

Office of the Attorney General  
State of LOUISIANA

Opinion No. 79-113  
February 19, 1979

71-1-1 Municipal Fire & Police Civil Service R.S. 33:1995  
R.S. 33:1995 applies to full-time probational firemen.

Mr. Joseph Hartdegen  
Vice Chairman  
St. Bernard Parish Fire Department  
Civil Service Board  
2337 Artillery Drive  
Chalmette, LOUISIANA 70043

Dear Mr. Hartdegen:

You have requested an opinion from our office in regard to R. S. 33:1995 concerning sick leave for firemen. Specifically, you ask if the provisions of Section 1995 apply to probational firemen.

R.S. 33:1995 provides:

'Every fireman in the employ of a municipality, parish or fire protection district to which this Sub-part 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.'

'Firemen' is defined in R.S. 33:1991(A) as follows:

'A. The word 'firemen,' as used in this Sub-part includes all persons employed or engaged full time by municipalities or municipal fire departments or by parishes or parish fire departments or fire protection districts for fire fighting or fire prevention duties and services, including operators of the fire-alarm system when such operators are members of the regularly constituted fire department.'

R.S. 33:1991 and 1995 do not make a distinction between regular and permanent firemen and those full-time firemen who are probational because they are serving the period of their working test. Therefore, in our opinion, the provisions of R.S. 33:1995 do apply to firemen who are serving their working test and are considered probational during that period of time.

Insofar as the formal opinion of this office dated February 16, 1955 and written to Mr. John F. Ward, Jr., Assistant Parish Attorney for East Baton Rouge Parish, is in conflict with this opinion, it is hereby recalled.

If we can be of further help on this matter please call on us.

Sincerely,

William J. Guste, Jr.  
Attorney General

By: William T. Reeves  
Assistant Attorney General  
La. Atty. Gen. Op. No. 79-113, 1979 WL 38591 (La.A.G.)  
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