

Office of the Attorney General
State of LOUISIANA

Opinion No. 77-1446
October 19, 1977

71-1-1 MUNICIPAL FIRE & POLICE CIVIL SERVICE.

Once-suspended officer may not work extra time without pay to make up lost time.

R.S. 33:2473(20)

Mr. Willie E. Buffington
Chief of Police
City of Monroe
Monroe, LOUISIANA 71201

Dear Mr. Buffington:

Your inquiry of recent date addressed to Attorney General William J. Guste, Jr. has been directed to me for attention and reply.

You ask: May an officer who had been suspended, work extra time without pay to make up for the time lost and, in effect, erase those suspended days from his record?

It is assumed that the applicable law relative to your question is contained in R.S. 33:2471 et seq. comprising Part II of Chapter 5 entitled 'Fire and Police Civil Service Law for Municipalities between 13,000 and 250,000.' R.S. 33:2473 entitled 'definitions' is quoted in part as follows:

20. 'Seniority' . . . an employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future computation.

While the writer does not have access to the rules and regulations of your board promulgated under R.S. 33:2478 and 33:2497, it is submitted that any rules pertinent to the question you ask could not conflict with the Revised Statutes above noted. For your information, Rule 11.5(D) of the State Civil Service specifically disallows credit for accumulated leave time or sick leave time for any overtime or hours of work without pay. Assuming further, that a 'regular work week' is fixed by the board, any work time in excess thereof would probably be considered in the same light as such time in the State Civil Service.

Therefore, it is the opinion of this office that under the provisions of R.S. 33:2473(20) a police officer who loses time through suspension may not legally

work extra time without pay to make up the lost time and, in effect, erase the lost time from his record.

I trust the above will satisfactorily answer your inquiry, but if you have any further questions regarding this matter, kindly contact our office.

Sincerely yours,

William J. Guste, Jr.
Attorney General

By: Harry H. Howard
Assistant Attorney General
La. Atty. Gen. Op. No. 77-1446
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