

# **Louisiana Revised Statutes Act 84-164 (Amended)**

## **Amended by Acts 09-418, 17-83**

ACT No. 164 (amended)

House Bill No. 661.

By: Messrs. Deano and Ripoll and Senator Hinton.

AN ACT

To create and provide for a system of civil service for the municipal police employees of the city of Mandeville; to create and to provide for the organization, powers, duties, and functions of the Municipal Police Employees Civil Service Board of the city; to provide with respect to matters pertaining to this civil service system; to provide penalties for violations of this Act or any rule, regulation, or order issued hereunder; to repeal Act No. 242 of the 1954 Regular Session and Act No. 80 of the 1988 Regular Session with respect to the chief of police and police employees of the city of Mandeville; and otherwise to provide with respect thereto.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. System of classified civil service; creation; policy

A.(1) There is hereby created and established in the city of Mandeville a classified civil service embracing all positions of employment and all officers and employees of the municipal police department as provided in this Act, and the appointment and dismissal of

all police employees shall be subject to the provisions of this Act. The classified civil service so created shall be known as the Municipal Police Employees Civil Service.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, the position of chief of police for the city of Mandeville shall not be in the classified service and the right of selection, appointment, supervision, and discharge for such position shall be vested in the mayor of the city. The appointment and selection of the chief of police shall be subject to the approval of the municipal governing authority.

(b) Any person appointed to the position of chief of police shall meet all

qualifications and requirements as provided in the job description prepared by the

municipal governing authority.

B. It shall be the policy of the Mandeville Police Department to employ those persons best qualified to perform the police functions of the city and to foster effective career service in police employment; to this end, all appointments and promotions in the department shall be made on the basis of merit and fitness, which shall be determined, insofar as practicable, by evaluation and competitive test.

## Section 2. Municipal Police Employees Civil Service Board

A. There is hereby created the Municipal Police Employees Civil Service Board of the city of Mandeville for the purpose of administering a classified civil service system in accordance with the provisions of this Act. The board shall be composed of five members who are recognized to be in sympathy with merit principles of public personnel administration. Members shall receive a per diem allowance and reimbursement for expenses incurred in their official duties, both as shall be fixed by the municipal governing authority of the city of Mandeville.

B. To be eligible for appointment as a member of the board a person shall have been a resident of the city of Mandeville for at least one year prior to appointment and, at the time of appointment, shall be an elector of the municipality. No member of the board shall hold any other public office during the term of his appointment.

C. The membership of the board shall be composed as follows:

- (1) One member shall be appointed by the president of Tulane University.
- (2) One member shall be appointed by the president of Southeastern Louisiana University.
- (3) One member shall be appointed by the director of the West St. Tammany Chamber of Commerce.
- (4) One member shall be appointed by the governing board of the Covington Bar Association.
- (5) One member to be appointed by the executive vice president of  
the Louisiana Civil Service League after consultation with the president thereof.

D. Initial members so appointed shall serve terms as determined by the municipal governing authority as follows: two for two years, one for three years, and two for four years. Thereafter their successors shall serve terms of four years. Vacancies shall be filled in the manner of the original appointment; if, within forty-five days after written notification by the board to the original appointing authority of a vacancy, the appointing authority fails to make an appointment, then the vacancy shall be filled by the municipal governing authority.

E. Within thirty days after the original appointments are made, the board shall convene and hold its first meeting. Thereafter meetings shall be held on a regular basis as shall be determined by the board. A majority of the board shall constitute a quorum to do business. No action may be taken by the board except by affirmative vote of a majority of those members present and voting. The board shall elect from its membership a chairman and vice chairman who shall serve for one year. The domicile of the board shall be Mandeville, Louisiana.

F. A member may be removed by the municipal governing authority for cause but only after being served with written notification of the charges against him and being afforded an opportunity for a public hearing thereon by the governing authority. A member may also be

removed for failure to attend two consecutive meetings or three meetings in one calendar year.

G. On the effective date of this Subsection, the terms of all members of the Municipal Police Employees Civil Service Board serving on such date shall terminate, and the board shall be appointed in accordance with the provisions of Subsection C of this Section. However, the members in office on the effective date of this Subsection shall continue to serve in their positions until all members appointed pursuant to Subsection C of this Section have been appointed and qualified.

### Section 3. Personnel director

A. The human resources director for the classified civil service system established by the home rule charter for the city of Mandeville shall be the personnel director for the classified civil service system established by this Act.

B. The duties of the personnel director shall be as follows:

(1) To develop, to maintain, and to administer a classification plan to consist of classes designated by standard titles and descriptions designed to provide for all positions in the classified service. The adoption of such classification plan shall be by rule of the board after public hearing.

(2) To develop and to administer a compensation plan for all positions in the classified civil service. Such compensation plan shall be effective only upon approval by the board after public hearing thereon and approval by the municipal governing authority.

(3)(a) To develop such rules and regulations in accordance with this Section as are necessary to carry out the provisions of this Act and to submit such proposed rules and regulations to the board for review and public hearing and adoption, amendment, or repeal. The board is hereby authorized to adopt, to amend, or to repeal and to execute any such rule or part thereof.

(b) For the purposes of this Subsection, the personnel director shall be responsible for the development of rules and regulations with respect to the following:

- (i) Policies and procedures for the administration of the classification plan and for the compensation plan.
- (ii) Policies and methods for administering competitive tests to determine the merit and fitness of candidates.
- (iii) Establishment and maintenance of employment eligibility lists and procedures for certification of individuals from such eligibility lists for the filling of vacancies.
- (iv) Procedures for layoff, suspension, demotion, and dismissal of employees which shall provide for public hearing before the board in cases of suspension, demotion, or dismissal of permanent employees.
- (v) Hours of work, attendance, and sick and vacation leave regulations.
- (vi) Prohibition against political activities of employees and assessment for political purposes.
- (vii) Other policies, procedures, and practices as necessary to administer the classified civil service system.

#### Section 4. Duties of board

In addition to the duties provided in Section 3 or any other provision of this Act, the board shall have the following duties and responsibilities:

- (1) To approve the classification and compensation plans.
- (2) To review and act upon all rules and regulations proposed for adoption, amendment, or repeal in accordance with Section 3 of this Act.
- (3) To hear and decide upon dismissals, suspensions, promotions, demotions, and other disciplinary matters as may be provided by rule; the decision of the board in these matters shall be final.

(4) To make any investigations it deems desirable concerning personnel management in the police service and report its findings to the municipal governing authority.

(5) To perform such other policymaking or judicial duties as may be required with respect to the rules developed pursuant to this Act.

#### Section 4.1. Political activities rd members: employees

A. No member of the Municipal Police Employees Civil Service Board, or employee covered under Act No. 164 of the 1984 Regular Session of the Legislature as amended shall participate or engage in political activity: be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political part or faction; make or solicit contributions for a political party, faction. or candidate: or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls. and to cast his vote as he desires.

B.(1) No person shall solicit contributions for political purposes from any classified employee or use or attempt to use his position in city service to punish or coerce the political action of an employee.

(2) No person elected to public office shall use his official authority or influence, by threats. promises, or other means. directly or indirectly, to prevent or secure the appointment of any person to the Municipal Police Employees Civil Service Board.

C. As used in this Section. the term "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

#### Section 5. Penalties

A. Any person who willfully violates any provision of this Act or of any rule, regulation, or order issued hereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars

or imprisonment for not more than six months nor less than one month or by both such fine and imprisonment, in the discretion of the court.

B. Any person who is convicted of a misdemeanor under this Act shall, for a period of six years, be ineligible, for appointment to or employment in any position of the classified service, and if he is an officer or employee of the classified service created by this Act, he shall forfeit his office or position.

Section 6. Any person holding a full-time classified position subject to the provisions of this Act on the effective date hereof and who has served as a classified employee of the city of Mandeville civil service system for at least six months prior thereto shall continue in his position without competitive testing but shall be subject in all other respects to the provisions of this Act.

Section 7. This Act shall not be superseded or be rendered ineffective by any general statute affecting municipal police employees in matters of classified civil service for the city of Mandeville, and this Act shall not be repealed or superseded by any such general statute hereafter enacted unless such general statute specifically expresses the intent of the legislature to repeal or supersede this Act.

Section 8. Act No. 242 of the 1954 Regular Session and Act No. 30 of the 1983 Regular Session of the Legislature and all other laws or parts of law in conflict herewith are hereby repealed.

Section 9. Effective date

This Act shall become effective on September 1, 1984.

Approved by the Governor: June 25, 1984.

Published in the Official Journal of the State: July 17, 1984.