

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Management and Finance

Firemen Supplemental Pay (LAC 55:XV.Chapter 1)

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 municipality, parish, or fire protection district (governing authority) distributes the supplemental pay directly to its individual recipients. If it is found that the department overpaid a recipient, then it is the responsibility of the governing authority to promptly reimburse the department. The recipient can then remediate the problem directly with the governing authority, 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

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

A. The department shall direct deposit the supplemental pay to employees listed on the warrant. It is the municipality, parish, or fire protection district's obligation to ensure that their employees financial institution's information is current to date. If the department overpays an employee as a result of a change in the employee's employment status, the applicable municipality, parish, or fire protection district 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 et seq.

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