

Office of the Attorney General
State of LOUISIANA

Opinion No. 78-1218
October 11, 1978

71-1-1 MUNICIPAL FIRE & POLICE CIVIL SERVICE R.S. 33:2561

There is no specific time limit for an appointing authority to take disciplinary action.

Mr. Maxie E. Cox
State Examiner
Municipal Fire and Police Civil Service
Suite 300
Parkview Office Building
4664 Jamestown Avenue
Baton Rouge, LOUISIANA 70808

Dear Mr. Cox:

You have requested an opinion from our office concerning the time in which the appointing authority must take some action after an infraction is known to the appointing authority.

You state, and we agree, that the Municipal Fire and Police Civil Service law does not have a specific provision covering this area. Even though there is no specific time limit in which the appointing authority must act, a point in time will be reached when the appointing authority must be considered as condoning the action or inaction of an employee. However, this would not include concealed wrong doing.

In researching this matter we have found the following jurisprudence. In *Ragusa v. Department of Public Safety Division of State Police*, 238 So.2d 193 195, LA. App. 1st Cir. (1970) the Court stated:

'There is no hard and fast rule to be applied in cases of this type. We recognize that there must be a point at which an appointing authority must take action relative to an employee's misconduct or else be precluded from so doing. But can it be said that an appointing authority should be forced to keep an undesirable employee because his predecessor made a mistake in judgment in evaluating the employee's conduct? We think these questions can best be answered in the light of the circumstances surrounding each case.'
(Emphasis added)

In light of the above, it is our opinion that each case of disciplinary action by an appointing authority must be judged on the facts surrounding the case before a decision can be reached on whether the appointing authority has

condoned the action of the employee.

If we may be of further service in this matter please call on us.

Sincerely,

William J. Guste, Jr
Attorney General

By: William T. Reeves, Jr.
Assistant Attorney General

La. Atty. Gen. Op. No. 78-1218, 1978 WL 32384 (La.A.G.)
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