



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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NOV 30 2015
OPINION 15-0130

90-A-1 PUBLIC FUNDS & CONTRACTS
La. Const. art. VII, § 14

Mr. David Romano, Assistant Chief
Marrero Estelle Volunteer Fire Co. No. 1
2248 Barataria Boulevard
Marrero, LA 70072

Dear Mr. Romano,

Payment of a bonus to employees of the Marrero-Estelle Volunteer Fire Co. No. 1 as part of a Safe Driving Program would not be an appropriate use of the public funds received pursuant to its contract with the Jefferson Parish Fire Protection District to provide fire protection services. Safe driving is part of the ordinary, expected, and required duties of a volunteer of the Marrero-Estelle Volunteer Fire Co. No. 1 and would not further the economy or efficiency of any function related to fire protection.

Your request for an Attorney General's Opinion has been assigned to me for research and reply. On behalf of the Marrero-Estelle Volunteer Fire Co. No. 1 ("Marrero-Estelle"), you have asked our opinion regarding a Safe Driving Program ("Program") which pays employees up to \$1000 a year for each year an employee is not involved in a driving accident. You state that the Program was implemented in order to encourage employees to drive safely and that you have seen a decrease in the amount of accidents as a result. According to your request, the Marrero-Estelle auditor believes the Program is a proper expenditure of the public funds received by Marrero-Estelle pursuant to its contract with the Jefferson Parish Fire Protection District to provide fire protection services.

In La. Atty. Gen. Op. No. 85-0700, our office addressed a similar question of whether a program awarding employees of a Sheriff's department for safe driving was authorized. In that opinion, we distinguished between a merit award and an incentive award, noting that while merit awards do not violate La. Const. art. VII, § 14, as they are given in return for special benefits that the municipality receives, an incentive award for performance ordinarily expected or required by the employee would be a gratuity and, therefore, prohibited. We ultimately expressed our opinion that safe driving constitutes an ordinary, expected, or required duty of the employee and, therefore, the payment of a bonus as a reward for an employee's performance of his or her normal duties would be prohibited by La. Const. art. VII, § 14.

The above analysis is relevant to the proposed payments of the Marrero-Estelle Safe Driving Program. Driving safely is a part of the normal duties of the volunteers of Marrero-Estelle and not an unusual or meritorious action or accomplishment. The payment of a bonus for driving safely does not appear to further the economy or

efficiency of any function related to fire protection. Using the public funds received by Marrero-Estelle pursuant to its contract with the Jefferson Parish Fire Protection District to pay a bonus to its volunteers pursuant to a Safe Driving Program would not appear to be authorized by its contractual and fiduciary duty to expend the funds for fire protection services.

It is therefore the opinion of this office that the payment of a bonus to employees of the Marrero-Estelle Volunteer Fire Co. No. 1 as part of a Safe Driving program would not be an appropriate use of the public funds received by the Marrero-Estelle Volunteer Fire Co. No. 1 pursuant to its contract with the Jefferson Parish Fire Protection District to provide fire protection services.

We hope this sufficiently answers your inquiry; however, if we may be of further assistance, please do not hesitate to contact our office.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 
Andrea Barient
Assistant Attorney General