

Regular Session, 2013

SENATE BILL NO. 159

BY SENATOR MORRELL AND REPRESENTATIVE HAZEL

LAW ENFORCEMENT. Provides relative to paid detail or secondary employment administered or managed by the city of New Orleans. (gov sig)

1 AN ACT

2 To enact R.S. 33:2339, relative to municipal law enforcement; to provide relative to detail
3 or secondary employment; to provide relative to communications; to provide relative
4 to administrative fees; to provide relative to public records; to provide relative to
5 medicare and social security contributions; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:2339 is hereby enacted to read as follows:

9 **§2339. Detail or secondary employment**

10 **A. All offices, officers, and staff managing police details and secondary**
11 **employment shall be prohibited from communicating with the New Orleans**
12 **Police Department, its staff, officers, or superintendent. Communicating with**
13 **the Public Integrity Bureau is excepted from this prohibition.**

14 **B.(1) The head of the Office of Police and Secondary Employment shall**
15 **not be within the chain of command of the New Orleans Police Department but**
16 **shall be bound to observe the Police Officers Bill of Rights and shall be**
17 **prohibited from disciplining an officer, and shall not restrict access to details**

1 without due process through civil service. Civil service shall promulgate rules
2 to resolve OPSE complaints.

3 (2) The chief management officer for the OPSE shall refer all complaints
4 of unprofessional conduct to the Public Integrity Bureau.

5 C. The OPSE will be responsible for workers' compensation and all
6 related insurance costs of officers on detail or secondary employment.

7 D. The maximum administrative fee on hourly detail or secondary
8 employment shall be five dollars per hour.

9 E. The city of New Orleans shall be responsible for any tax associated
10 with payment of the five dollar administrative fee by any entity.

11 F. Each assignment of paid police detail and secondary employment, as
12 well as any exempted detail or details exempted from rotation, the name of any
13 coordinator assigned to such detail, as well as the rationale given for any
14 exemption from detail policy or procedure shall be a public record subject to
15 the Public Records Law.

16 G. The city of New Orleans shall be responsible for the funding and
17 payment of social security and Medicare employer and employee contributions
18 for all detail or secondary employment and shall not deduct any such
19 contributions from hourly rates established for officers on details.

20 H. Any communication regarding the chief management officer of the
21 OPSE shall be a public record and subject to the Public Records Law and also
22 be available under the Freedom of Information Act.

23 I. As used in this Section, "OPSE" shall mean the Office of Police and
24 Secondary Employment.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Morrell (SB 159)

Proposed law prohibits offices, officers, and staff managing police details and secondary employment from communicating with the New Orleans Police Department, its staff, officers, or superintendent, except that communicating with the Public Integrity Bureau is allowed.

Proposed law prohibits the head of the Office of Police and Secondary Employment (OPSE) from being within the chain of command of the New Orleans Police Department or from disciplining an officer. Proposed law further prohibits OPSE from restricting access to details without due process through civil service. Proposed law requires civil service to promulgate rules to resolve OPSE complaints.

Proposed law requires the chief management officer for the OPSE to refer all complaints of unprofessional conduct to the Public Integrity Bureau.

Proposed law requires OPSE to be responsible for workers' compensation and all related insurance costs of officers on detail or secondary employment.

Proposed law restricts the maximum administrative fee on hourly detail or secondary employment to five dollars per hour.

Proposed law requires the city of New Orleans to be responsible for any tax associated with payment of the five dollar administrative fee by any entity.

Proposed law requires that each assignment of paid police detail and secondary employment, as well as any exempted detail or details exempted from rotation, the name of any coordinator assigned to such detail, as well as the rationale given for any exemption from detail policy or procedure be a public record subject to the Public Records Law.

Proposed law requires the city of New Orleans to be responsible for the funding and payment of social security and Medicare employer and employee contributions for all detail or secondary employment and prohibits any deductions for any such contributions from the hourly rates established for officers on details.

Proposed law requires any communication regarding the chief management officer of the OPSE be a public record and subject to the Public Records Law and also be available under the Freedom of Information Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2339)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Deletes provision requiring the inclusion of payments from a detail or secondary employment in all benefits earned by the officer.
2. Adds provisions regarding communication, OPSE complaints, workers'

compensation, administrative fees, public records, and social security and Medicare.