

RS 40:1667

PART II - LAW ENFORCEMENT OFFICERS - SUPPLEMENTAL SALARIES

§1667. Purpose

This law is enacted by the legislature in the exercise of the police power of the state, to promote the public peace and safety, by providing better enforcement of law, and particularly the enforcement of state laws by municipal police officers and full-time commissioned deputy sheriffs.

Acts 1956, No. 323, §1. Amended by Acts 1971, No. 120, §1; Redesignated from R.S. 33:2218. See Acts 2014, No. 158, §§3 and 7.

RS 40:1667.1

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

A.(1) In addition to the compensation now paid by any municipality included in this Part or by the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, or the Tunica-Biloxi Tribe of Louisiana, hereinafter referred to as "tribe" or "tribal", to any police officer, every police officer employed by any municipality or tribe which employs one or more police officers who devotes his full working time to law enforcement, and for those hired after March 31, 1986, who have completed and passed a council-certified training program as provided in R.S. 40:2405, shall be paid by the state extra compensation in the amount of five hundred dollars per month for each full-time municipal or tribal law enforcement officer who has completed or who hereafter completes one year of service.

(2)(a) Every sworn, commissioned law enforcement officer employed on a full-time basis by a bona fide police agency of the state or its political subdivisions, other than the Department of Public Safety and Corrections and the Department of Wildlife and Fisheries, and headquartered in the city of New Orleans and who serves the welfare of the public in the capacity of a police officer by providing police services to the general public through effecting arrests, issuing citations, and serving warrants while patrolling levees, waterways, and riverfront areas, or while patrolling bridges that are within the boundaries of the city of New

Orleans, shall be paid by the state extra compensation in the amount of five hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such officers. To be eligible for the extra compensation, each such law enforcement officer shall have completed one year of service, and any such law enforcement officer hired after March 31, 1986, shall also have completed and passed a council-certified training program, as provided in R.S. 40:2405.

(b) For purposes of qualifications, computations, and other applicable provisions of this Section, references to "municipality" and "municipal" shall include in their meaning the bona fide police agency of the state or its political subdivisions that employ full-time sworn, commissioned law enforcement officers made eligible in this Paragraph.

(c) In the event that supplemental pay is increased as provided for in R.S. 40:1667.1(A)(1), and R.S. 40:1667.7(B) and (G), then the same amount of supplemental pay shall be increased for the officers provided for in Paragraph (2) of Subsection A of this Section.

(d) In the event that a P.O.S.T.-certified law enforcement officer employed on a full-time basis by the Department of Public Safety and Corrections, the Department of Wildlife and Fisheries, the division of probation and parole, or a retired state police officer who receives compensation pursuant to the provisions of R.S. 40:1457, transfers or begins employment with any other law enforcement agency, the officer shall receive credit for prior service with the agencies listed in this Subparagraph for

purposes of computing the period of service requirement provided for in Subparagraph (a) of this Paragraph.

(3)(a) A municipality included in this Part or the Chitimacha Tribe of Louisiana, the Coushatta Indian Tribe of Louisiana, or the Tunica-Biloxi Tribe of Louisiana may enhance the first-year salary of a law enforcement officer in the amount equivalent to the state supplemental pay, or any portion thereof, that the officer shall be entitled to be paid after one year of service pursuant to this Part.

(b) Any municipality or tribe provided for in Subparagraph (a) of this Paragraph shall disclose, in writing, at the time the law enforcement officer is hired that such enhancement shall be paid only during the first year of employment.

(c) Notwithstanding any other provision of law to the contrary, no municipality or tribe provided for in Subparagraph (a) of this Paragraph shall be subject to penalty for reducing the portion of the salary that represents the state supplemental pay of any law enforcement officer whose salary has been enhanced pursuant to this Paragraph for one year by an amount not exceeding the amount of such enhancement. Any such reduction shall not be void as provided in R.S. 40:1667.4.

B.(1) In computing the period of service required by Subsection A of this Section, 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 have returned or hereafter return to such service. In addition, in computing the period of service required by Subsection A of this Section, 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 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 Department of Wildlife and Fisheries or the Department of Public Safety and Corrections, including the division of probation and parole, shall include prior service of retired state police officers who received extra compensation under the provisions of R.S. 40:1457, and shall include prior service as a police officer certified pursuant to R.S. 40:2405 employed on a full-time basis by an official law enforcement agency.

(2) In computing the period of service required for the payment of extra compensation to a commissioned deputy sheriff pursuant to the provisions of R.S. 40:1667.7, service as a full-time commissioned deputy sheriff shall include prior service as a full-time police officer receiving extra compensation under the provisions of Subsection A of this Section, shall include prior service as a P.O.S.T.-certified law enforcement officer employed on a full-time basis by the Department of Wildlife and Fisheries or the Department 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 R.S. 40:1457.

C. For purposes of this Part a municipal or tribal police officer entitled to additional pay out of state funds shall mean and refer to:

(1) Any person employed on a full-time basis by a municipality or tribe and all of whose compensation out of

public funds is paid solely from municipal or tribal funds for full-time work as a duly commissioned law enforcement officer for the performance of primary duties which encompass the enforcement of state laws and municipal or tribal ordinances, including actual enforcement of state and local traffic laws, the making of physical arrests, testifying in court, bearing arms and other like functions.

(2) Any person employed on a full-time basis by a municipality or tribe and all of whose compensation out of public funds is paid solely from municipal or tribal funds for full-time work as a duly commissioned law enforcement officer for the performance of supervisory police work or work otherwise involving the supervision or direction of line officers.

(3) Any person employed on a full-time basis by a municipality or tribe and all of whose compensation out of public funds is paid solely from municipal or tribal funds for full-time work as a duly commissioned law enforcement officer in providing necessary services to line officers in the performance of their duties.

(4) Any person employed on a full-time basis by a municipality or tribe and all of whose compensation out of public funds is paid solely from municipal or tribal funds for full-time work as a desk sergeant or identification technician; provided, however, that the persons referred to in this Paragraph are duly commissioned police officers. Such persons shall be entitled to receive the additional pay out of state funds as provided for in this Paragraph and shall not be denied the payment of such extra compensation by any of the provisions of Paragraph (1) of Subsection D of this Section.

(5) Any person employed on a full-time basis by a municipality or tribe and all of whose compensation out of public funds is paid solely from municipal or tribal funds for full-time work as a radio dispatcher.

(6) Any municipal or tribal marshal or constable or deputy marshal or constable who serves as a chief of police or who is employed on a full-time basis by a municipality or tribe and whose major source of income from public employment is derived from and paid by a municipality or tribe, including the constable and deputy constables of the First City Court of the city of New Orleans.

(7) Any person employed on a full-time basis by the city of New Orleans and all of whose compensation out of public funds is paid solely from funds of the city of New Orleans for full-time work as a commissioned special officer of the police department of the city of New Orleans assigned to the Civil District Court for the Parish of Orleans; provided that there be no more than two persons employed in this capacity.

(8)(a) Any person elected to the office of chief of police of a municipality or tribe who is otherwise qualified as a duly commissioned law enforcement officer to receive additional pay out of state funds as provided for in this Part. Any person who has been sworn in as an elected chief of police and who resigned a position as a duly commissioned law enforcement officer of a municipality or tribe to run for the office of chief of police and who was receiving additional pay out of state funds prior to his resignation shall continue to be entitled to receive additional pay out of state funds, notwithstanding any interruption in service between his

resignation from the position of a duly commissioned law enforcement officer and his swearing-in as chief of police.

(b) Any person who was sworn in as an elected marshal of a municipality or tribe on January 1, 1991, who had retired from a position as a duly commissioned law enforcement officer of a municipality or tribe, and who was receiving supplemental pay out of state funds prior to his retirement. Such a person shall be entitled to receive supplemental pay out of state funds beginning on January 1, 1991, which shall be computed including prior years of law enforcement service completed, and shall not be required to complete a peace officer training program, notwithstanding any interruption in service between his retirement as a peace officer and his election to the office of marshal.

(c) Notwithstanding any other provisions of this Section to the contrary, any person who is sworn in as an elected marshal of a municipality or tribe on January 1, 1997, or thereafter, shall, immediately upon taking office, be eligible to receive such supplemental compensation as provided by Subsection A of this Section, if such person meets the POST certification requirements provided by R.S. 40:2405. The effective date for beginning such supplemental compensation shall be the date on which such person is sworn into office, if the certification requirements have been completed within the periods stipulated in R.S. 40:2405(A) or (E).

(d) Any person who was sworn in as an elected chief of police of a municipality or tribe after having resigned from a position as a duly commissioned law enforcement officer of a municipality or a tribe, who complied with peace officer training requirements prior to his resignation, and who was a

recipient of supplemental pay out of state funds through the authorization of the provisions of R.S. 40:2405(C) prior to his resignation. Such a person shall be entitled to receive supplemental pay out of state funds and shall not be required to complete a peace officer training program, notwithstanding any interruption in service between his resignation as a law enforcement officer and his election to the office of chief of police. The effective date for beginning such supplemental compensation shall be on the date on which such person is sworn into office.

(9) In the event the additional pay hereunder is denied to any person previously receiving same, such person shall have the right to an appeal to the board of review which may reinstate the additional pay, provided notice of such appeal is filed in writing with the board within thirty days following the denial of the additional pay. The board shall hold a hearing and render a decision within thirty days of the filing of the notice of appeal.

(10) Notwithstanding any law to the contrary, any person who receives additional pay out of state funds as provided for in this Part shall continue to receive said additional state pay during any period of disability resulting from an injury sustained in the line of duty. The additional pay out of state funds shall continue to be paid to such person until such time that said person is determined to be permanently disabled and no longer able to return and perform the duties of his employment, and is separated from his employment either through normal retirement or is determined to be eligible for disability retirement benefits.

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.

(2) Personnel whose compensation for the performance of law enforcement work is not paid solely from municipal or tribal funds, except town marshals, city marshals, and constables employed and paid partially by the municipality or tribe and partially by the parish; or

(3) Personnel employed as law enforcement officers on less than a full-time basis or on an hourly basis.

E. Notwithstanding any law to the contrary, the state shall not be liable for any action of the officers based on the payments of the supplemental pay provided for in this Section.

F.(1) Notwithstanding any other provision of law to the contrary, the compensation for tribal officers of the Chitimacha Tribe of Louisiana shall be for no more than twenty such law enforcement officers.

(2) Notwithstanding any other provision of law to the contrary, the compensation for tribal officers of the Tunica-Biloxi Tribe of Louisiana shall be for no more than thirteen such law enforcement officers.

(3) Notwithstanding any other provision of law to the contrary, the compensation for tribal officers of the Coushatta Indian Tribe of Louisiana shall be for no more than eight such law enforcement officers, subject to approval by the sheriff of Allen Parish.

G. Notwithstanding any other provision of this Section to the contrary, a person who is employed by a municipality shall include an employee of any consolidated city-parish government who is paid out of the funds of such consolidated government.

Acts 1956, No. 323, §2. Amended by Acts 1957, No. 12, §1; Acts 1962, No. 253, §1; Acts 1963, No. 69, §1; Acts 1966, No. 484, §1; Acts 1968, No. 426, §1; Acts 1968, No. 638, §1; Acts 1970, No. 622, §1; Acts 1971, No. 118, §1; Acts 1975, No. 481, §1; Acts 1977, No. 345, §1; Acts 1979, No. 236, §8, eff. Sept. 1, 1979; Acts 1979, No. 303, §1; Acts 1980, No. 425, §1; Acts 1980, No. 634, §2, eff. Sept. 1, 1980; Acts 1981, No. 692, §1; Acts 1983, No. 436, §1; Acts 1986, No. 861, §1, eff. July 1, 1986; Acts 1986, No. 657, §1, eff. July 1, 1986; Acts 1987, No. 683, §1; Acts 1991, No. 924, §1, eff. July 24, 1991; Acts 1992, No. 818, §1, eff. July 8, 1992; Acts 1992, No. 1063, §1, eff. July 14, 1992; Acts 1993, No. 917, §1; Acts 1996, No. 37, §1, eff. July 1, 1996; Acts 1997, No. 513, §1, eff. July 1, 1997; Acts 1997, No. 541, §1; Acts 1997, No. 810, §1; Acts 1997, No. 868, §2, eff. July 1, 1997; Acts 1999, No. 510, §1, eff. July 1, 1999; Acts 1999, No. 1305, §1, eff. July 1, 1999; Acts 1999, No. 1375, §1, eff.

July 1, 1999; Acts 2001, No. 589, §§1 and 2, eff. July 1, 2001; Acts 2003, No. 785, §1; Acts 2003, No. 1172, §1, eff. July 1, 2003; Acts 2006, No. 789, §1, eff. July 1, 2006; Acts 2007, No. 275, §1 eff. Nov. 19, 2007; Acts 2007, No. 281, §1, eff. July 1, 2007; Acts 2008, No. 664, §1, eff. July 1, 2009; Acts 2008, No. 729, §1. Redesignated from R.S. 33:2218.2. See Acts 2014, No. 158, §§3 and 7; Acts 2015, No. 289, §1; Acts 2022, No. 637, §1.

NOTE: See Acts 2001, No. 589, §4, relative to effectiveness of certain provisions of the Act. The compact was signed by the governor on July 20, 2001.

RS 40:1667.2

§1667.2. Special fund

A. For the payment of the supplemental salaries provided by R.S. 40:1667.1, there is hereby created a special fund in the treasury of the state of Louisiana, to which the appropriations hereinafter made shall be credited, and the funds so credited shall be and remain dedicated to the payment of such supplemental salaries, as provided in R.S. 40:1667.1.

B. For the payment of the supplemental salaries provided by R.S. 40:1667.7, there is hereby created an additional special fund in the treasury of the state of Louisiana, to which the annual appropriations hereafter made shall be credited, and the funds so credited shall be and remain dedicated to the payment of such supplemental salaries as provided in R.S. 40:1667.7.

Acts 1956, No. 323, §3. Amended by Acts 1971, No. 120, §2. Redesignated from R.S. 33:2218.3. See Acts 2014, No. 158, §§3 and 7.

RS 40:1667.3

§1667.3. Disbursement of funds

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

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

B. The mayors, chiefs of police, or marshals of the respective municipalities shall forward the approved and certified warrants to the Department of Public Safety and Corrections and, on the basis of such warrants, the Department of Public Safety and Corrections shall issue payments in accordance with the provisions of this Part.

C. The mayor and chief of police or other municipal officer of the municipalities employing the individuals entitled to additional compensation from the state under the provisions of this Part, who is charged with the responsibility of preparing the payrolls for such individuals, shall include the additional compensation paid by the state to such individuals in the calculation and deduction from the pay of

such individuals 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. Any officials so charged with withholding sums from the pay of the individuals shall be further charged with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

D. The additional compensation paid by the state to individuals as herein provided shall be included in the calculation and computation of the total wages paid to the individual in the determination of employer contributions to any retirement system or pension fund of which the individual may be a member as well as in the determination of retirement eligibility and benefits which may accrue to the individual 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 individual might be entitled with the exception of workers' compensation benefits pursuant to R.S. 23:1021 et seq.

E.(1) As used in this Section, references to "municipality" and "municipal" shall include political subdivisions whose employees are peace officer standards and training (POST) certified and who are entitled to extra compensation from the state.

(2) As used in this Section, reference to "mayor" includes his designee and also includes the executive director of a political subdivision whose employees are peace officer standards and training (POST) certified and who are entitled to extra compensation from the state.

Acts 1956, No. 323, §4. Amended by Acts 1959, No. 49, §1; Acts 1975, No. 792, §1; Acts 1997, No. 536, §2; Acts

2003, No. 775, §1. Redesignated from R.S. 33:2218.4. See Acts 2014, No. 158, §§3 and 7; Acts 2022, No. 637, §1.

RS 40:1667.4

§1667.4. Salary reductions; void; police

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

Acts 1956, No. 323, §5. Amended by Acts 1959, No. 49, §2; Acts 1966, No. 484, §1; Acts 1979, No. 131, §1. Redesignated from R.S. 33:2218.5. See Acts 2014, No. 158, §§3 and 7; Acts 2022, No. 637, §1.

RS 40:1667.5

§1667.5. Parishes having no incorporated municipalities; extra compensation for deputy sheriffs

A. In order to promote the public peace and safety in parishes of the state having no incorporated municipalities, by providing better enforcement of law and particularly the enforcement of state laws by deputy sheriffs in such parishes, every deputy sheriff employed on a full time basis for law enforcement work by the sheriff of each of the parishes of Cameron, Plaquemine, St. Bernard, St. Charles and St. John the Baptist shall be paid by the state extra compensation in addition to the compensation paid him out of the sheriff's salary fund.

B. Out of the funds appropriated by the legislature for the payment of the extra compensation provided by Subsection A of this Section there shall be distributed to each of the parishes named therein, the sum of one dollar for each inhabitant within the parish as shown by the most recent federal census. The sums to be so distributed shall be disbursed upon warrants drawn by the sheriffs of the respective parishes and shall be paid into the sheriff's salary fund of the respective parishes. The sheriff of each parish shall expend such sums so paid into his sheriff's salary fund of the respective parishes. The sheriff of each parish shall expend such sums so paid into his sheriff's salary fund to deputy sheriffs employed by him on a full-time basis for law enforcement work, the amount to be paid to each deputy to

be within the discretion of the sheriff and to be based upon the length of service of the deputy insofar as is practicable.

Acts 1959, No. 49, §4. Amended by Acts 1962, No. 253, §2; Acts 1977, No. 695, §1. Redesignated from R.S. 33:2218.6. See Acts 2014, No. 158, §§3 and 7.

RS 40:1667.6

§1667.6. Board of review; powers and duties

A. There is hereby created a board of review which shall be composed of nine members as follows:

(1) The commissioner of administration or a representative of the division of administration selected by him.

(2) A member of the Louisiana Association of Chiefs of Police selected by the director of the association.

(3) The deputy secretary for public safety services of the Department of Public Safety and Corrections or a representative from the department selected by the deputy secretary.

(4) A member of the Louisiana 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. The member who serves pursuant to this Paragraph shall be a nonvoting member.

(6) A member of the Louisiana Municipal Association 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. The member who serves pursuant to this Paragraph shall be a nonvoting member.

(8) A member of the Louisiana 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. The member who serves pursuant to this Paragraph shall be a nonvoting member.

B. Whenever any question arises as to the eligibility of any person to receive additional pay out of state funds as provided by this Part, the question thereof, together with all of the facts relating thereto, shall be submitted to the board of review herein created for determination, and the decision of the board with regard to eligibility shall be final.

Added by Acts 1962, No. 253, §3. Amended by Acts 1968, No. 98, §1. Redesignated from R.S. 33:2218.7. See Acts 2014, No. 158, §§3 and 7; Acts 2022, No. 637, §1.

RS 40:1667.8

§1667.8. Authorization of back supplemental salary payment

If it is determined by the board of review, as established in this Subpart, that supplemental salaries, as provided for in R.S. 40:1667.1 and R.S. 40:1667.7, are due eligible recipients for back periods of time, the board shall certify to the Joint Legislative Committee on the Budget that such payment is due. Upon receipt of such certification, the Joint Legislative Committee on the Budget may, in its discretion, approve payment of all or a portion of such supplemental salary from the appropriate special fund created in this Part; however, no payment shall be made to any one recipient in excess of ten thousand dollars at any one time.

Added by Acts 1982, No. 110, §2, eff. July 11, 1982.

Redesignated from R.S. 33:2218.9. See Acts 2014, No. 158, §§3 and 7.

RS 40:1667.9

§1667.9. Extra compensation for commissioned full-time harbor police, fireboat personnel, and bridge police

In addition to the compensation now paid to any harbor police officer, fireboat operator, and bridge police officer, every harbor police officer, fireboat employee, and bridge police officer who is a full-time employee and who is paid a salary of not less than eight hundred dollars per month and who has completed and passed a post-certified training program as provided in R.S. 40:2405 and who has completed or who hereafter completes one year of service shall be paid by the state extra compensation in the amount of five hundred dollars per month. The provisions of this Section shall only apply to employees of a political subdivision of the state.

Acts 2007, No. 281, §1, eff. July 1, 2007; Acts 2008, No. 664, §1, eff. July 1, 2009. Redesignated from R.S. 33:2218.10. See Acts 2014, No. 158, §§3 and 7.

RS 40:1667.10

§1667.10. Extra compensation for commissioned full-time levee district police authorized

In addition to the compensation now paid to any levee district police officer, every levee district police officer who is a full-time employee, is paid a salary of not less than eight hundred dollars per month, has completed and passed a P.O.S.T.-certified training program as provided in R.S. 40:2405, and has completed or hereafter completes one year of service, may be paid extra compensation by the levee district by which they are employed with district funds in an amount up to but not greater than the amount authorized for harbor police officers, fireboat operators, and bridge police officers by law.

Acts 2018, No. 490, §1.

RS 40:1667.11

§1667.11. Furlough

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 this Part.

Acts 2022, No. 637, §1.