

February 5, 2001
OPINION 00-369

Mr. Brian D. Cespiva
Alexandria Municipal Fire and Police
Civil Service Board
Post Office Box 1792
Alexandria LA 71309-1792

71-1-1 Municipal Fire and Police Civil Service
R.S. 33:2556(2)

Substitute appointment for fire dispatcher on extended sick leave in excess of thirty days must be made from the reinstatement list, the re-employment list, or the promotional list, in that order.

Dear Mr. Cespiva:

This office is in receipt of your opinion request concerning the appointment of a substitute employee to fill a vacancy left by a fire dispatcher on sick leave.

R.S. 33:2556(2) governs our response to your inquiry. The statute provides that where there is an absence in a position for not more than thirty days, the appointing authority may make a substitute appointment to "any one whom he deems qualified" to any position in the classified service from which the regular and permanent employee is away on authorized leave. If an absence should exceed thirty days, R.S. 33:2556(2) provides that a substitute appointment "...shall be made in the same manner as provided in R.S. 33:2554" for the filling of a vacancy by a regular and permanent appointment. R.S. 33:2554 provides that substitute appointment must be made from the reinstatement list, the re-employment list, or the promotion list, in that order. In accord are Attorney General Opinions 96-260 and 97-39, copies which are enclosed for your further review and file.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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SYLLABUS

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Date received:

Date released: February 5, 2001

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL