

Office of the Attorney General
State of LOUISIANA

Opinion No. 78-622
June 8, 1978

71-1-1 MUNICIPAL FIRE & POLICE CIVIL SERVICE

Municipalities of less than 7,000 may regulate sick leave for its police but in municipalities of 7,000 to 250,000 sick leave regulations are controlled by the civil service board. R.S. 33:2557; 33:2497; Art. X, s 16, LA. Const. 1974

Mr. David A. Hamilton
General Counsel
LOUISIANA Association of Chiefs of Police
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Dear Mr. Hamilton:

We are in receipt of your recent letter requesting an opinion of this office. Your question, as I appreciate it, is as follows:

Whether a municipality can pass an ordinance which would require a police officer seeking sick leave due to a non-job related injury or illness to submit to an examination by a physician chosen by the municipality or the police department in order to obtain sick leave of two or more consecutive days?

The LOUISIANA Constitution mandates that police and fire departments of municipalities having a population exceeding 13,000 be under a system of classified civil service. LA. Const. Art. X, s 16. In accord with this requirement are the provisions of R.S. 33:2531, et seq. and R.S. 33:2471 et seq., the former being applicable to municipalities of not less than 7,000 nor more than 13,000 and the latter for municipalities of not less than 13,000 nor more than 250,000.

Pertinent to the question herein are R.S. 33:2557 and R.S. 33:2497 wherein both provide as follows:

The board shall adopt rules to provide for leaves of absence in the various classes of classified service. Such rules shall provide for annual vacation and sick leaves with pay, and for special leaves with or without pay . . .

It, therefore, must be concluded that the civil service board and not the municipalities have the authority to regulate requirements for sick leave for municipalities of 7,000 to 250,000 population. Attorney General Opinions, No. 74-1061, and No. 78-95.

However, insofar as a municipality with a population of less than 7,000 wherein there is no civil service system there does not appear to be any provisions to negate the authority of the municipality from regulating the sick leave insofar as the suggested ordinance. Attorney General Opinion 77-983.

We hope that this sufficiently answers your question but do not hesitate to contact us if we can be of further assistance.

Sincerely yours,

William J. Guste, Jr.
Attorney General

By: Barbara B. Rutledge
Assistant Attorney General

La. Atty. Gen. Op. No. 78-622, 1978 WL 32019 (La.A.G.)
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