

Office of the Attorney General  
State of LOUISIANA

Opinion No. 77-963  
July 5, 1977

9 CIVIL SERVICE COMMISSION

71-1-1 Municipal Fire & Police Civil Service

LA. R.S. 33:2473, Def. No. 20

Employees under the Municipal Fire and Police Civil Service Law who are suspended and thereupon return immediately following the expiration of suspension shall not be given 'seniority credit for the period of such suspension, in any computation of 'seniority.'

Mrs. Joyce Floyce Tannehill  
Secretary  
Municipal Fire and Police Civil Service Board  
Post Office Box 1581  
Monroe, LOUISIANA 71201

Dear Mrs. Tannehill:

You have stated in your letter to this office of June 23, 1977, that you have been instructed by the Civil Service State Examiner's Office to prepare a new seniority list for the Monroe Fire and Police Department; that you prepared such list and posted it on June 22, 1977; and that it deducted from the 'seniority' of those persons who had been disciplined by suspension, whatever may have been the particular period of suspension. Your letter further states that some of the affected employees have questioned the correctness of such deletion or omission from their 'seniority.'

You accordingly request an opinion from this office as to whether or not this deletion or omission from 'seniority' of whatever may have been a period of suspension is valid.

The 'Municipal Fire and Police Civil Service' provisions were added to the 1921 Constitution by an amendment adopted November 4, 1952, becoming Article XIV, Section 15.1 of that Constitution. That article in paragraph 3, subparagraph 't,' of said Section 15.1 (the definition paragraph) read in part as follows:

'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 compensation.'

(Emphasis supplied.)

The closing word 'compensation' is either a misprint or an obvious error as the word 'computation' was clearly intended. This inadvertent error is immaterial, however, for the reason that the Constitution of 1974 did not include in it, nor continue in force, this particular Section 15.1 of Article XIV of the 1921 Constitution as amended. However the Legislature by Act 102 of 1944 had created legislatively a 'Fire and Police Civil Service Law for municipalities between 13,000 and 250,000,' and the language quoted above with the correct word 'computation' stated in lieu of the incorrect word 'compensation,' appears in Section 3, definition No. 20, of that Act 102 of 1944; and this Act 102 of 1944 has been incorporated into the LOUISIANA Revised Statutes as LA. R.S. 33:2471 et seq. The pertinent quotation appears as the closing two lines of LA. R.S. 33:2473, definition No. 20. This remains the applicable law currently and accordingly it is our opinion not only is it appropriate for the period during which such an employee was 'suspended' to be excluded from the computation of his or her seniority, but such exclusion is mandated by STATUTE--LA. R.S. 33:2473, definition No. 20.

If you have any further questions in this matter, please advise.

Sincerely,

William J. Guste, Jr.  
Attorney General

By: Ben R. Miller, Sr.  
Assistant Attorney General  
La. Atty. Gen. Op. No. 77-963  
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