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DEPARTMENT OF JUSTICE
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June 10, 2024
OPINION 24-0018

Mr. Michael Reynerson
Employee Representative/Board Secretary
Brownsfield Fire Protection District #3 Civil Service Board
11420 Plank Road
Baton Rouge, LA 70811

71-1-1 – Municipal Fire & Police Civil Service

La. R.S. 33:2541

Establishing a full-time contract position that would receive some, but not all, benefits associated with a full-time civil service position would violate civil service laws.

Dear Mr. Reynerson:

Our office received your request for an opinion regarding whether Brownsfield Fire Protection District #3 Civil Service Board can hire a contract employee to serve in a full-time position and be eligible for some, but not all, benefits associated with a full-time civil service firefighter/operator position.

As described in your request, the proposed contract employee would work a full-time shift schedule, receive pay equal to that of a full-time firefighter/operator, receive paid holiday and vacation time, and receive state supplemental pay and longevity pay. You further described that the proposed contract employee would not receive paid sick leave or be enrolled in the state retirement system.

It is the opinion of this office that the above described position is that of a classified civil service employee and that such an arrangement would circumvent civil service laws and constitute a violation of these laws.

Louisiana Revised Statute 33:2541(A) provides that classified service *shall* comprise every position listed therein. Of the positions listed, included are the positions of “fire fighting” and “operation and maintenance of radio, fire alarm or signal system.”¹ Notably, La. R.S. 33:2541(B)(4) provides that part-time or temporary employees hold positions that are *unclassified*. This is why, typically, a fire protection district can hire unclassified contract employees that work in an otherwise classified position on a part-time or temporary basis.

As described in your opinion request, your ordinary contract employees are paid on an hourly basis to “fulfill staffing needs.” However, the new position that is being

¹ La. R.S. 33:2541(A)(2) and 2541(A)(5).

contemplated is that of a full-time position in which the employee would work full-time shifts and be eligible for longevity pay. This leads us to conclude that the position is neither part-time nor temporary. As result, the position described is one that falls within classified civil service.²

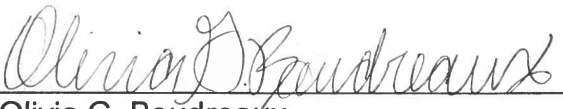
This is in line with our opinion in La. Atty. Gen. Op. No. 01-282, wherein this office concluded that administrative department employees of political subdivisions could be hired on a contract basis, but that it was essential that such employees be limited to positions not otherwise regularly performed by civil service employees. As in La. Atty. Gen. Op. No. 01-282, we conclude that the exception provided by La. R.S. 33:2541(B)(4) for part-time or temporary employees was not intended as a means to remove full-time classified positions of the fire protection district from civil service by placing them under a contract.

In conclusion, establishing a full-time contract position of a firefighter/operator that would receive some, but not all, benefits associated with a full-time civil service position would violate civil service laws.³

We trust that this opinion of the Attorney General adequately responds to your inquiry. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY: 
Olivia G. Boudreaux
Assistant Attorney General

LM:OGB

² See also La. Atty. Gen. Op. No. 04-0192A, wherein this office concluded that a fire protection district could contract with an individual as an independent contractor to perform the services of a fire chief, but that the district would be required to create a classified fire and police civil service system that would include the position of fire chief in the classified service.

³ Having found that your proposed hiring plan violates civil service laws, we do not address whether your plan would violate the equal recognition and compensation statute set forth in La. R.S. 33:1969, which was specifically mentioned in your opinion request.