

SPECIAL NOTE - MANUALS DATED MAY 2004

**HEADSTART
and
OPERATION OF A MUNICIPAL FIRE AND POLICE CIVIL SERVICE SYSTEM**

Various Louisiana Revised Statutes in the Municipal Fire and Police Civil Service Laws, Fire Employee's Rights, and Rights of Law Enforcement Officers have been revised since we produced our new Headstart Manual and revised our Operation of a Civil Service System manual in May of 2004. Inasmuch as we have not completed the revisions to our manuals at this time, we have listed below the revised statutes that have been revised.

Please refer to the copy of the Municipal Fire and Police Civil Service Laws, Fire Employee's Rights (Fire Bill of Rights), and Rights of Law Enforcement Officers (Police Bill of Rights) on our website (www.ose.louisiana.gov) to view the current version of the laws as amended by the Louisiana Legislature.

2004 **R.S. 33:2477(4) and 33:2537(4) - Duties of the board** - Added: Provides for the length of time within which municipal fire and police civil service boards shall conduct certain investigations. They must complete investigation within 60 days of the board's receipt of the request.

R.S. 33:2491.3 and 33:2551.1 - Promotional employment lists; limitations - Added: Employees in the police department who are employed after July 1, 2004, in certain classes will no longer have time served in those classes counted as departmental seniority.

R.S. 33:2493(C) - Admission to tests Added: 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.

R.S. 33:2186 – Fire Employee's Rights Added (not a complete list of the additions): minimum standards on investigations were added to provide that they all investigations must be completed within 60 days, including the conducting of any pre-disciplinary hearing or conference. However, the fire department may petition the local governing authority for an extension up to 60 additional days.

2005 **R.S. 33:2495(B)(1) and 33:2555(B)(1) - Working test** - Removed: the provisions on failing an employee in the three to six months of the working test period. Revised: if the appointing authority wishes to fail an employee in his working test period and the employee has worked less than six months, the appointing authority must get prior approval from the civil service board.

Revised: if the appointing authority wishes to fail an entry level fireman or an entry level radio operator in his working test period and the employee has worked less than six months, no prior approval of the civil service board is required.

No change: 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.

2006

R.S. 33:2491(I) and 33:2551(9) – Establishment and maintenance of employment lists - Revised: law now provides that an individual who obtains a passing score on an entry level Fire Communications Officer and Police Communications Officer exam administered by the State Examiner's Office may have his name placed on the eligibility list for the respective class in jurisdictions in 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.

R.S. 33:2492(2) and 33:2552(2) – Tests - Added: allows the State Examiner to call and administer exams for Firefighter, Police Officer, entry level Fire and Police Communications Officer and notify passing applicants in any manner prescribed by the State Examiner.

R.S. 33:2493(A)(3) and 33:2553(A)(3) – Admission to tests - Revised: Allows persons from out of state to apply for civil service examinations. Applicants are no longer required to be a qualified elector of the state of Louisiana to be eligible for any examination. Any applicant must be a citizen of the United States and of legal age.

R.S. 33:2496(C) and 33:2556(3) – Temporary appointments - Revised: the appointing authority may now make an emergency appointment for up to 90 days when it is necessary due to a local emergency which is extraordinary (such as severe weather conditions or an uncommon fire or emergency scene requiring additional personnel). This appointment shall terminate upon the conclusion of the emergency or within 90 days, whichever occurs first. In the event that a state of emergency is declared by the governor, emergency appointments shall be effective for the duration of the state of emergency.

R.S. 33:2501 (C) and 33:2561 (C) – Appeals by employees to the board - Revised: the civil service board may now 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.

R.S. 33:2531.1 - Continuation of coverage by Part- Added: notwithstanding any provision of law to the contrary, the provisions of this Part shall continue to be applicable to any municipality, parish, or fire protection district which, prior to July 1, 2006, established a classified civil service pursuant to this Part.

2007

R.S. 33:2495.2 - Continuation of system - Added: 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.

R.S. 33:2181 (C) - Fire Employee's Rights -Added: now provides that no fire employee shall be disciplined, demoted, dismissed or be subject to any adverse action unless the investigation is conducted in accordance with this Subpart. Any discipline, demotion, dismissal or adverse action of any sort taken against a fire employee without complete compliance with the provisions of this Subpart is an absolute nullity.

R.S. 40:2531(B)(7) - Rights of Law Enforcement Officer - Added (not a complete list of the additions): minimum standards on investigations were added to provide that they all investigations must be completed within 60 days. However, the police department may petition the local municipal fire and police civil service board for an extension up to 60 additional days. The investigation is consider complete upon notice to the police department employee under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint. Other provisions added: investigation of police employee shall be initiated within 14 days of the date the complaint is received.

R.S. 40:2531©- Rights of Law Enforcement Officers - Added: now provides that no police employee shall be disciplined, demoted, dismissed or be subject to any adverse action unless the investigation is conducted in accordance with this Subpart. Any discipline, demotion, dismissal or adverse action of any sort taken against a fire employee without complete compliance with the provisions of this Subpart is an absolute nullity.

2008

R.S. 33:2496(A)(1) and 33:2556(1)(a) - Temporary Appointments - Revised: now any provisional appointment made to a position of the competitive classes, 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.

R.S. 33:2501(C)(3) and 33:2561(C)(3) Appeals by Employees to the Board - Added: now the employee or appointing authority may ask the board for a reconsideration of a previous finding of an appeal hearing within six months. The board has to hear the request within 30 days and make a decision to conduct a hearing or have an investigation. The hearing or investigation has to be held within 30 days of the decision. The board may modify or reverse its original decision.

R.S. 33:2536.2 - Jefferson Parish; board and board secretary - Revised: notwithstanding the provisions of R.S. 33:2536(B)(1)(a), to be eligible for appointment to or to serve as a member of the Jefferson Parish Fire Civil Service Board, a person shall be a citizen of the United States of America, a resident of Jefferson Parish for a least five years preceding his appointment, and at the time of his appointment, a qualified voter of the parish.

R.S. 40:2531- Police Officer Bill of Rights - Added: the term “police employees” to the various parts of the law as the law is now going to be applicable to all police employees as defined by R.S. 40:1372(5) (any officer that has been assigned to police work as a peace officer pursuant to 40:1379). Added: the officer in question can be represented by counsel or other representative and shall be granted 30 days to secure the representation. The representation can offer advice and make statements on record at any interrogation, interview or hearing during the investigation.

R.S. 42:7(a)(1)(b)(I) and (II)- Notice of Meetings - Revised: now the board may take up a matter that is not on the agenda with unanimous vote. When it comes to motion to add an item: the matter must be identified, purpose for the addition, and entered into the minutes. The public shall be offered the opportunity to make comment before the vote on the motion.

2009

R.S. 33:2476.4 - Jefferson Parish municipal fire and police civil service board; board secretary - Added: 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. (Harahan, Kenner, Westwego)

R.S. 33:2481.3- Police chief; city of Houma; unclassified service - Added: 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.

R.S. 33:2491.4 - Promotional employment lists; tests; city of West Monroe; classified police service - Provides relative to the establishment and maintenance of promotional employment lists for the classified police service in the city of West Monroe. The maximum period which a name may remain on the promotional employment list in West Monroe shall be forty-eight months. The minimum period which a name may remain on the promotional employment list in West Monroe shall be as provided in 33:2491(F).

R.S. 33:2536.2(B) - Jefferson Parish; board and board secretary - Revised: added that the position of secretary can also be filled by assigning duties to an employee of the Eastbank Consolidated Special Services Fire Protection District. This is subject to the approval of the parish GA and the parish president.

R.S. 33:2181(A) and (B) - Fire Employee's Rights - Added: the definition of interrogation and additional minimum standards the department/appointing authority must follow when investigating a fire employee who is under investigation. Also, the fire employee must now be notified in writing the nature of the investigation, the person conducting the investigation, and the charges against him prior to the commencement of the investigation. Employees have to submit a written request for a copy of the recordings or transcript of the recording. The employees counsel may offer advice at any interrogation in the course of the investigation.

2010

R.S. 33:2476 (B)(1)(c) and 33:2536(B)(1)(c) - Municipal fire and police civil service boards - Added: 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. The law still provides that the governing authority may pass a resolution allowing the fire and police department board members to 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.

R.S. 33:2481.4 and R.S. 33:2541.1 - Deputy chief of police; competitive appointment - Added: provides that the governing authority may create, by ordinance, the competitive position of deputy chief of police in accordance with the provisions of this Section. Provides who is eligible, how the appointment is made, and other provisions of the position.

R.S. 33:2561(E) - Appeals by employees to the board - Revised: provides relative to appeals by employees; to provide for the jurisdiction of appeals.

R.S. 33:2536.3 - Compensation of members; city of Plaquemine - amended to provide that this law applies to Plaquemine and no longer provides for a population range.

R.S. 33: 2541.1 - Deputy chief of police; competitive appointment - amended to include the following language: *Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in the city of Jennings, the qualifications for the position of deputy chief of police shall be not less than ten years of full-time law enforcement experience of which not less than two years shall be in the classified police service of the Jennings Municipal Fire and Police Civil Service at the time of appointment as deputy chief of police.*

R.S. 33:2569 - Assistant police chief; city of Westwego - amended to provide that this law applies to Westwego and no longer provides for a population range.

R.S. 33:2570 - City of Harahan; assistant chief of police - added to provide that the position of Assistant Police Chief in the City of Harahan is in the unclassified service and to provide for other provisions relative to this position.

R.S. 33:2586 - Fire and police civil service; incentive pay - amended to remove the population range.

R.S.33:2589.1 - Shreveport chief of fire support staff; competitive appointment - added to provide that the governing authority in the city of Shreveport may create, by ordinance, the competitive position of Chief of Fire Support Staff and to provide for other provisions relative to this position.