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DEPARTMENT OF JUSTICE
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June 6, 2024
OPINION 24-0037

Chief Percy Knight
Acting Chief of Police
Bogalusa Police Department
214 Arkansas Ave.
Bogalusa, LA 70427

71-1-1 MUNICIPAL FIRE & POLICE CIVIL SERVICE

La. R.S. 33:2534
La. R.S. 33:2214

La. R.S. 33:2538

Employees of the Bogalusa Police Department are entitled to 12 months of sick leave pursuant to the Civil Service Rules of the Municipal Fire & Police Civil Service Board for Bogalusa.

Dear Chief Knight:

This office has received your request for an opinion regarding the sick leave entitlement for police department employees. In your request, you state that the mayor of Bogalusa is challenging the entitlement of employees of the police department to 52 weeks of sick leave because the population of Bogalusa has fallen below 13,000.¹ For the reasons that follow, we find that employees of the Bogalusa Police Department are entitled to 12 months of sick leave pursuant to the Civil Service Rules (Rules) of the Municipal Fire & Police Civil Service Board for Bogalusa (Board).

The Board Rules were first adopted on September 8, 1950, in accordance with Act 102 of 1944, as amended by Act 197 of 1948 of the Louisiana Legislature.² The Rules specifically provide for sick leave as follows, in pertinent part:

The appointing authority^[3] shall, with the approval of the Civil Service Board, grant sick leave for sickness or injury, with pay or with reduced pay, to all regular employees covered by Act 102 of 1944 as amended by Act 197 of 1948, covering the Fire & Police Departments of the City of Bogalusa, Bogalusa, Louisiana.

The following provisions shall govern all such leaves:

- A. Full salary shall be paid for the first twelve (12) months of said sick leave, as provided under Act 59 of 1942 as amended by Act 196 of

¹ In a phone conversation, you advised our office that the population of Bogalusa is currently under 11,000.

² Act 102 of 1944 applied to municipalities with populations of not less than 13,000 and not more than 100,000. Act 197 of 1948 amended the higher limit of the population of Act 102 to 250,000. Current La. R.S. 33:2214 authorizes 52 weeks of sick leave for police department employees of municipalities having a population of not less than 12,000 nor more than 250,000.

³ Appointing Authority is defined in Rule 1.3 to mean "any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police service."

1948 covering the employees of the Fire Department and Act 101 of 1948 covering the employees of the Police Department.

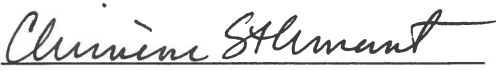
- B. When sick leave or disability extends beyond a twelve-month period, this employee shall be granted further leave at reduced pay for years of service in the Department. Time granted shall be authorized by the Civil Service Board after written request is received from the employee with a medical certificate of disability.

Pursuant to La. R.S. 33:2534, any system of municipal fire and police civil service under Act 102 of 1944, as amended, which is in force on the effective date of this Part is continued in effect under the provisions of this Part.⁴ The rights of any person under Act 102 of 1944, as amended, or under any fire and police civil service laws, which exist on the effective date of this Part are continued in effect. Every rule, classification plan or allocation established under the above provisions which is in force on the effective date of this Part is continued in effect until it is amended or repealed by the proper authority under this Part. *Id.* Because the Board Rules were in effect on the effective date of Part III and La. R.S. 33:2534, police employees continue to have a right to 12 months of sick leave as provided under the rules.

Furthermore, according to La. R.S. 33:2538, the Board is the appropriate authority to adopt, amend, or repeal the rules by which sick leave has been granted. Until and unless the Board amends or repeals those rules, Bogalusa Police Department employees will continue to enjoy 12 months of sick leave under the rules. Accordingly, it is the opinion of this office employees of the Bogalusa Police Department are entitled to 12 months of sick leave pursuant to the Civil Service Rules of the Municipal Fire & Police Civil Service Board for Bogalusa.

We trust that this adequately responds to your request and the issues that you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,
LIZ MURRILL
ATTORNEY GENERAL

BY: 
Chimène St. Amant
Assistant Attorney General

LM/CS

⁴ This Part is Part III entitled, "Fire and Police Civil Service Law for Small Municipalities and for Parishes and Fire Protection Districts." Part III was added in 1964.