

Resolution #2018-10

RECOUP LAW ENFORCEMENT TRAINING-RELATED EXPENSES

BACKGROUND

In 1999, the Legislature passed HB 192, codified at Section 7-32-4139, MCA, which authorized prorated reimbursement of training costs if minimum 3-year service agreement not fulfilled. The statute defined “training costs” as including the “cost of the officer’s basic course training, salary, mileage, and expenses paid to the officer while the officer is in training.”

In 2005, in response to a bill request to provide similar language for counties, the Legislature repealed Section 7-32-4139, MCA (Chapter 198, Laws 2005 (HB 743)) and replaced it with new language in Section 7-1-4105, MCA that acknowledged local governments’ constitutional contract authority to enter into any contract necessary for the exercise of its power, “including but not limited to a contract for reimbursement that may require that the local government be reimbursed for the cost of basic course training if an employee leaves employment before completing a reasonable period of service. While HB 743 specifically identified the cost of basic course training, that cost is illustrative and the preamble and other language of the bill supports the broad constitutional authority of cities to include other costs in an agreement for reimbursement.

The constitutional contract authority granted to cities is not absolute. A municipality must comply with state and federal employment and wages laws, which include the requirement to pay the applicable minimum hourly wage, overtime compensation, and withhold applicable taxes, as well as employer contributions to unemployment insurance and worker’s compensation coverage. Subject to the requirement of collective bargaining (*City of Lewistown v. Lloyd*, 2006 MT 168), a municipality may be able to recoup actual academy training expenses, wages in excess of the applicable minimum wage, taxes paid on those excess wages, health insurance premiums, retirement benefits, and travel expenses when a police officer fails to complete an agreed upon length of employment with the municipality.

ACTION

MLCT will create a template reimbursement document for municipalities to use in collective bargaining in order to recoup the maximum lawful amount possible of training-related expenses when an officer does not complete minimum employment periods.