

Office of the Attorney General  
State of LOUISIANA

Opinion No. 81-93  
March 23, 1981

MUNICIPAL FIRE & POLICE CIVIL SERVICE 71-1-1 R.S. 33:2214(B)

A patrolman who is on sick leave is entitled to 15% salary increase given to all full-time city employees effective December 19, 1980.

Ms. Ouida M. Broussard  
City Clerk  
City of Kaplan  
Kaplan, LA 70548

Dear Ms. Broussard:

You have requested an opinion from the Attorney General's office questioning whether one of Kaplan's police patrolmen who is on sick leave is entitled to a fifteen percent salary increase which has been given to all full-time city employees effective December 19, 1980.

R.S. 33:2214(B) authorized sick leave for employees of police departments and provides in part, as follows:

'(B) Each employee of the police department of the municipalities covered by this Sub-part shall be entitled to and given with full pay a sick leave aggregating not less than fifty-two (52) weeks during any calendar year when the conditions actually warrant. Any police department employee who draws such full pay during sick leave shall have such pay decreased by the amount of workmen's compensation benefits actually received by such employee.'

In *Hoffpauir v. City of Crowley*, 241 So. 2d 67 (3rd Cir., 1970), the court interpreted the language 'when conditions actually warrant' to refer to the employee's physical condition or disability. The court held that a policeman who became disabled whether in the performance of his duties or otherwise was entitled to a fifty-two week period of paid sick leave after the date he became disabled.

During this 'sick leave' period, the employee continues as a full-time employee receiving his full pay. If salary increases are given to all full-time employees, the increase should be given to those full-time employees on sick leave.

Answering your question specifically, the patrolman who is on sick leave is entitled to the fifteen percent salary increase given to all full-time city employees effective December 19, 1980.

If we can be of further help in this matter, please call on us.

Very truly yours,

William J. Guste, Jr.  
Attorney General

By: Thomas F. Wade  
Assistant Attorney General  
La. Atty. Gen. Op. No. 81-93, 1981 WL 155178 (La.A.G.)  
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