

Senate Bill 366

By: Senators Gooch of the 51st, Kirk of the 13th, Harper of the 7th, Anderson of the 43rd, Wilkinson of the 50th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to require counties and municipal corporations to perform wage and compensation
3 studies for employees of the sheriff's office and law enforcement agencies; to provide for a
4 definition; to require certain agreement and consultations with sheriffs and chief executives
5 of law enforcement agencies of the county or municipal corporation in conducting such
6 studies; to provide for procedures and guidelines; to provide for submissions; to provide for
7 penalties; to provide for guidance pay scales for employees of the sheriff and county and
8 municipal law enforcement agencies; to guide the establishment of pay scales; to require the
9 submission of certain pay scales to the Department of Community Affairs; to provide for
10 rules and regulations; to establish within the Department of Community Affairs a local law
11 enforcement compensation grant program; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
16 by adding a new chapter to read as follows:

17 "CHAPTER 77

18 36-77-1.

19 As used in this chapter, the term 'law enforcement agency' means any agency or department
20 responsible for investigating crimes, arresting persons accused of crimes, or maintaining
21 actual custody of persons accused or convicted of crimes.

22 36-77-2.

23 (a)(1) The governing authority of each county of this state shall, in consultation with the
24 sheriff, complete a salary survey for every employee of the sheriff's office and shall complete
25 a salary survey for every employee of a law enforcement agency of the county.

26 (2) The governing authority of each municipal corporation shall complete a salary survey
27 for every employee of a law enforcement agency of the municipal corporation.

28 (3) Any salary survey provided for under this subsection shall be submitted to the
29 Department of Community Affairs as provided for under subsection (c) of this Code
30 section.

31 (b) Utilizing the data from salary surveys provided for under subsection (a) of this Code
32 section and other available information of public record, including, but not limited to,
33 population statistics, geographical location data, socioeconomic factors, and demographics,
34 the Department of Community Affairs shall, beginning on July 1, 2019, prepare an annual
35 report on salaries and wages paid to employees of law enforcement agencies in this state.
36 The methodology of such report shall be based upon regions and any persons certified by
37 the Georgia Peace Officer Standards and Training Council as a peace officer pursuant to
38 Chapter 8 of Title 35 who are employed within each region by law enforcement agencies
39 of this state and colleges and universities. Such basis shall be of similar size, operations,
40 or labor market to be equitably comparable. The Department of Community Affairs may
41 use a center of research or fiscal or economic analysis of the university system or any
42 qualified personnel or human resources consultant to prepare or assist in preparing reports
43 required by this subsection.

44 (c)(1) The governing authority of each county and municipal corporation shall submit
45 a salary survey provided for under subsection (a) of this Code section to the
46 commissioner of community affairs in such form as he or she requires by December 31,
47 2018, and updated every three years thereafter. Submission of a salary survey completed
48 on or after July 1, 2016, that meets the requirements of subsection (a) of this Code section
49 shall satisfy the submission required by December 31, 2018.

50 (2) Any county or city not in existence on July 1, 2018, shall submit such salary survey
51 with the next third year update as provided for in paragraph (1) of this subsection.

52 (3) Nothing in this subsection shall preclude the governing authority of a county or
53 municipal corporation from completing an initial salary survey prior to the date provided
54 for in paragraph (1) of this subsection.

55 (d) The governing authority of each county and municipal corporation and each sheriff of
56 this state shall use the report provided for in subsection (b) of this Code section to inform
57 a guidance pay scale for such county or municipal corporation concerning law enforcement
58 officers and employees and sheriffs' offices concerning employees of such sheriffs' offices;
59 provided, however, that the guidance pay scale developed and maintained pursuant to this

60 subsection shall not be construed as requiring any such governing authority or sheriff to
 61 fund or provide for any wages or compensation as reflected in such guidance pay scale.

62 (e) The commissioner of community affairs shall notify any such county or municipal
 63 corporation of a failure to comply with the provisions of this Code section and, within 60
 64 days of such notification, such county or municipal corporation shall cure or submit
 65 corrective action regarding the cause of such notification. If after 60 days such county or
 66 municipal corporation has not cured or submitted corrective action, the commissioner of
 67 community affairs shall revoke the qualified local government status of any such county
 68 or municipal corporation. The commissioner of community affairs shall reinstate such
 69 status upon compliance with this Code section.

70 (f) Completed salary surveys and guidance pay scales provided for under this Code section
 71 are public records and are available for public examination.

72 (g) The Department of Community Affairs shall promulgate rules and regulations for the
 73 implementation of this Code section.

74 36-77-3.

75 (a) There is established within the Department of Community Affairs a local law
 76 enforcement compensation grant program. The payment of grants under this Code section
 77 shall be contingent upon the appropriation of funds by the General Assembly.

78 (b) The Department of Community Affairs shall promulgate rules and regulations which
 79 shall provide standards and procedures for:

80 (1) Local governments to make application for grant funds for local law enforcement
 81 compensation; and

82 (2) The awarding of grant funds for local law enforcement compensation, such standards
 83 to be consistent with the provisions of subsection (c) of this Code section.

84 (c) In the awarding of grant funds for local law enforcement compensation, the
 85 Department of Community Affairs shall give preference to local governments that:

86 (1) Are classified as tier 1 counties, pursuant to Code Section 48-7-40, by the
 87 Department of Community Affairs;

88 (2) Have adopted and maintained a guidance pay scale pursuant to Code Section
 89 36-77-2;

90 (3) Have established a financial need demonstrating that such grant funds will allow the
 91 local government to achieve greater parity and equity in its guidance pay scale;

92 (4) Have demonstrated their efforts to maximize current law enforcement agency
 93 funding, including, but not limited to, contracting for services through other local or state
 94 law enforcement partners; and

95 (5) Will use such funds for the wages and compensation of employees of a law
96 enforcement agency that they rely upon to maintain a comprehensive portfolio of law
97 enforcement capabilities relative to any other law enforcement agency of the local
98 government.

99 (d)(1) Funds appropriated for local law enforcement compensation grants shall be subject
100 to normal budgetary processes and controls, including the lapsing of unexpended and
101 uncommitted funds at the end of each fiscal year.

102 (2) Funds made available to local governments under this Code section shall not be used
103 to supplant local funds but shall be used to increase the amount of funds that would, in
104 the absence of such funds made available under this Code section, be used for the
105 compensation of law enforcement officers.

106 (e) The Department of Community Affairs shall audit and verify that funds awarded under
107 this Code section are used in conformity with the provisions of this Code section. The
108 commissioner of community affairs shall revoke the qualified local government status of
109 any county or municipality that misuses or misappropriates funds awarded under this Code
110 section. The commissioner of community affairs shall reinstate such status only after
111 restitution of such funds are made to the local law enforcement compensation grant
112 program by such county or municipality."

113

SECTION 2.

114 All laws and parts of laws in conflict with this Act are repealed.