

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Management and Finance

Firemen Supplemental Pay (LAC 55:XV.Chapters 1, 5, 7, and 9)

In accordance with the emergency provisions of R.S. 49:962(A)(1), the Department of Public Safety, Office of Management and Finance (department) hereby recognizes exigent circumstances requiring utilization of the emergency process for implementation of the attached Rule relative to warrant and payroll procedures for Firemen Supplemental Pay, authorized and administered pursuant to Act 637, 2022 regular session of the legislature. Prior to enactment of Act 637, the law required the fire chief of the respective municipality, parish, or fire protection district to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections and, on the basis of such warrants, the secretary of the department had to prepare and sign and issue individual checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fisc. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality, parish, or fire protection district (governing authority). The new law streamlined the process by requiring the governing authority to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the governing authority. The governing authority then distributes the supplemental pay directly to its individual recipients. When there is an error, the governing authority and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of Act 637.

This rule shall have the force and effect of law on November 6, 2023, and will remain in effect for 180 days, unless renewed by the department, or until permanent rules are promulgated in accordance with law.

Title 55

PUBLIC SAFETY

Part XV. Firemen Supplemental Pay

Chapter 1. Warrants

§101. Purpose

A. The warrant consists of a listing of each recipient in each municipality, parish, or fire protection district who is currently receiving supplemental pay and a signature sheet. The warrant is the governing authority's authorization for the Department of Public Safety and Corrections, Public Safety Services (herein this Part referred to as "department") to pay the listed individuals for the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§103. Who Can Sign the Warrants

A. Two officials shall sign every warrant authorizing payment of supplemental pay in addition to the preparer. The fire chief is required to sign the warrant as the approving officer. The certifying official shall be the mayor on behalf of a municipal department, or the parish president, or the presiding officer of the governing authority of a fire protection district.

B. The department shall send certifying signature letters annually in January. The municipality, parish, or fire protection district shall identify the designated preparer on the annual certifying signature letter. The letter shall be notarized and returned to the department prior to the issuance of any payments. The governing authority shall notify the department by notarized statement whenever there is a change in either of the two authorized signatories.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§105. Municipality, Parish, or Fire Protection District's Obligation

A. The department shall direct deposit the supplemental pay for employees listed on the warrant to the applicable municipality, parish, or fire protection district. It is the municipality, parish, or fire protection district's obligation to ensure that its financial institution's information is current to date. Prior to distributing payment to employees who are eligible for supplemental pay, the municipality, parish, or fire protection district is obligated to confirm eligibility for that specific month. If the department overpays the municipality, parish, or fire protection district as a result of a change in any employee's employment status, the applicable governing authority shall promptly reimburse the department. If an overpayment is not a result of error by the

municipality, parish, or fire protection district, the department shall collect the overpayment from the recipient. If the recipient's mailing address is undeliverable, the department shall collect such overpayment from the municipality, parish, or fire protection district. The municipality, parish, or fire protection district shall use extreme care in ascertaining each recipient's eligibility for the next month prior to certifying and submitting the warrant. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality, parish, or fire protection district is hereby deemed to acknowledge understanding of the following legal ramifications:

1. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the document or wrongfully altering the document and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§107. How to Indicate Changes

A. It is the municipality, parish, or fire protection district's responsibility to review each month's warrant and verify the correctness of the names and job titles of all recipients. Any changes in name, job title, employment status dates, the municipality, parish, or fire protection district's mailing address, the signors' email addresses, and any other changes, shall be boldly noted in red on the warrant. All changes to an employee's employment status, including but not limited to resignation, retirement, suspension without pay, military leave with or without pay, workers' compensation leave, or any other type of unpaid leave shall be noted on the warrant.

B. Any change to an employee's employment status that occurs after the warrant is submitted the supplemental pay office shall be included and reflected on the immediately following payroll month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§109. Due Date

A. The approved and certified warrant is due in the supplemental pay office by the close of business on the fifteenth day of the month. If the fifteenth day of the month is a Saturday or Sunday or a legal holiday, the warrant shall be received by the Friday immediately prior thereto. If the warrant is not received by the fifteenth day of the month, the municipality, parish, or fire protection district shall not receive its supplemental pay until the warrant is received. In that event, the next payment shall include both the past payment and the current payment.

B. Warrants shall be emailed to munpay@la.gov. The subject line of the email shall indicate the sender's system type (fire), municipality, parish, or fire protection district

name, and the purpose of the email. For example, Fire – Baton Rouge FD - Warrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

Chapter 5. Changes in Status

§501. When to Notify the Department

A. All changes to an employee's record shall be noted boldly in red on the warrant. Any changes made after the fifteenth day of the month (the warrant deadline) shall be processed in the following payroll month. Changes of employment status include, but are not limited to the following:

1. resignations, retirements, or death;
2. suspensions;
3. leave without pay;
4. changes in duties;
5. classification or job title changes;
6. workers' compensation;
7. military leave
8. reinstatement or return from any of the above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety, Act 637 (April 2022), amended LR 49:

§503. Resignations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§505. Suspensions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, LR 13:246 (April 1987), repealed LR 49:

§507. Leave without Pay

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:246 (April 1987), repealed LR 49:

§509. Change in Duties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§511. Change in Classification/Title

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services LR 13:246 (April 1987), repealed LR 49:

§513. Workmen's Compensation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§515. Death

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

Chapter 7. Reinstatements

§701. Reinstatement from Suspension

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§703. Reinstatement from Resignation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§705. Reinstatement from Workmen's Comp

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§707. Reinstatement from L.W.O.P.

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

Chapter 9. Payroll Information

§901. Eligibility Requirements for supplemental pay

A. The following criteria must be attained for an employee to be eligible for supplemental pay:

1. the employee shall work full-time while performing fire protection duties;
2. the employee shall be firefighter 1 certified;
3. the employee shall have one-year of prior service; and
4. the employee's salary shall be paid entirely from funds of the municipality, parish, fire protection district, or tribe.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§903. Board Approval of Applications

A. All eligibility requirements as defined by current Louisiana Revised Statutes shall be attained by applicants. Applicants whose duties or classifications, or both, are not among those routinely approved, and also applications containing questionable information, are referred to the board for eligibility determinations.

B. Repealed.

C. Decisions of the board are final, as per R.S. 40:1667.6. However, the employee has the right to appeal a

board decision. The department will mail a letter of denial to the applicant within 10 business days after the board's decision. Written notice of intent to appeal the board's decision shall be submitted to the department no later than 30 days after receipt of the denial letter from the department. The appeal shall be included on the next regular meeting agenda. The board also decides back pay cases on an individual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§904. Daily Rate Calculation

A. Supplemental pay shall be prorated for the number of days worked using the current daily scale when a supplemental pay recipient works less than a full month. State supplemental pay shall be distributed monthly based on a 30-day cycle. When the daily rate (currently monthly pay amount divided by 30 days) is calculated, the recipient will be paid for the number of days in the month. The most recent daily rate chart shall be posted to the MUNPAY website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety, Act 637 (April 2022) LR 49:

§905. Waiting Period for New Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§907. Step Increases

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§909. Cut Off Date for Raises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§911. Cut Off Date for Eligibility for that Month's Check

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§913. Back Pay Policy

A. Because the Department of Public Safety's fiscal year ends on June 30, back supplemental pay cannot be paid beyond July without Legislative approval. The Board of Review must approve all back supplemental pay, whether or not it extends beyond the current fiscal year.

1. The board will approve only up to two years of back pay from the effective date for the eligible supplemental pay applicant.

- a. Back Pay in Current Fiscal Year

i. The board routinely approves back pay in full from current year funds for which the employee is found eligible. This amount will be added to the employee's regular supplemental pay amount on the next regular payroll after board approval.

2. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

§915. Stop Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§917. Duplicate W-2's

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§919. Correspondence

A. All correspondence to the department shall come from the applicable municipality, parish, or fire protection district, not the individual recipient. In all correspondence, the applicable municipality, parish, or fire protection district shall include the recipient's full name and Social Security number, and the name, address, telephone number, and official e-mail address of the municipality, parish, or fire protection district. The subject matter line of the e-mail shall include the system type, the name of the municipality, parish, or fire protection district, and the reason for the e-mail, for example: Fire—Baton Rouge FD—Warrant/Application/Change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 49:

Chapter 20. Sample Forms

§2001. Sample Application with Prior Service—Civil Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§2003. Sample Civil Service Personnel Action Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§2005. Sample Certificate of Prior Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§2007. Sample Application—Non Civil Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

§2009. Sample Warrant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 49:

Public Comments

Natalya Besse, Accountant Manager, Public Safety Services, Office of Management and Finance, Financial Services Division, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at Department of Public Safety and Corrections, Public Safety Services, Office of Management and Budget.

Lt. Colonel Greg Graphia, LSP
Chief Administrative Officer

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