subject to the penalties provided in R.S. 33:2507. In addition any employee in the classified service who is discharged because of violating a foregoing provision shall not again be eligible for employment or public office in the classified service for a period of six years from the time of his discharge.

§ 2505. Other prohibited acts

No person shall:

- (1) Make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provisions of this Part or commit or attempt to commit any fraud preventing the impartial execution of this Part and the rules.
- (2) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.
- (3) Defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this Part, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.
- (4) Require any employee in the classified service to perform an act, or neglect an act, which would be a reason for dismissal or disciplinary action of the employee.

§ 2506. Legal services

If this Part, or its enforcement by the board is called into question in any judicial proceeding, or if any person fails or refuses to comply with the lawful orders or directions of the board, the board may call upon the attorney general, or the chief legal officer of the municipality, or may employ independent counsel to represent it in sustaining this Part and enforcing it. Nothing contained herein shall prevent any municipal officer, employee, or private citizen from taking legal action in the courts to enforce the provisions of this Part or of any rule, order, or other lawful action of the board.

§ 2507. Penalties

Whoever wilfully violates any provision of this Part or of the rules shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If he is an officer or employee of the classified service he shall forfeit his office or position.

§ 2508. Effect of other laws

This Part shall not be rendered ineffective by any general law affecting municipal employees or municipal departments in matters of classified civil service.

PART IV. MISCELLANEOUS PROVISIONS

§ 2586. Fire and police civil service; incentive pay

The fire and police civil service board of ~~any municipality with a population of less than four hundred seventy-five thousand, and the civil service board of any municipality, parish, or fire protection district with a classified fire and police civil service system established as provided in R.S. 33:2471 or 2531~~ may establish a plan for awarding incentive pay to classified employees. The plan shall include the criteria for eligibility for incentive pay, the method by which classified employees shall be reviewed for eligibility, and how such eligibility shall be determined. Determination of the amount of incentive pay and which classified employees are to receive incentive pay shall be made by the appointing authority for the municipality, parish, or fire protection district subject to available funds budgeted for such purpose. The incentive pay awarded under the provisions of this Section shall be in addition to any other salary the classified employee is entitled to receive from the municipality, the state, or any other governmental entity.

Added by Acts 1982, No. 105, § 1. Amended by Acts 1991, No. 289, § 10; Acts 1999, No. 1165, § 1; Acts 2011, No. 20, § 1.

The Municipal Fire and Police Civil Service Law was amended as a result of the 2011 Extraordinary Legislative Session. As of this writing, the web sites of both the Legislature of the State of Louisiana and West Group (West Law) have not posted the civil service law in its final amended form. However, we have added the above section to reflect the changes in the law. The additions are temporarily underlined, and upon verification with the final publication of the law, will be incorporated into the existing language.

R.S.33:2589.1 Shreveport chief of fire support staff; competitive appointment

- A. Notwithstanding any other provision of law to the contrary, the governing authority in the city of Shreveport may create, by ordinance, the position of chief of fire support staff in accordance with the provisions of this Section. The position shall be filled on a competitive basis from a list of eligible persons as provided for under R.S. 33:2491, and the right of selection, appointment, supervision, and discharge for such position shall be vested in the fire chief, subject to approval of the appointing authority. In addition, the governing authority shall establish the duties and responsibilities of the chief of fire support staff in the ordinance creating the position. Such duties and responsibilities may include direct supervision over all support staff positions in the classified service below and including the rank of chief of training, chief of EMS, chief of communications, chief of fire prevention, and chief of maintenance as well as any other future support staff as assigned by the fire chief.
- B. (1) The chief of fire support staff shall have not less than ten years of full time fire service experience and shall at least hold the rank in the classified fire service of training officer, EMS officer, fire communications officer, fire prevention officer, emergency vehicle technician, chief of fire safety, administrative assistant to the fire chief, or aviation task force coordinator at the time of his appointment.
- (2) Any person who holds the position of chief of fire support staff may, while holding such position, apply for admission to the promotional examination for the class next higher than that which he held at the time of his appointment. However, the name and score of any chief of fire support staff shall not be certified to the appointing authority by the civil service board as eligible for appointment to a position of the promotional class. His name and score shall be eligible for certification, in accordance with the maximum period for which a name may remain on the eligibility list in accordance with the provisions of this Chapter, only upon

demotion to a position of the class he held at the time of his appointment as chief of fire support staff.

(3) Eligibility for admission to the competitive test for chief of fire support staff shall be limited to members of the same department as the fire chief at the time of appointment.

C. (1) Any person who is appointed from a position in the classified fire service to serve as chief of fire support staff shall not forfeit seniority accumulated to the date of the appointment, and shall continue to accumulate seniority in accordance with the provisions of this Chapter during the time he holds the position of chief of fire support staff.

(2) If a chief of fire support staff is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

Added by Acts 2011, No. 274 § 1, eff. June 28, 2011.

The Municipal Fire and Police Civil Service Law was amended as a result of the 2011 Regular Legislative Session. As of this writing, the web sites of both the Legislature of the State of Louisiana and West Group (West Law) have not posted the civil service law in its final amended form. However, we have added the above section to reflect the changes in the law. The additions are temporarily underlined, and upon verification with the final publication of the law, will be incorporated into the existing language.