

2022 Regular Session

HOUSE BILL NO. 918

BY REPRESENTATIVE WHEAT

SUPPLEMENTAL PAY: Provides relative to supplemental pay

1 AN ACT

2 To amend and reenact R.S. 40:1667.1(B)(1), 1667.3(A) through (D), 1667.4, and 1667.6(A)
3 and to enact R.S. 40:1667.11, relative to supplemental pay for certain law
4 enforcement officers; to provide relative to prior service for purposes of the period
5 of service requirement; to provide relative to disbursement of funds; to provide for
6 the board of review; to provide relative to eligibility for supplemental pay; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1667.1(B)(1), 1667.3(A) through (D), 1667.4, and 1667.6(A) are
10 hereby amended and reenacted and R.S. 40:1667.11 is hereby enacted to read as follows:

11 §1667.1. Rate of compensation; prior service; supplemental monthly compensation;
12 police to receive additional compensation

13 * * *

14 B.(1) In computing the period of service required by Subsection A of this
15 Section, service as a police officer and as chief of police with peace officer standards
16 and training (POST) certification in the municipality or tribe shall include prior
17 service for those police officers and chiefs of police who have returned or hereafter
18 return to such service. In addition, in computing the period of service required by
19 Subsection A of this Section, service as a police officer and as chief of police in the
20 municipality or tribe shall include prior service as a commissioned deputy sheriff

1 receiving extra compensation under the provisions of R.S. 40:1667.7, shall include
 2 prior service as a P.O.S.T.-certified law enforcement officer employed on a full-time
 3 basis by the Department of Wildlife and Fisheries or the Department of Public Safety
 4 and Corrections, including the division of probation and parole, ~~and~~ shall include
 5 prior service of retired state police officers who received extra compensation under
 6 the provisions of R.S. 40:1457, and shall include prior service as a police officer
 7 certified pursuant to R.S. 40:2405 employed on a full-time basis by an official law
 8 enforcement agency.

9 * * *

10 §1667.3. Disbursement of funds

11 A.(1) The funds appropriated and dedicated as herein provided shall be
 12 disbursed upon warrants ~~drawn~~ approved and certified by the mayors, chiefs of
 13 police, or marshals of the respective municipalities coming under the provisions of
 14 this Part, which warrants shall have attached to them a detailed list of the names of
 15 the ~~officers~~ individuals for whose benefit any particular warrant is drawn, ~~together~~
 16 ~~with the completed years of service of such officers~~ and such other information as
 17 the ~~secretary of the~~ Department of Public Safety and Corrections may require.

18 (2) If a person who is required to sign a warrant fails to sign it, the person
 19 shall forward by certified mail to the Department of Public Safety and Corrections
 20 a letter which includes a justification for the failure to sign the warrant and
 21 supporting documentation. The board of review may approve a warrant that does not
 22 include all required signatures.

23 B. The mayors, chiefs of police, or marshals of the respective municipalities
 24 shall forward the approved and certified warrants to the ~~secretary of the~~ Department
 25 of Public Safety and Corrections and, on the basis of such warrants, the ~~secretary of~~
 26 ~~the~~ Department of Public Safety and Corrections shall ~~prepare and sign individual~~
 27 ~~checks representing the amount to be paid out of state funds to each police officer~~
 28 issue payments in accordance with the provisions of this Part. ~~Each such check shall~~
 29 ~~show the legislative appropriation from which payment is made and shall note that~~

1 §1667.4. Salary reductions; void; police

2 Any reduction of the salary of any ~~police officer~~ individual, which salary is
3 in effect on July 1, 1979, whether by the governing authority or by any pay plan
4 under the provisions of any civil service law, or otherwise, shall be void where it is
5 made solely by reason of the additional compensation by the state in this Part. Any
6 appropriation made by the legislature which results in a salary adjustment to the state
7 supplemental pay program under this Part shall not have the effect of reducing or
8 replacing any base salary or benefits paid by the local governing authority from other
9 sources.

10 * * *

11 §1667.6. Board of review; powers and duties

12 A. There is hereby created a board of review which shall be composed of
13 ~~three~~ nine members, ~~one of whom shall be the~~ as follows:

14 (1) The commissioner of administration or a representative of the division
15 of administration selected by him; ~~one of whom shall be a~~.

16 (2) A member of the Louisiana Association of Chiefs of Police selected by
17 the ~~president~~ director ~~of said~~ the ~~association;~~ ~~and one of whom shall be the~~ director.

18 (3) The deputy secretary for public safety services of the ~~state department~~
19 ~~of public safety~~ Department of Public Safety and Corrections or a representative
20 from ~~said~~ the department selected by the ~~director~~ deputy secretary.

21 (4) A member of the Louisiana Commission on Law Enforcement and
22 Administration of Criminal Justice selected by the chairman of the commission.

23 (5) A representative of the Council on Peace Officer Standards and Training
24 selected by the chairman of the council. The member who serves pursuant to this
25 Paragraph shall be a nonvoting member.

26 (6) A member of the Louisiana Municipal Association selected by the
27 director of the association.

28 (7) The state examiner of municipal fire and police civil service or a
29 representative of the office of state examiner of municipal fire and police civil

1 service selected by the state examiner. The member who serves pursuant to this
2 Paragraph shall be a nonvoting member.

3 (8) A member of the Louisiana City Marshals and City Constables
4 Association selected by the president of the association.

5 (9) A member of the Justices of the Peace and Constables Association
6 selected by the president of the association. The member who serves pursuant to this
7 Paragraph shall be a nonvoting member.

8 * * *

9 §1667.11. Furlough

10 Furlough of an individual due to a state of emergency declared by a federal,
11 state, parish, or municipal official shall not affect the individual's eligibility to
12 receive additional pay out of state funds as provided in this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 918 Engrossed

2022 Regular Session

Wheat

Abstract: Relative to state supplemental pay, provides for the membership of the board of review, for the period of service requirement, for disbursement of funds, and for eligibility.

Present law (R.S. 40:1667.1(A)) provides for state supplemental pay of \$500 per month for any police officer paid by any municipality or by the Chitimacha Tribe of La., Coushatta Tribe of La., or the Tunica-Biloxi Tribe of La., who devotes his full working time to law enforcement, has passed a council-certified training program, and has completed one year of service.

Present law provides for state supplemental pay of \$500 per month for certain police officers who provide services while patrolling levees, waterways, riverfront areas, and bridges within the city of New Orleans, who have passed a council-certified training program, and who have completed one year of service.

Present law (R.S. 40:1667.1(B)) provides that in computing the period of service required by present law (R.S. 40:1667.1(A)), service as a police officer and as chief of police with peace officer standards and training (POST) certification in the municipality or tribe shall include prior service for those police officers and chiefs of police who return to such service. Provides that service as a police officer and as chief of police in the municipality or tribe shall include prior service as a commissioned deputy sheriff receiving extra compensation under the provisions of present law (R.S. 40:1667.7), shall include prior service as a P.O.S.T.-certified law enforcement officer employed on a full-time basis by the Dept. of Wildlife and Fisheries or the Dept. of Public Safety and Corrections, including the division

of probation and parole, and shall include prior service of retired state police officers who received extra compensation under the provisions of present law (R.S. 40:1457).

Proposed law retains present law and additionally provides that in computing the period of service required by present law (R.S. 40:1667.1(A)), service as a police officer and as chief of police in the municipality or tribe shall include prior service as a police officer certified pursuant to present law (R.S. 40:2405) employed on a full-time basis by an official law enforcement agency.

Present law (R.S. 40:1667.3) provides for disbursement of supplemental pay funds. Provides that funds are disbursed upon warrants drawn by the mayors of the respective municipalities subject to present law. Requires attachment of a list of names of officers for whose benefit warrants are drawn and other information required by the secretary of the Dept. of Public Safety and Corrections.

Proposed law provides that warrants are approved and certified instead of being drawn. Adds chiefs of police and marshals as officials who approve and certify warrants. Provides that the attached list include the names of individuals for whom warrants are drawn, instead of officers. Provides that the department, rather than the secretary of the department, may require additional information to be attached to the warrants. Otherwise retains present law.

Present law additionally requires warrants to include the completed years of service of the officers for whose benefit warrants are drawn. Proposed law repeals present law.

Proposed law provides that if a person who is required to sign a warrant fails to sign it, the person shall forward by certified mail to the Dept. of Public Safety and Corrections a letter which includes a justification for the failure to sign the warrant and supporting documentation. Authorizes the board of review to approve a warrant that does not include all required signatures.

Present law provides that the mayor and chief of police or other municipal officer of the municipalities employing the police officers entitled to additional compensation from the state under the provisions of present law, who is charged with the responsibility of preparing the payrolls for such police officers, shall include the additional compensation paid by the state to such police officers in the calculation and deduction from the pay of such officers the sums required by state or federal law to be withheld by an employer, such as federal income tax and social security tax or contributions to state or local retirement systems. Provides that any officials so charged with withholding sums from the pay of the police officers shall be further charged with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

Present law provides that the additional compensation paid by the state to municipal police officers as provided in present law shall be included in the calculation and computation of the total wages paid to the municipal police officer in the determination of employer contributions to any retirement system or pension fund of which the police officer may be a member as well as in the determination of retirement eligibility and benefits which may accrue to the police officer under any retirement system or pension fund, as well as in the determination of any other employee benefits, sick leave, or disability pay to which the police officer might be entitled with the exception of workers' compensation benefits pursuant to present law (R.S. 23:1021 et seq).

Proposed law replaces the terms "police officer", "officer", and "municipal police officer" with the term "individual". Otherwise retains present law.

Present law provides for a board of review to make determinations with regard to eligibility for state supplemental pay. Proposed law retains present law.

Present law requires the secretary of the Dept. of Public Safety and Corrections to prepare and sign individual checks representing the amount to be paid out of state funds to each police officer. Provides that each such check shall show the legislative appropriation from which payment is made and shall note that it represents additional compensation paid by the state under the provisions of present law. Requires the secretary of the Dept. of Public Safety and Corrections to deliver the checks to the individual officers by mail or by such other means as he shall determine.

Proposed law repeals present law. Requires the Dept. of Public Safety and Corrections to instead issue payments in accordance with the provisions of present law.

Present law provides that the board of review consists of three members as follows:

- (1) The commissioner of administration or a representative of the division of administration selected by him.
- (2) A member of the La. Assoc. of Chiefs of Police selected by the president of the association. Proposed law provides that the member is selected by the director of the association instead of the president.
- (3) The director of the state department of public safety or a representative from the department selected by the director. Proposed law provides that the member is the deputy secretary for public safety services of the Dept. of Public Safety and Corrections or a representative of the department selected by the deputy secretary.

Proposed law adds the following members to the board of review:

- (4) A member of the La. Commission on Law Enforcement and Administration of Criminal Justice selected by the chairman of the commission.
- (5) A representative of the Council on Peace Officer Standards and Training selected by the chairman of the council. Provides that the member is a nonvoting member.
- (6) A member of the La. Municipal Assoc. selected by the director of the association.
- (7) The state examiner of municipal fire and police civil service or a representative of the office of state examiner of municipal fire and police civil service selected by the state examiner. Provides that the member is a nonvoting member.
- (8) A member of the La. City Marshals and City Constables Association selected by the president of the association.
- (9) A member of the Justices of the Peace and Constables Association selected by the president of the association. Provides that the member is a nonvoting member.

Proposed law additionally provides that furlough of an individual due to a state of emergency declared by a federal, state, parish, or municipal official shall not affect the individual's eligibility to receive additional pay out of state funds as provided in present law.

(Amends R.S. 40:1667.1(B)(1), 1667.3(A)-(D), 1667.4, and 1667.6(A); Adds R.S. 40:1667.11)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Increase the total number of members of the board of review from seven to nine. Add one voting member from the La. City Marshals and City Constables Assoc. and one nonvoting member from the Justices of the Peace and Constables Association.