

MUNICIPAL POLICE OFFICERS' SUPPLEMENTAL PAY BOARD MEETING MINUTES

November 9, 2022

A regular meeting of the Municipal Police Officers Supplemental Pay Board of Review, November 9, 2022 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)
James E. LeBlanc (Justice of the Peace and Constables Assoc.)
Rebekah Taylor Hill (Council on Peace Officer Standards and Training)
Carl Richards (LA City Marshals and City Constables Assoc.)
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
Soonie Tessier
Sherlyn D. Shumpert, Esq.

Visitor

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

APPROVAL OF MINUTES

Chief Layrisson made a motion to approve minutes from last meeting.

Ternisa Hutchinson seconded the motion and the motion passed.

Natalya notified Chief Layrisson that at the last meeting, Chief Layrisson asked to remove any comments made by Capt. Burns due to him not being present in person but we are advised by Legal that we could not do that.

Chief Layrisson approved.

APPEALS

None.

Natalya Besse presented that Rebekah Taylor Hill explained the difference between Basic Post Certification and Correctional Peace Officer at the last meeting and asked Chief Layrisson to confirm that Basic Post Certification will be the only certification that is acceptable. Chief Layrisson agreed.

OLD BUSINESS

Todd Easterling – he does not have Basic Post Certification, only has Correctional Peace Officer. Chief Layrisson made a motion to deny.

Ternisa Hutchinson seconds the motion and the motion passed.

NEW DEPARTMENTS

None.

NEW BUSINESS

Morgan Lancon Delcambre (New Iberia Police Department) officer has Basic Correctional Peace Officer certificate and is a Transportation Officer. Chief Layrisson made a motion to deny.

Ternisa Hutchinson seconds the motion and the motion passed.

A representative from New Iberia Police Department wanted to speak on behalf of Morgan Delcambre, Transportation Officer. Chief Layrisson explained to the representative that Morgan Delcambre has to have Basic Post Certification Level 1 to qualify to receive supplemental pay.

The New Iberia Police Chief, Todd D’Albor, wanted to speak again on behalf of Morgan Delcambre. He explained that the employee was not hired as an officer but as a transportation officer, which is correctional and she is level 2. Adrienne T. Bordelon explained that Morgan does not have the correct certification, she has Basic Correctional Officer and needs Basic Post Certification. Chief D’Albor explained that his understanding is for a correctional post level 2, which is the full correctional academy for a correctional position, is authorized for supplemental pay. She was hired as a Transportation Officer, which is a correctional position. Chief D’Albor asked the board to reconsider.

Rebekah Taylor Hill refers to minutes from last meeting that another officer was in an enforcement position at an agency and was wanting supplemental pay based on Corrections certification but working as an officer in enforcement. What Chief D’Albor is stating is she is in a corrections position and the Corrections certification should make her eligible.

Chief Layrisson recalls his previous motion and makes a motion to approve Morgan Delcambre’s application. Carl Richards seconds motion. Adrienne T. Bordelon asked for clarification from the last meeting. Don’t all applicants have to have Basic Post Certification to qualify. The discussion was that was specific to police officers who must be Basic Post certified to be qualified/approved. Corrections Officers with the Correctional Peace Officer certification are in the statute and are eligible to receive, we are no longer allowing police officers to provide any certification other than Basic Post.

Sherlyn Shumpert posed the question is there was enough documentation in Morgan Delcambre’s packet to make that determination that she qualifies? Chief Layrisson stated yes, we have her Basic Peace Officers certification, she is a corrections officer and she is in a corrections position. Adrienne T.

Bordelon, stated so under civil service she is in a transportation officer position and the transportation officer is the one that transports inmates from the jail to the courthouse and back so that would fall under care, custody, and control of the inmates. Rebekah Taylor Hill added her commission specifically reflects her title of Transportation Officer.

Chief Layrisson approves her for supplemental pay seconded by Carl Richards and motion passed.

Jessie Clinton Sanchez – (Pineville Police Department) officer is already receiving supplemental pay but his effective date may have been incorrect. Chief Layrisson made a motion that Officer Sanchez's effective date be changed to May 19, 2022 from January 24, 2022 due to him not receiving his Basic Post Certificate **until May 19, 2022**. Adjustments will be made to his pay accordingly until all monies are recouped from the recipient.

Ternisa Hutchinson seconds the motion and the motion passed.

Mark Anthony Kidder (St. Landry Parish Government) officer has a job title of Investigator, his department has him as "animal control".

Rebekah Taylor Hill explained the definition of Animal Control per the AG's office. If commissioned by local Sheriff, they are considered Peace Officer's under the law. In this case, he would be considered a Peace Officer since he is commissioned by the Sheriff in St. Landry.

Adrienne T. Bordelon suggested that since we do not handle Sheriff's supplemental pay that he go before their board for review.

Chief Layrisson made a motion to approve notifying the recipient to go before the Sheriff's supplemental pay Board of Review.

Ternisa Hutchinson seconds the motion and the motion passed.

Dolly Marie Beck (West Monroe Police Department) she is a Records Clerk, but she does not have a Basic Post certificate to make her eligible. A representative from West Monroe PD was informed that the employee must be Basic Post certified in order to qualify. Department will need to resubmit entire packet.

Chief Layrisson makes a motion to deny application, Jim Craft seconds the motion and motion is passed.

STATUTE/ADMINISTRATIVE RULES UPDATES

Sherlyn Shumpert provided clarification to military leave "active duty" definition. A guardsman activated under Title 10 is a federal employee. A guardsman activated under Title 32 is a state employee.

Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a person who leaves a civilian job (federal, state, local, or private sector) for voluntary or involuntary service in the uniformed services is entitled to reemployment in the civilian job and to be treated (upon reemployment) as if he or she had been continuously employed during the period of service. However, USERRA does not require the civilian employer to pay the individual for an hour, day, week, month, or year that the individual is away from work for military service. Additionally, La. R.S. 42:63 (dual employment law) prohibits a person from holding full-time employment with the state and the federal

government. La. R.S. 40:1667.1(D)(3) requires the recipient of supplemental pay to be employed full-time. La. R.S. 40:1667.7(B) states: Whenever any question arises as to the eligibility of any person to receive additional pay out of state funds, the question thereof, together with all of the facts relating thereto, shall be submitted to the Board for determination, and the decision of the Board with regard to eligibility shall be final. Accordingly, if the Board has questions about a recipient's eligibility, it should request additional information from the municipality who certified the warrant.

Natalya Besse presented three examples where individuals are on military leave with multiple extensions. The last example individual is on military leave on and off from 2016 with the latest extension until 2037. She asked if there is an extension limit for an individual being full time duty military personnel and still eligible for the state supplemental pay.

Sherlyn Shumpert responded that in order to be eligible for supplemental pay, individual must be full time employed with a municipality. If a person is absent from their employment, that person is not eligible for supplemental pay. Municipality must determine whether that individual is a full time.

Natalya asked for the board's guidance on determining the military term limit for individual still be eligible for supplemental pay.

Adrienne T. Bordelon said that under USERRA an employee only has 5 years for which they can be out and still be entitled to USERRA benefits coming back. Anybody who is passed that time, an employer does not have to restore them to their employment.

Rebekah Taylor Hill said it is in the board's best interest to reflect the federal laws.

Sherlyn Shumpert that if the employee is absent from their employment while he is on military leave, how he can be considered a full time employee at the municipality.

Adrienne T. Bordelon said she would not disagreed with the last statement. Under the state law, active duty and National Guard personnel is entitled 15 days of paid military leave for training. That is it, only under certain circumstances military personnel can still stay on the payroll.

Natalya said that individuals she mentioned before are not paid by their municipalities, but still receive supplemental pay. Should we continue paying these individuals? One individual is on an extended leave until 2037.

Adrienne T. Bordelon recommended to go back to the counsel's advice. An individual must be employed full time to be eligible for supplemental pay. Check with the municipality on the individuals' pay status. If their do not receive pay they are not full time. They may be employed for the purposes of the re-employment right not for purposes of pay and such are not eligible for supplemental pay.

Sherlyn Shumpert agreed.

Adrienne T. Bordelon referred to AG's opinion. The memo cited Louisiana Revised Statute 29:405(A)(2).

In order to provide for, strengthen, and expedite the national security under emergent conditions which threaten the peace and security of the United States and to enable those citizens of this state who perform service in the uniformed services to more successfully devote their entire energy to the security needs of the nation and state, provision is hereby made to provide reemployment rights and other benefits for persons who perform service in the uniformed services of the United States. It is herein declared to be the policy of the state of Louisiana that its citizens who serve their country and state and who leave their employment, homes, and education shall not be penalized nor economically disadvantaged because of their uniformed service.⁸

For purpose of your reserve status employees or even your National Guard employees, who are called up for federal service, i.e. the one who are going overseas, they are deployed by order of the federal government, not by the call of the governor are still eligible for supplemental pay.

Sherlyn Shumpert cited the statute that included four scenario under which individuals on military leave can continue receiving their benefits.

during the period of time that the peace officer...is on active duty service in the uniformed services of the United States pursuant to a declaration of war, congressional authorization or presidential proclamation under the War Powers Resolution (50 U.S.C. 1541 et seq.), national emergency, or call of the governor as provided by law.⁴

Sherlyn Shumpert questioned the criteria under which an individual is being absent from their employment and still be eligible for supplemental pay.

Chief Layrisson said the criteria is as long as the individual was receiving supplemental pay prior to military call, he is eligible to continue receiving this pay until he returns to his duties.

Adrienne T. Bordelon said that she agrees that individuals are entitled to supplemental pay if they were called for National Guard.

Rebekah Taylor Hill said that there is not limit for military extensions. As long municipality keep them as employees, they are eligible for supplemental pay.

Adrienne T. Bordelon clarified that an individual's order must meet all four criteria to be qualified for active duty service definition. A recruiter does not meet the criteria.

Chief Layrisson recommended bringing all military leave orders to the board for determination of whether they meet the four criteria to be qualified to active duty service definition to continue paying supplemental pay.

SuMPay MODERNIZATION PROJECT UPDATES

Natalya Besse provided update on the modernization project. Recipients' monthly pay was increased by 20% to comply with HB1.

James E. LeBlanc said that he receives daily emails from constables about delay in pay increase. Natalya says that starting with October payment, every recipient's pay was increased by 20%.

Chief Layrisson advised of the legislative intent to pay HB1 money on a monthly basis. Administrative staff is working on back pay either in November or in December.

PRESENTATION OF MOST RECENT BUDGET PROJECTIONS:

Natalya Besse presenting current budget figures.

ACCOUNTS RECEIVABLES: Sherlyn Shumpert, attorney, advised that the board could seek reimbursement of the overpayment from either the municipality who certifies the warrant and/or the recipients. They are solidary obligors. The board can go after both of them.

Chief Layrisson said that collection of Accounts Receivables should responsibility of Dept. of Public Safety and not the board.

Rebekah Taylor Hill advised that Dept. Revenue has a collection section that can collect outstanding amount.

MONTHLY WARRANT PAY TO MUNICIPALITIES INSTEAD OF DIRECTLY TO SUPPLEMENTAL PAY RECIPIENTS:

Per LTC Graphia, Chief Layrisson is discussing this transaction with other police chiefs prior to pay change being implemented.

NEW APPLICATIONS SUBMITTED FOR APPROVAL

After some discussion, Chief Layrisson made a motion to approve 163 new applications for \$338,749.00. Carl Richards seconded the motion and the motion passed.

NEW ACT 110 MONEY APPROVAL

Chief Layrisson made a motion to approve ACT 110 payment for 48 applications for \$73,218.00. Carl Richards seconded it and the motion passed.

SET TIME & DATE OF NEXT MEETING

February 8, 2022 @ 10:00 a.m.

ADJOURN:

Chief Layrisson made a motion to adjourn.
Carl Richards second the motion and the motion passed.