

September 29, 2000
OPINION #00-370

Honorable Kenneth J. Peart
Mayor, City of Eunice
Posts Office Drawer 1106
Eunice, Louisiana 70535-1106

71-1-1 Municipal Fire & Police Civil Service Law
R.S. 33:2557, R.S. 33:1996; R.S. 33:1961
The authority for the establishment of leave policies for firemen is
vested in the Eunice Municipal Fire & Police Civil Service Board.

Dear Mayor Peart:

You have requested this office to review the provisions of R.S. 33:1996 with respect to its possible application to the City of Eunice. This statute provides, pertinently:

§ 1996. Annual Vacation

Firemen in municipalities, parishes and fire protection districts to which this Subpart applies, after having served one year, shall be entitled to an annual vacation of eighteen days with full pay. This vacation period shall be increased one day for each year of service over ten years, up to a maximum vacation period of thirty days, all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause. Firemen employed on January 6, 1969 shall have their present longevity considered as a factor in the computation of their vacation benefits as provided herein. The provisions of this section shall in no way be construed to affect in any manner any presently existing system of computing vacation periods under which greater vacation benefits are granted than those provided for herein and the same shall continue in full force and effect.

This office has previously concluded that the annual leave and sick leave provided for firemen in R.S. 33:1995¹ and R.S. 33:1996 quoted above only apply to municipalities

¹ R.S. 33:1995 provides:

§ 1995. Sick Leave

Every fireman in the employee of a municipality, parish or fire protection district to which this Subpart applies, shall be entitled to full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion for a period of not less than fifty-two weeks.

with a population of thirteen thousand or more and firemen paid by a parish or fire protection district. See R.S. 33:1961.² Thus, as Eunice has a population of less than thirteen thousand, it remains our opinion that the authority for the establishment of leave policies is vested in the Eunice Municipal Fire and Police Civil Service Board pursuant to R.S. 33:2557.³ Enclosed are Attorney General Opinions 92-767, 91-51, 78-259, 78-66, 78-4A, and 78-4 affirming this conclusion. Please specifically refer to Opinion 78-4A which gives a thorough explanation of the legislative history of R.S. 33:1996 and R.S. 33:2557.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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² R.S. 33:1961 provides:

§ 1961. Application of Sub-part

This Sub-part applies to any paid fire department operated by a municipality which has a population of thirteen thousand or more and also to firemen paid by any parish or fire protection district.

³ R.S. 33:2557 provides:

§ 2557. Leaves of absence

The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and for special leaves with or without pay. They may provide for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times in the appointing authority.

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71-1-2 Municipal Fire & Police Civil Service Law

R.S. 33:2557, R.S. 33:1996; R.S. 33:1961

The authority for the establishment of leave policies for firemen is vested in the Eunice Municipal Fire & Police Civil Service Board.

Mr. Kenneth J. Peart
Mayor, City of Eunice
Posts Office Drawer 1106
Eunice, Louisiana 70535-1106

Date Received:
Date Released: September 28, 2000

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL