
DIGEST

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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.