

ACT No. 231

Regular Session, 2013

HOUSE BILL NO. 22

BY REPRESENTATIVE DANAHAHAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 11:2178(A), (B)(introductory paragraph), (1), and (3)(b), and
3 (C)(1)(c)(i), (ii), (iii), and (iv)(aa) and (4) and to repeal R.S. 11:231(A)(6) and
4 (C)(1)(d), relative to the Sheriffs' Pension and Relief Fund; to provide relative to the
5 calculation of final average compensation; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:2178(A), (B)(introductory paragraph), (1), and (3)(b), and
11 (C)(1)(c)(i), (ii), (iii), and (iv)(aa) and (4) are hereby amended and reenacted to read as
12 follows:

13 §2178. Disability benefits; retirement benefits; death benefits

14 A. For purposes of this Section, the term "final average compensation" shall
15 mean:

16 (1) For any member whose first employment making him eligible for
17 membership in the system began prior to July 1, 2006, the member's average salary
18 for the thirty-six highest successive months of employment, or the highest thirty-six
19 successive joined months of employment where interruption of service occurred. If
20 the member has been employed for a period of less than thirty-six months, final
21 average compensation shall be based on the average monthly salary received for the
22 time employed. The earnings to be considered for the thirteenth through the
23 twenty-fourth month shall not exceed one hundred twenty-five percent of the

1 earnings of the first through the twelfth month. The earnings to be considered for the
2 final twelve months shall not exceed one hundred twenty-five percent of the earnings
3 of the thirteenth through the twenty-fourth month. Nothing in this Subsection,
4 however, shall change the method of determining the amount of earned
5 compensation received.

6 (2) For any member whose first employment making him eligible for
7 membership in the system began on or after July 1, 2006, and prior to July 1, 2013,
8 the member's average salary for the sixty highest successive months of employment,
9 or the highest sixty successive joined months of employment where interruption of
10 service occurred. If the member has been employed for a period of less than sixty
11 months, final average compensation shall be based on the average monthly salary
12 received for the time employed.

13 (3) For any member whose first employment making him eligible for
14 membership in the system began on or after July 1, 2013, final average compensation
15 is defined as the member's average salary for the sixty highest successive months of
16 employment, or the highest sixty successive joined months of employment where
17 interruption of service occurred. If the member has been employed for a period of
18 less than sixty months, final average compensation shall be based on the average
19 monthly salary received for the time employed. The earnings to be considered for the
20 thirteenth through the twenty-fourth month shall not exceed one hundred fifteen
21 percent of the earnings of the first through the twelfth month. The earnings to be
22 considered for the twenty-fifth through the thirty-sixth month shall not exceed one
23 hundred fifteen percent of the earnings of the thirteenth through the twenty-fourth
24 month. The earnings for the thirty-seventh through the forty-eighth month shall not
25 exceed one hundred fifteen percent of the earnings of the twenty-fifth through the
26 thirty-sixth month. The earnings for the final twelve months shall not exceed one
27 hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth
28 month.

29 B. Eligibility for disability benefits, procedures for application for disability
30 benefits, procedures for the certification of continuing eligibility for disability

1 benefits, the authority of the board of trustees to modify disability benefits, and
 2 procedures governing the restoration to active service of a formerly disabled
 3 employee are specifically described and provided for in R.S. 11:201 through R.S.
 4 ~~11:224~~ 11:225. B. The board of trustees shall award disability benefits to eligible
 5 members who have been officially certified as disabled by the State Medical
 6 Disability Board. The disability benefit shall be as follows:

7 (1) Service related disability benefit. (a) The disability benefit for total
 8 disability from gainful employment due to an injury sustained while in the
 9 performance of official duties shall be a sum equal to forty-five percent of final
 10 average compensation.

11 ~~(b)(i) For the purpose of this Subsection, for any member whose first~~
 12 ~~employment making him eligible for membership in the system began prior to July~~
 13 ~~1, 2006, final average compensation is defined as the member's average salary for~~
 14 ~~the thirty-six highest successive months of employment, or the highest thirty-six~~
 15 ~~successive joined months of employment where interruption of service occurred. If~~
 16 ~~the member has been employed for a period of less than thirty-six months, final~~
 17 ~~average compensation shall be based on the average monthly salary received for the~~
 18 ~~time employed.~~

19 ~~(ii) For the purpose of this Subsection, for any member whose first~~
 20 ~~employment making him eligible for membership in the system began on or after~~
 21 ~~July 1, 2006, final average compensation is defined as the member's average salary~~
 22 ~~for the sixty highest successive months of employment, or the highest sixty~~
 23 ~~successive joined months of employment where interruption of service occurred. If~~
 24 ~~the member has been employed for a period of less than sixty months, final average~~
 25 ~~compensation shall be based on the average monthly salary received for the time~~
 26 ~~employed.~~

27 ~~(e)~~ A member who is classified as totally disabled for any employment shall
 28 be entitled to earn twenty-five percent of his disability benefit in a calendar year
 29 before being reclassified as partially disabled.

30 * * *

1 (3) Non-service related disability benefit.

2 * * *

3 ~~(b)(i) For the purpose of this Subsection, for any member whose first~~
4 ~~employment making him eligible for membership in the system began prior to July~~
5 ~~1, 2006, final compensation is defined as the member's average salary for the~~
6 ~~thirty-six highest successive months of employment, or the highest thirty-six~~
7 ~~successive joined months of employment where interruption of service occurred. If~~
8 ~~the member has been employed for a period of less than thirty-six months, final~~
9 ~~average compensation shall be based on the average monthly salary received for the~~
10 ~~time employed.~~

11 ~~(ii) For the purpose of this Subsection, for any member whose first~~
12 ~~employment making him eligible for membership in the system began on or after~~
13 ~~July 1, 2006, final average compensation is defined as the member's average salary~~
14 ~~for the sixty highest successive months of employment, or the highest sixty~~
15 ~~successive joined months of employment where interruption of service occurred. If~~
16 ~~the member has been employed for a period of less than sixty months, final average~~
17 ~~compensation shall be based on the average monthly salary received for the time~~
18 ~~employed.~~

19 (iii) Upon approval for disability benefits, the member shall exercise a
20 retirement option as provided for service retirement under the provisions of
21 Subsection I of this Section and no change in the option selected shall be permitted
22 after it has been filed with the board. The retirement option factors shall be the same
23 as those utilized for regular retirement based on the age of the retiree and spouse had
24 the retiree continued in active service until the normal retirement date.

25 * * *

26 C.(1)

27 * * *

28 (c)(i) A member whose first employment making him eligible for
29 membership in the system began on or before June 30, 2006, shall be paid a monthly
30 sum equal to three and one-third percent of the member's ~~average monthly salary for~~

1 ~~the thirty-six highest successive months of employment, or the highest thirty-six~~
2 ~~successive joined months of employment where interruption of service occurred,~~
3 final average compensation multiplied by the number of years of creditable service
4 in the fund.

5 (ii) A member whose first employment making him eligible for membership
6 in the system began on or after July 1, 2006, but prior to January 1, 2012, shall be
7 paid a monthly sum equal to three and one-third percent of the member's average
8 ~~monthly salary for the sixty highest successive months of employment, or the highest~~
9 ~~sixty successive joined months of employment where interruption of service~~
10 ~~occurred,~~ final average compensation multiplied by the number of years of creditable
11 service in the fund.

12 (iii) A member whose first employment making him eligible for membership
13 in the system began on or after January 1, 2012, shall be paid a monthly sum equal
14 to three percent of the member's ~~average monthly salary for the sixty highest~~
15 ~~successive months of employment, or the highest sixty successive joined months of~~
16 ~~employment where interruption of service occurred,~~ final average compensation
17 multiplied by the number of years of creditable service in the fund.

18 (iv)(aa) Notwithstanding the provisions of Item (iii) of this Subparagraph,
19 a member whose first employment making him eligible for membership in the
20 system began on or after January 1, 2012, who retires with thirty or more years of
21 creditable service or any member who in the performance of his official duties as a
22 commissioned law enforcement officer suffers a violent act or accident during the
23 pursuit, apprehension, or arrest of a criminal suspect and as a result becomes totally
24 and permanently disabled or dies, shall be paid a monthly sum equal to three and
25 one-third percent of the member's ~~average monthly salary for the sixty highest~~
26 ~~successive months of employment, or the highest sixty successive joined months of~~
27 ~~employment where interruption of service occurred,~~ final average compensation
28 multiplied by the number of years of creditable service in the fund.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~(4)(a) For those members whose first employment making them eligible for~~
 2 ~~membership in the system began prior to July 1, 2006, the retirement pension under~~
 3 ~~this Subsection shall in no case exceed the average monthly salary for the thirty-six~~
 4 ~~highest successive months of employment, or the highest thirty-six successive joined~~
 5 ~~months of employment where interruption of service occurred.~~

6 ~~(b) For those members whose first employment making them eligible for~~
 7 ~~membership in the system began on or after July 1, 2006, the~~ The ~~retirement pension~~
 8 ~~under this Subsection shall in no case exceed the average monthly salary for the sixty~~
 9 ~~highest successive months of employment, or the highest sixty successive joined~~
 10 ~~months of employment where interruption of service occurred~~ member's final
 11 average compensation.

* * *

13 Section 2. R.S. 11:231(A)(6) and (C)(1)(d) are hereby repealed in its entirety.

14 Section 3. This Act shall become effective on June 30, 2013; if vetoed by the
 15 governor and subsequently approved by the legislature, this Act shall become effective on
 16 June 30, 2013, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____