

MUNICIPAL POLICE OFFICERS' SUPPLEMENTAL PAY BOARD MEETING MINUTES

May 10, 2023

A regular meeting of the Municipal Police Officers Supplemental Pay Board of Review, May 10, 2023 at Louisiana Department of Public Safety, Management and Finance Office, Chief Layrisson called the meeting to order.

ROLL CALL

The following members and staff present:

Board Members

Chief Bry Layrisson, Chairman (LA Assoc. of Chiefs of Police)
Ternisa Hutchinson (DOA)
Carl Richard (LA. City Marshals and City Constables Assoc.)
Rebekah Taylor Hill (Council on Peace Officer Standards and Training)
Jim Craft (Louisiana Commission on Law Enforcement (LCLE))
Adrienne T. Bordelon (Office of state Examiner of Municipal Fire and Police Civil Service)
Mayor David Toups (Louisiana Municipal Clerks Institute)

Staff

Natalya Besse
Candy Diez
Susanne Tessier
Sherlyn D. Shumpert, Esq.

Visitor

Lavon Johnson (Office of state Examiner of Municipal Fire and Police Civil Service)

APPROVAL OF MINUTES

Jim Craft made a motion to approve minutes.

Chief Bry Layrisson seconded the motion and the motion passed.

APPEALS

None.

OLD BUSINESS

OLD BUSINESS:

Alexandria PD – Craig R. Mickel, Sergeant: Candy Diez presented Civil Service ruling that states of the wrongful termination of the officer. The officer was reinstated without back pay, but the city is trying to help the officer receive supplemental pay back pay. Once the board determines the reinstatement date

for back pay the office will let the department know the amount they need to pay to the officer. The department will need to provide an invoice and a letter to the board, requesting the reimbursement.

Adrienne Bordelon suggested a reinstatement date 2/28/2021 – 90 days suspension after the 11/18/2020 reinstatement.

Rebekah Taylor Hill confirmed Craig R. Michel is current on his POST certification.

Bry Layrisson made a motion to approve reinstatement date 2/28/2021. Jim Craft seconded and the motion passed.

St. Landry Parish Government – Spencer S Cornette, Director of Animal Control & Mark Anthony Kidder, Lead Investigator: the officers' applications were denied at the last board meeting because the commission cards were from the Opelousas sheriff's department. Both submitted new commission cards from the Opelousas PD – Reserve Police Officers; the applications were signed by the Director of Finance, not the Chief of Police.

Ternisa Hutchinson made a motion to deny the applications. Bry Layrisson seconded and the motion passed.

NEW DEPARTMENT:

Village of Lillie – Eric Henderson, Chief of Police: Natalya Besse presented an application for the new chief of police. A new town must be approved prior to adding new recipient. Application provides that the chief is expected to be on duty or call 24 hours a day, 7 days a week. His monthly pay is \$300 as of September 2022. Natalya Besse pointed to R.S. 40:1667.1 [C(6)] - the major source of income must come from public employment and paid by municipality.

Adrienne Bordelon and Rebekah Taylor Hill argued that part of the statute refers to marshal, not chief of police.

Bry Layrisson pointed out that under Lawrason ACT the chief of police is referred to as a marshal.

Jim Craft asked if the village of Lillie falls under Lawrason ACT. Usually villages are unless a special legislative charter governs them. If Lillie is Lawrason ACT, then the R.S. 40:1667.1 applies to them. Need to see what the paperwork says about their charter.

Adrienne Bordelon asked, what do the village papers say about their charter status? Per law, in the absence of the charter, the Lawrason ACT governs.

Carl Richard said that according to the letter, this is a brand new police department. The village bought a body camera; ordered the chief a car, gave him a bullet vest. The chief will start patrolling the village starting in September, and the village will pay for gas.

Mayor David Toups pointed that for most villages \$300 might be a lot of money, and that is what they pay to their mayor and the chief of police. An elected chief of police is full time, regardless of the pay.

Jim Craft said that traditionally in villages one person is the police department, and it is a chief of police. They usually have other employment.

Mayor David Toups asked if the chief of police was appointed or elected.

Bry Layrisson made a motion to give the staff time to look into it further. The board has some legal questions to review and the staff needs to make sure he has not received supplemental pay from the Sheriff's side.

Ternisa Hutchinson seconded and the motion passed.

Rebekah Taylor Hill said she will get with Louisiana Municipal Association to find out the classification for this chief, whether he is a chief of police or a marshal.

NEW BUSINESS:

Bossier City PD – Jonathan D Posey, Jailer I: the officer is a jailer.

Adrienne Bordelon said, per statute a jailer is a classified position under municipality civil services law and will be eligible to receive supplemental pay.

Rebekah Taylor Hill reminded that the board previously discussed and concluded that the certification has to match the job for the eligibility purposes. Officer has Level 1 Basic POST certification opposed to Level 2 basic correctional peace officer certification required for of someone working in the care custody and control inmates. Officer Posey does not have certification for the position he is in.

Ternisa Hutchinson made a motion to deny applications since the current certificate does not match to job duties. Bry Layrisson seconded and the motion passed.

Minden PD – Cadyn Johnathan O'Connor: the officer has two full time jobs at the Minden PD and Camp Minden – National Guard.

Adrienne Bordelon said the officer cannot have full time employments at the municipality and the state at the same time. Camp Minden – National Guard is a state job.

During the supplemental pay eligibility effective date discussion, Candy Diez asked, should the Camp Minden service be included in the prior service calculation. The officer's hire date was 2/7/2023; he received his POST certificate on 10/26/2022.

Rebekah Taylor Hill said, "yes." National guards - military police is included in the definition of the peace officers.

Bry Layrisson confirmed that police officers cannot hold two full time jobs. If he is a state employee, he is prohibited from being in the municipal retirement system.

Natalya Besse provided information from the application packet that officer O'Connor plans to resign from Camp Minden some time in July.

Bry Layrisson made a motion to deny applications due to the dual employment. Ternisa Hutchinson seconded and the motion passed.

The officer can reapply after he resigns from Camp Minden – National Guard, which is state employment.

St. Francisville PD – Payments go to town’s general fund: Natalya Besse informed the board that the St. Francisville PD is the only municipality that provides its general fund financial information on the applicants’ direct deposit form. Currently all supplemental payments are transferred directly to eligible supplemental pay recipients’ financial institutions.

Mayor David Toups expressed his desire to have the same method of payment for this municipality.

Bry Layrisson pointed out that the new legislation gives this board the authority to change the current payment process. As an outgoing chairman Bry Layrisson cannot put this item on the agenda and make a motion to approve payments to be sent to municipalities instead of individuals.

Bry Layrisson proposed to put this item on the next board meeting agenda.

Job title records clerk: Natalya Besse informed the board that the new supplemental pay system allows staff to capture and collect job titles as required per Louisiana Legislative Auditors. A number of recipients’ job titles were changed to Records Clerk. Per R.S. 40:1667.1 [D(1)] “whether or not duly commissioned as police officer or having the power to make arrests, shall not deemed to be a municipal police officer entitled to additional pay of out state fund... if primarily performed purely clerical or non-enforcement duties.”

Natalya Besse also presented AG’s 2014 opinion that states that if mentioned in the statute positions are classified under the Civil Service Classification, the employees qualify to receive the extra compensation provided by the statute.

Attorney Sherlyn Shumpert expressed her disagreements with the AG’s opinion. The punctuation, semicolon, between each job title separates them, and only secretary, after the semicolon, has a clause about the exception due to being under civil service law.

Jim Craft wanted it to be noted that he does not share AG’s opinion; the statute prohibits clerks from supplemental pay.

Bry Layrisson said that officers are moving multiple times from one position to another throughout the entire career with different titles. If POST certified officer becomes an evidence officer he is eligible to continue receiving supplemental pay.

Rebekah Taylor Hill also noted that Records Clerks are specifically prohibited from eligibility by the law. It is no law enforcement. She does not believe that these individuals should be punished by having to pay back what they got and should not have gotten, but it would need to stop.

Adrienne Bordelon said if the Board opts to deny these people's supplemental pay, it is probable, they're going to ask for an AG's opinion specific to them. The AG's opinion is, probably, going to say what this AG opinion says, which is because they are in a civil service system, they are eligible. The board will be revisiting this issue again. Adrienne Bordelon argues that records clerks are eligible in the statute.

Adrienne Bordelon stated that dispatchers, who are eligible per statute, and records clerks are line support classes in the classified system. Moving from one position to another would require,

depending on the particular jurisdiction's classification plan, either lateral move, "demotion" or just reclassification. Both titles have different sets of support classes, it depends on the individual departments, whether the reclassification is a promotion or demotion.

Adrienne Bordelon makes an argument that the second "and" that follows by "or" applies to all under classified municipal employees' civil service system. It does not matter what duties you perform if you are in the civil services system.

D. For purposes of this Part the following classes of persons, whether or not duly commissioned as police officers or having the power to make arrests, shall not be deemed to be a municipal or tribal police officer entitled to additional pay out of state funds:

(1) Personnel employed primarily to perform purely clerical or nonenforcement duties, including but not necessarily restricted to the following types of duties of persons: typographical; office machine operators; switchboard operators; filing clerks; stenoclerks; stenographers; dog pound keepers; school crossing guards; and secretaries except those classified under the municipal fire and police civil service law and those classified as secretary to the chief of police in a classified municipal police employees civil service system or a classified municipal employees civil service system created by legislative Act.

Adrienne Bordelon reminded that in previous decisions, the board denied supplemental pay due to a lack of the correct certificate regardless of title. She also pointed to a paragraph D "for purposes of this Part the following class of persons, whether or not duly commissioned as police officers or having the power to make arrest, shall not be deemed to a municipal officers entitled to additional pay out of state funds..." except for secretaries who are under civil service. If the board takes a position that the exception only applies to secretaries, then they do not have to be POST certified at all. She suggested secretaries would not have to be POST certified.

Rebekah Taylor Hill pointed that none of these individuals are Level 1, Basic POST certificate; they have Basic Correctional certificates. The board previously decided that if they did not have the correct post certification, they were not eligible, regardless of job title.

Bry Layrisson said even though in the past the board made decisions to deny supplemental pay if the applicant did not have Basic POST certificate, the board never removed people from the state pay. Moving forward no records clerk will be approved without Basic POST certificate.

Bry Layrisson made a motion to approve all Records Clerks to continue receiving supplemental pay. Carl Richard seconded. Jim Craft opposed.

Jim Craft asked to be on the record that a records clerk, in most agencies, is a civilian position and civilians do not qualify for supplemental pay.

Attorney Sherlyn Shumpert asked the board to clarify the motion to approve because the recipients are already receiving supplemental pay. All officers have Basic Correctional Certificate instead of Basic POST certificate.

Rebekah Taylor Hill reminded that the motion was made to continue pay because they were already receiving supplemental pay.

Sherlyn Shumpert said it was her understanding that eligibility is determined at any time, if the recipients changed job duties that may not make them eligible for supplemental pay, it should be corrected.

Adrienne Bordelon said the statute clearly gives the board the authority to determine eligibility after moving to another position or changing job title.

Jim Craft said that he is aware that the board can do it, but if the board discovered an error, the individuals should not keep getting supplemental pay. That is misuse of state money.

Adrienne Bordelon said the board has to decide what interpretation of the statute to follow. It is either the council's interpretation that Records Clerks are not eligible or AG's opinion that Records Clerks are eligible. The motion by the chief to follow AG's interpretation, and the vote of the Board as a whole finalized eligibility decision.

Bry Layrisson confirmed his intent to follow AG's opinion. The motion passed.

Natalya Besse asked for clarification for defining routinely approved applications based on the current ruling and certification requirement.

Ternisa Hutchinson confirmed that Records Clerk title falls under routinely approved if an applicant presents Basic POST certificate.

Bry Layrisson said no application should come to the board without the basic level 1 POST certification moving forward. If a jailer has the incorrect certification, the Administration has the authority to deny the application.

Bry Layrisson informed the staff, he and Adrienne Bordelon will provide a **comprehensive** checklist for routinely approved applications. As long as the staff follows that checklist, there will be no need to seek board's formal approval, once it is determined the applicants are eligible for supplemental pay.

Adrienne Bordelon agreed, per statute, the board only reviews issues of questions. Once the application checklist procedure is adopted, the staff can determine eligibility without the board's formal approval.

Jim Craft asked, to be eligible for supplemental pay an applicant is required to be a member of police municipal civil service system.

Bry Layrisson said all municipalities are eligible for supplemental pay.

Adrienne Bordelon said unless an applicant has a civil service title that is covered in this AG's opinion.

Jim Craft said he does not understand how civilians can draw state supplemental pay.

Bry Layrisson said that civilians are not entitled to supplemental pay. If a recipient does not have arrest authority, he/she should not be qualified for supplemental pay.

Rebekah Taylor Hill pointed out that a recipient was moved from a police officer position to a civilian position. Meaning, they go from what is known as a definition of a peace officer to someone who is not performing that function anymore and still be eligible for supplemental pay.

Bry Layrisson said there is not much difference in duties between the records clerk and the evidence officer.

Ternisa Hutchinson recommended for new applications to look at the job description and not title, making sure they are commissioned and have arrest authority.

Adrienne Bordelon and Rebekah Taylor Hill addressed overpayments and billing municipalities. Municipalities follow the procedure, notifying the office before the month end, and DPS does not follow its regulation to stop the pay. Adrienne Bordelon said if the staff needs help, they need to hire more people and maybe Ternisa Hutchinson can help with that.

Natalya Besse advised that municipalities must meet the deadline, submitting their changes and warrants to the supplemental pay office. The supplemental pay staff has limited time to enter all changes into the system. After their own deadline, the staff must balance books for month end closing and work on the new month warrants and financial file.

Candy Diez said that currently municipalities are told to enter all changes on the warrant and submit warrants by the 15th. Any changes after that day need to be emailed. The staff will do its best to enter changes into the system. The problem is some municipalities submit their warrants on the second of the month, and the office receives a large number of emails with change requests.

Ternisa Hutchinson said put deadline requirement in the rules that will work for DPS processes.

Ville Platte Police Dept: Linton Fontenot – see attached Internal Audit memo.

Rebekah Taylor Hill pointed out that according to the letter from the mayor, dated 6/21/2017, Mr. Fontenot was an employee of the General Administration Department for the City of Ville Platte, not the police department or Marshall's office, and that he served as a security guard. He did not have arrest authority in his capacity. Mr. Fontenot was paid during his time as a security guard for the City Ville Platte. The supplemental pay was stopped in 2020, because the city's payroll office realized that he should not have been receiving it due to being employed by the city and not the police department.

Bry Layrisson made a motion that Linton Fontenot was not eligible to receive supplemental pay during that time and administration needs to seek refund from municipality.

Jim Craft seconded the motion and the motion passed.

SuMPay MODERNIZATION PROJECT UPDATES

Natalya Besse provided update on the modernization project.

PRESENTATION OF MOST RECENT BUDGET PROJECTIONS:

Natalya Besse presenting current budget figures.

NEW APPLICATIONS SUBMITTED FOR APPROVAL

Ternisa Hutchinson objected, saying the board does not need to approve routine applications. The checklist will give authority to the staff to approve it. Chief Layrisson said that is the last time the board approves it. He proposed for Adrienne Bordelon and him to provide a checklist for the board review. If the checklist approved, that gives the administration the authority to approve applications themselves.

Chief Layrisson made a motion to approve 247 new applications for \$661,227.
Mayor David Toups seconded the motion and the motion passed.

NEW ACT 110 MONEY APPROVAL

Ternisa Hutchinson made a motion to approve ACT 110 payment for 9 applications for \$20,116.
Chief Layrisson seconded it and the motion passed.

SET TIME & DATE OF NEXT MEETING

August 9, 2023 @ 10:00 a.m.

ADJOURN:

Jim Craft made a motion to adjourn.
Carl Richard seconded the motion and the motion passed.