

Office of the Attorney General  
State of LOUISIANA

Opinion No. 78-955  
August 4, 1978

71-1-1 Municipal Fire and Police Civil Service R.S. 33:2501

Civil Service Board does not have the authority to order the destruction or removal of a letter of reprimand.

Mr. Willie Gilleylen  
Secretary of the Board  
Municipal Fire & Police Civil Service Board  
P. O. Box 1471  
Baton Rouge, LOUISIANA 70821

Dear Mr. Gilleylen:

You have requested an opinion from our office on the authority of the Municipal Fire and Police Civil Service Board for the City of Baton Rouge to order the destruction or removal of a letter of reprimand from the personnel service record of an employee.

R.S. 33:2501 provides the authority of the civil service board after appeals by employees. It states in part:

' . . . After such investigation the board may, if the evidence is conclusive, affirm the action of the appointing authority. If they find that the action was not taken in good faith for cause under the provisions of this Part, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period. The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority. . . . '

The above provision in our opinion is not authority for the civil service board to order the destruction or removal of a letter of reprimand from the personnel service record of an employee. However, we do feel the written finding of the board could also be placed in the personnel service record of the employee if the board found the action of the appointing authority was not

done in good faith for cause.

If we may be of further help on 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. 78-955, 1978 WL 32198 (La.A.G.)  
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