

Louisiana Sheriffs' Pension & Relief Fund

1225 Nicholson Drive • Baton Rouge, Louisiana 70802
Phone: (225) 219-0500 • (800) 586-9049 • FAX: (225) 219-0521
www.lsprf.com



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Don Rittenberry

Ex-Officio
Sen. Barrow Peacock
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For further clarification on attached overtime addendum please
see Revised Statutes 11:233B(2) which reads as follows:

Executive Director
Osey McGee, Jr.

Assistant Director
Keith Duplechain

Legal Counsel
Robert D. Klausner

Actuary
Gary S. Curran

Trustees Emeritus
Larry Deen
Graham Hendricks

R.S.11:233B(2) Earnings or earned or earnable compensation shall not include:

- (a) Overtime unless it is required to be worked in the employee's regular tour of duty;**
- (b) Operating expenses;**
- (c) Use of automobile or motor vehicles;**
- (d) The cost of any insurance paid by the employer;**
- (e) Any allowance for expenses incurred as an incident of employment;**
- (f) Payments made in lieu of unused annual or sick leave; and**
- (g) Bonuses, terminal pay, severance pay, deferred salary, or any other type of irregular or nonrecurring payment.**

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July 31, 2020

This document is an addendum to our original "**Statement of Policy on Overtime Pay**" included in our liaison library for your convenience and further clarification. Please refer to this in addition to our original policy in the file should you need additional information. Also please call our Benefits Department if you have questions concerning the interpretation of allowable pensionable overtime pay in the Sheriffs' Pension Fund.

***In accordance with law, pensionable overtime may only be defined as a required extension of the regular tour of duty as follows:**

- Must be performed on a regularly scheduled work day, while performing the deputies'/employees' established, assigned function where there is no completion of then return to an extension of the shift.
- The tour of duty is defined as a specific, regular schedule of assigned work hours.
- An additional shift or work day worked beyond and after completion of the regular schedule is not pensionable wages.
- Voluntary overtime is not regular tour of duty and not pensionable.
- A completion of the regular tour of duty and later "call back" is not pensionable wages.

The Pension Fund recognizes and respects that overtime assigned and worked is at the absolute authority and discretion of the Sheriff; how the overtime is determined to be pensionable wages is the Fund's legal responsibility as required by law. Pension Fund law sets certain provisions for considering overtime as pensionable wages or not pensionable to protect the soundness of the Pension Fund for the benefit of all members of the Fund for the long-term future of their retirement benefits.

Emergency Declarations

In emergency declarations by State or Federal authorities, "pensionable" overtime is not automatically provided for or authorized. A broad area emergency declaration requiring scheduling of overtime, beyond the regular tour of duty for an officially declared emergency must be pre-approved by the Fund to be considered pensionable wages, and must still be an extension of the regular tour of duty. The following information should be furnished:

- Was there a declaration of emergency for a specific disaster or event wherein protection of the public was involved?
- Were the regular work schedules or tour of duty altered by specific order of the sheriff? For example increasing the length of required tours of duty from 8 or 12 hours to another required schedule for a temporary time to accommodate protection of the public in an officially declared order?
- For consideration of the above, please provide copies of the sheriff's orders requiring the temporary schedules.
- Was acceptance of overtime assignments mandatory or elective?
- Please identify the divisions that were affected.

Please be aware that significant amounts of overtime worked outside of the regular tour of duty:

- Impacts the sheriff's budget.
- And impacts the Pension Funds liabilities and required employee contributions by the sheriff and may impact the soundness of the plan for all members for the long-term future.

The Sheriffs' Pension Fund's overtime laws were designed to meet short-term emergency needs to protect the public and the future of the plan. Please see the special proclamation attached approved the Governor, the L. S. A. and the Fund to assist sheriffs' needing additional temporary personnel in the current situation. Thank you for your cooperation. Please understand that our goal is to serve you and protect your future in retirement. Please advise if we can be of additional assistance. Best regards.

Serving Those Who Serve



Louisiana Sheriffs' Association

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Michael Ranatza
Executive Director

Gary K. Bennett
Assistant Executive Director

In response to requests from sheriff's for an urgent need to ensure necessary and adequate law enforcement staffing to meet emergency needs to protect the public during this state of emergency, the Louisiana Sheriffs' Association has worked in a collaborative effort with the Sheriffs' Pension Fund and Governor John Bel Edwards to provide a solution that we believe will assist our sheriff's in their extraordinary efforts.

In Proclamation Number 37 JBE Governor Edwards suspended provisions of the law that assist sheriff's in hiring experienced retired personnel full-time without suspending their retirement benefit. This provision applies only to deputies assigned to road patrol and corrections, and only for the duration of this Emergency Proclamation.

All rehired retirees will be enrolled as active members of the Fund and subject to employee and employer contributions. No pre-hiring physical shall be required, but no disability claim may be based on any pre-existing condition as provided in R.S. 11:216.

The Sheriffs' Pension Fund staff is currently preparing instructions and procedures for the special enrollment provisions of these rehired retired deputies. These instructions will be sent to your parish liaison that normally works with the pension fund staff to assist you in bringing these deputies on board immediately and as easily as possible. Please be advised that law remains effective that allows the Sheriffs' Pension Fund authority to resolve any unclear issues or questions that may arise to assist you.

For your review, Proclamation Number 37 JBE 2020 is attached. For your quick reference, the official provisions applying to this assistance are as follows:

SECTION 2: The limitation on receipt of full retirement benefits by rehired retirees assigned to road patrol or corrections functions only, under La R.S. 11:2175(E) shall be suspended for the duration of this emergency. Any sheriff may rehire on a full-time basis any otherwise qualified retirees to road patrol or corrections functions only, without loss or suspension of retirement benefits to those rehired deputies, for the duration of the emergency.

The Boards of Trustees of the Louisiana Sheriffs' Pension and Relief Fund shall not be required to suspend benefits to retirees rehired as full-time employees covered by this proclamation.

Please call on us should you need additional assistance in this matter, or if we can be of further service at any time. We extend our sincere appreciation to Governor John Bel Edwards, and as always, our prayers and best wishes to our Louisiana Sheriff's as you carry out your faithful mission to protect the people of Louisiana.

Michael Ranatza, Executive Director
Louisiana Sheriffs' Association

Osey McGee, Jr., Executive Director
LA Sheriffs' Pension & Relief Fund