

SUPREME COURT OF LOUISIANA

State Civil Service Commission v. Department of Public Safety
Director

873 So. 2d 636 (La. 2004) · No. 2003-CA-1702 · Decided April 14, 2004

SUMMARY

The Louisiana Supreme Court considered whether a statute granting supplemental pay to certain law enforcement officers infringed on the exclusive constitutional authority of the State Civil Service Commission to regulate compensation for state classified employees. The court held that supplemental pay constitutes compensation within the Commission's exclusive authority and that the statutory provision was unconstitutional. The court also concluded that a constitutional amendment ratified after the statute's enactment did not render the appeal moot because the amendment was not yet effective.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Johnson, Justice
JURISDICTION	Louisiana
DECIDED	April 14, 2004
DOCKET	2003-CA-1702
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State Civil Service Commission sought injunctive and declaratory relief against payment of supplemental compensation authorized by statute for Port of New Orleans Harbor Police. The trial court denied relief, the First Circuit Court of Appeal reversed and declared the statute unconstitutional, and the Louisiana Supreme Court affirmed.
STANDARD OF REVIEW	Constitutionality of a statute is reviewed under the presumption that legislation is valid; the party challenging the statute bears the burden of proving unconstitutionality. Statutory interpretation begins with the language of the statute.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Robert Hecker, Chief of the Port of New Orleans Harbor Police, et al., Fraternal Order of Police v. State Civil Service Commission

TOPICS

constitutional law

statutory interpretation

administrative law

municipal law

employment law

PRACTICE AREAS

constitutional law

administrative law

employment law

municipal law

QUESTIONS PRESENTED

1. Whether LSA-R.S. 33:2218.2(A)(2)(a), which authorized supplemental pay for Port of New Orleans Harbor Police, unconstitutionally infringed on the exclusive constitutional authority of the State Civil Service Commission to regulate compensation for state classified employees.
2. Whether the constitutional exception for minimum wages and working conditions of firemen and municipal policemen in LSA-Const. art. 6, § 14(B)(5), and the decision in *New Orleans Firefighters Association v. Civil Service Commission of City of New Orleans*, permitted the Legislature to enact the supplemental-pay statute.
3. Whether the statute was a valid exercise of the Legislature's police power.
4. Whether the November 5, 2002 constitutional amendment rendered the controversy moot or authorized the statute retroactively.

HOLDINGS

1. LSA-R.S. 33:2218.2(A)(2)(a) is unconstitutional because it infringes the State Civil Service Commission's exclusive constitutional authority to regulate compensation and adopt a uniform pay and classification plan for state classified employees.
2. Supplemental pay is compensation within the meaning of La. Const. art. X, § 10(A)(1), and is therefore subject to the Civil Service Commission's exclusive authority.
3. The constitutional exception for firemen and municipal policemen and the decision in *New Orleans Firefighters* do not authorize supplemental pay for Port of New Orleans Harbor Police, who are state classified employees rather than municipal policemen.
4. The Legislature's police power does not make the challenged supplemental-pay statute constitutional because the statute infringes the Civil Service Commission's constitutionally protected authority.
5. The later constitutional amendment did not render the appeal moot because it had a later effective date and was not yet effective when the case was decided.

KEY QUOTATIONS

"We conclude that LSA-R.S. 33:2218.2(A)(2)(a) is unconstitutional, because in enacting said law, the Legislature infringed upon the constitutional powers of the Civil Service Commission that can only be abridged by constitutional amendment." (648)

"Thus, the exclusive authority of the Civil Service Commission over areas specified in LSA-R.S. 33:2218.2(A)(1) is established by both the legislative history of the Civil Service Commission and the jurisprudence

FACTUAL BACKGROUND

The Louisiana Legislature enacted LSA-R.S. 33:2218.2(A)(2)(a), requiring the state to pay an additional \$300 per month to qualifying full-time law-enforcement officers, including Port of New Orleans Harbor Police. The Harbor Police were employed in the state classified civil service. The State Civil Service Commission contended that the statute intruded on its constitutional authority to regulate compensation and adopt a uniform pay and classification plan for state classified employees.

PROCEDURAL HISTORY

After enactment of LSA-R.S. 33:2218.2(A)(2)(a), the Commission filed a petition for preliminary and permanent injunction and declaratory judgment. On July 24, 2002, the trial court found the statute constitutional and denied the petition. The First Circuit reversed on May 9, 2003, holding that the statute infringed the Commission's constitutional authority; the Louisiana Supreme Court affirmed that judgment.

DISPOSITION

affirmed

CASES CITED

- *Pepper v. Triplet*, 864 So. 2d 181 (La. 2004)
- *Cole-Miers Post 3619 V.F.W. of De Ridder v. State, Department of Revenue & Taxation, Office of Alcoholic Beverage Control*, 765 So. 2d 312 (La. 2000)
- *In re Louisiana Health Service and Indemnity Co.*, 749 So. 2d 610, 615 (La. 1999)
- *State v. Griffin*, 495 So. 2d 1306 (La. 1986)
- *State v. Hart*, 687 So. 2d 94 (La. 1997)
- *Louisiana Public Facilities Authority v. Foster*, 795 So. 2d 288 (La. 2001)
- *Meredeth v. Ieyoub*, 700 So. 2d 478 (La. 1997)
- *Bozant v. Campbell*, 9 Rob. 411 (La. 1845)
- *Civil Service Commission of the City of New Orleans v. William J. Guste*, 428 So. 2d 457 (La. 1983)
- *New Orleans Firefighters Association v. Civil Service Commission of the City of New Orleans*, 422 So. 2d 402 (La. 1982)
- *Bowie v. Louisiana Public Service Commission*, 627 So. 2d 164, 166 (La. 1993)
- *Louisiana Civil Service League v. Forbes*, 246 So. 2d 800, 807 (La. 1971)
- *Thoreson v. Department of State Civil Service*, 433 So. 2d 184, 190 (La. App. 1st Cir. 1983)
- *New Orleans Firefighters Association Local 632 v. City of New Orleans*, 590 So. 2d 1172, 1175 (La. 1991)
- *Leger v. Louisiana State University*, 601 So. 2d 20, 21 (La. App. 1st Cir. 1992)
- *Lafleur v. City of New Orleans*, 831 So. 2d 941 (La. 2002)

- Civil Service Commission of the City of New Orleans v. The City of New Orleans, 854 So. 2d 322, 328 (La. 2003)
- Hebbler v. New Orleans Fire Department, 310 So. 2d 113, 115 (La. 1975)
- Latino v. City of Bogalusa, 295 So. 2d 560 (La. App. 1st Cir. 1974)
- City of New Orleans v. Board of Commissioners of the Orleans Levee District, 640 So. 2d 237, 250 (La. 1994)
- State Civil Service Commission v. Director of Department of Public Safety, 849 So. 2d 602 (La. App. 1st Cir. 2003)
- Fraternal Order of Police v. City of New Orleans, 862 So. 2d 960 (La. 2003)

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