

Senate Finance Committee

Deb Martone 271-4980

SB 216-FN, relative to differential pay for state troopers and relative to crowd control by marine patrol officers.

Hearing Date: February 7, 2017

Time Opened: 2:50 p.m.

Time Closed: 2:59 p.m.

Members of the Committee Present: Senators Daniels, Reagan, Giuda, Morse, D'Allesandro and Feltes

Bill Analysis: This bill sets a rate for differential pay for state troopers.

This bill also allows the director of state police to use bureau of marine patrol officers for crowd control services.

This bill is a request of the department of safety.

Sponsors:

Sen. D'Allesandro

Who supports the bill: Captain Tim Dunleavy; Tom Prasol.

Summary of testimony presented in support:

Senator D'Allesandro, Prime Sponsor:

- This bill was requested by the Department of Safety to correct an inequity regarding a few state troopers, and to allow Marine Patrol officers to handle requests for special duty details on the lakes.
- The State Police, in their collective bargaining agreement, receive a \$25 per week extra "Diversity of Duty" stipend in recognition of the fact they are frequently called upon to perform a variety of duties that deviate from the norm, and can be assigned and reassigned from their regular shift to cover anything from a Presidential candidate visit, to Motorcycle Week, to a college homecoming, or to assisting in the disposal of evidence in closed cases. However, because they do not belong to the New Hampshire Troopers' Union, the members of the command staff, lieutenants, captains, 3 majors and a handful of employees that have confidential assignments such as investigating and processing Internal Affairs complaints and disciplinary matters, although their duties, if anything, are more diverse than those of their subordinates, do not receive the Diversity of Duty stipend. Their pay is \$1,300 less than it would be if they did receive the stipend. This, and the fact they have fewer opportunities to work overtime means that not

many troopers apply for the confidential jobs, and they are difficult to fill.

- Some members of the command staff at the end of the year take home less pay than some of their subordinates. This bill would correct that inequity. And, because of the small number involved, the Department advises that no additional appropriation would be required.
- The second half of this bill deals with Marine Patrol. During the boating season there are many different events, such as regattas, festivals on the water, races and other events, some public and some private, where the Marine Patrol is requested to furnish an extra presence at the location to handle crowd control and ensure safety. However, if a marine patrol officer is on duty at such a location and trouble breaks out or a crime is committed, there is nothing within their specific statute that makes it clear that they could step in and make an arrest. There is also nothing that authorizes the Department of Safety to bill for these special details, such as the state and local police have when handling traffic details at special events on the highway.
- This bill would create the ability for extra duty details, and prevent robbing the regular shift and reducing coverage everywhere else.
- Funds for these issues will be utilized from within the Department's initial appropriation.

Captain Tim Dunleavy, State Police Marine Patrol Bureau Commander:

- Captain Dunleavy distributed a position paper specific to the Marine Patrol aspects of this bill.
- It is simply a circumstance where the seasonal Marine Patrol officers are not part of any collective bargaining agreement. There is no detail rate that has been established, nor is there an avenue to do so. This bill allows that for the Department of Safety. We could then make available the opportunity to hire Marine Patrol staff for various events the public requests us to cover. It could be anything from boat races to triathlons on the lake, to shorefront property owners whose children want to get married at the end of the dock, and want a patrol boat in the area to keep passerbys or spectators from interfering with the ceremony.
- This bill would allow the Department of Safety to schedule an officer who may be assigned to a different shift to come in and work a paid detail, and it is not creating overtime for the Department. Nor is it impacting the existing shift and law enforcement coverage of the lakes and rivers of the state because we've had to pull someone off shift to cover the security or race detail.
- Senator Reagan inquired if the Marine Patrol officers are State Police officers. Captain Dunleavy responded they are sworn law enforcement police officers. They have all the powers of arrest. Their jurisdiction is limited, however, to the waters and offenses that might be committed on an island where local enforcement agencies don't have access. Senator Reagan asked if they are all seasonal. Captain Dunleavy indicated there are 8 full-time; the rest, approximately 40, are seasonal. The face of the agency on weekends and during the summer are primarily the seasonal force.
- Senator Reagan questioned the \$25 differential pay. Captain Dunleavy indicated that was a state trooper issue. The members of the command staff belong to a different collective bargaining group. Those that belong to the

Troopers Association already receive a \$25 per week stipend. The members of the command staff, which are lieutenants, captains and majors (of which there are very few) do not, and are not eligible for that stipend. There are special events where it is difficult to schedule troopers and/or command staff. With that stipend it would certainly entice those members of the command staff to help fill these positions, and would not impact necessarily the budgets that are being requested. Senator Reagan wondered if they receive the \$25 the week that they do something different. It is Captain Dunleavy's understanding this is a natural weekly stipend. Senator Reagan stated it is a pay increase, not negotiated. It is negotiated and part of the collective bargaining agreement, understood Captain Dunleavy.

Future Action: Pending

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Date Hearing Report completed: February 9, 2017