

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

AS PASSED SENATE

**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 complete salary surveys for every
3 employee of the sheriff's office and law enforcement agencies; to provide for definitions; to
4 require certain consultations with sheriffs in conducting such surveys; to provide for
5 procedures and guidelines; to provide for submissions to the Department of Community
6 Affairs; to require the Department of Community Affairs to report annually on wages and
7 salaries of employees of sheriffs' offices and county and municipal law enforcement agencies;
8 to provide for rules and regulations; to establish within the Department of Community Affairs
9 a local law enforcement compensation grant program; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

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

15 "CHAPTER 77

16 36-77-1.

17 As used in this chapter, the term:

18 (1) 'Law enforcement agency' means any sheriff's office or any department of a county
19 or municipal corporation responsible for investigating crimes, arresting persons accused
20 of crimes, or maintaining actual custody of persons accused or convicted of crimes.

21 (2) 'Region' shall have the same meaning as provided in Code Section 50-8-2.

22 (3) 'Salary survey' means a compilation of the actual salary or wages paid and
23 corresponding job description and pay scale implemented for such job.

24 36-77-2.

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

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

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

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

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

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

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

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

61 provided, however, that the guidance pay scale developed and maintained pursuant to this
 62 subsection shall not be construed as requiring any such governing authority or sheriff to
 63 fund or provide for any wages or compensation as reflected in such guidance pay scale.

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

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

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

76 36-77-3.

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

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

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

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

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

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

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

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

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

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

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

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

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

114

SECTION 2.

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