

September 14, 2006
OPINION NUMBER 06-0111

77 - OFFICERS – LOCAL & MUNICIPAL

Larry Merritt, Mayor
Town of Sibley
P. O. Box 128
345 N Main Street
Sibley, Louisiana 71073

LSA-R.S. 33:423

The chief of police, as the chief law enforcement officer, is in the best position to determine how to run his department efficiently and effectively. As such, it is within the police chief's authority, by virtue of LSA-R.S. 33:423 to increase an officer's part-time hours.

Dear Mayor Merritt:

Your request for an Attorney General's opinion was forwarded to me for research and reply. You specifically asked whether the Chief of Police has the authority to increase the rate of pay and hours worked for a part-time officer without the Council's approval if the money is in the budget.

Our office specifically addressed the question of increasing the salary of police personnel in *La. Atty. Gen. Op. Nos. 00-113* and *00-366* (see attached) wherein we opined that increasing the salaries of police personnel is a power vested in the mayor and board of alderman subject to the recommendation of the chief of police. We concluded that the chief of police could not unilaterally increase the salaries of his employees. Rather, he could only recommend salary increases to the mayor and board of alderman who could, by ordinance effectuate the salary increase.

As it relates to increasing the part-time hours of police personnel, pursuant to *LSA-R.S. 33:423*, the chief of police is the chief law enforcement officer of the municipality and, as such, he has the inherent powers of supervision and control over the police department. This office has concluded many times that the chief of police, as the chief law enforcement officer, is in the best position to determine how to run his department efficiently and effectively. Accordingly, it is our opinion that it is certainly within the police chief's authority, by virtue of *LSA-R.S. 33:423* to increase an officer's part-time hours.

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Hon. Larry Merritt
Mayor, Town of Sibley
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We hope this opinion has sufficiently addressed your concerns. If our office may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

By: _____
CHARLENE PATTERSON
Assistant Attorney General

CCR, Jr./CP
enclosure

SYLLABUS

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DATE RECEIVED:

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Charlene Patterson
Assistant Attorney General