

Office of the Attorney General
State of LOUISIANA

Opinion No. 77-1489
December 12, 1977

MUNICIPAL FIRE & POLICE CIVIL SERVICE 71-1-1

R.S. 33:2561

R.S. 33:2561 allows an employee who is discharged or subjected to corrective or disciplinary action to demand in writing a hearing and investigation by the Fire & Police Civil Serv. Bd., which must be submitted within 15 days after the action. Said 15-day limit is preemptory and cannot be waived by the board. The Fire & Police Civil Serv. law does not charge anyone with responsibility of informing employees of their rights under said statute.

Mr. Phil Lemoine
City Clerk
P. O. Box 390
Ville Platte, LOUISIANA 70586

Dear Mr. Lemoine:

You have requested an opinion from our office on whether the Fire and Police Civil Service Board for Ville Platte may waive the fifteen day requirement found in R.S. 33:2561 for written request to the board and whose responsibility it is to inform the employees of their rights under this law.

R.S. 33:2561 provides in part:

'Any regular employee in the classified service who feels that he has been discharged or subjected to any corrective or disciplinary action without just cause may, within fifteen days after the action, demand in writing a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.'

This statute allows an employee who is discharged or subjected to any corrective or disciplinary action to demand in writing a hearing and investigation by the Fire and Police Civil Service Board. This must be submitted within fifteen days after the action. In our opinion the fifteen day limit is preemptory and cannot be waived by the board. (See *Montgomery v. Municipal Emp. Civil Service Board of City of Rayne*, 248 So. 2d 621, App. 1971).

The Fire and Police Civil Service Law does not charge anyone with the responsibility of informing employees of their rights under R.S. 33:2561. Although it would be a good practice for those administering actions under

state laws to inform employees of their rights under those laws, no one is specifically charged by the law to do so.

If we can be of further help in these matters please call on us.

Sincerely,

William J. Guste, Jr.
Attorney General

By: William T. Reeves, Jr.
Assistant Attorney General
La. Atty. Gen. Op. No. 77-1489
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