

STATE OF LOUISIANA
MUNICIPAL POLICE SUPPLEMENTAL PAY
BOARD OF REVIEW

BOARD MEETING - FEBRUARY 16, 2011, 10:00 A.M.

BOARD MEMBERS PRESENT:

Bry Layrisson, Chairman

Danielle LeBoeuf

Ternisa Hutchinson

STAFF PRESENT:

Susan Roberts

Paul Schexnayder, Esq.

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1 **CALL TO ORDER**

2 **MR. LAYRISSON:**

3 All right. I'd like to call the meeting of February 16,
4 2011, to order.

5 **APPROVAL OF THE MINUTES OF PREVIOUS BOARD MEETING**

6 **MS. ROBERTS:**

7 We have the approval of the minutes that have been
8 signed. We need to change the date on the agenda to
9 November 4th.

10 **MS. HUTCHINSON:**

11 I'll make a motion to accept them.

12 **MS. LEBOEUF:**

13 I'll second.

14 **OLD BUSINESS**

15 **Gretna Police Department - Christopher Tapie**

16 **MS. ROBERTS:**

17 Then we have old business, the first thing is Gretna
18 Police Department, Christopher Tapie. Anything yet, Paul,
19 from the Attorney General?

20 **MR. SCHEXNAYDER:**

21 We haven't received anything official, but just by
22 coincidence, when Fire was having their meeting, someone in
23 that meeting said they understood that the decision was going
24 to be coming out soon, that is all I know. It was second-hand
25 information, so we will just wait for a decision -- an

1 opinion.

2 **MS. LEBOEUF:**

3 And what was --

4 **MR. SCHEXNAYDER:**

5 He was the one who got called up to the military --

6 **MS. LEBOEUF:**

7 Yes, yes, before the date, that's right. I remember now.
8 So now we will just have to wait.

9 **MR. SCHEXNAYDER:**

10 Yes. The Fire people have a similar situation. They
11 think if they don't get the AG opinion soon, they are going to
12 go and have the legislature change it on the Fire side to make
13 sure that they get it.

14 Hammond Police Department

15 **MS. ROBERTS:**

16 The next thing we have is the Hammond Police Department,
17 and this is to request a P.O.S.T. firearms certification.

18 **MS. LEBOEUF:**

19 We received nothing else from P.O.S.T., no changes, no
20 other information, no nothing?

21 **MS. ROBERTS:**

22 Uh-uh, no. I spoke with them actually this morning. I
23 do know this, though, we have so many -- now we are getting so
24 many phone calls about this, so people -- obviously, this is
25 becoming more common that they aren't qualifying with their

1 firearms.

2 **MS. HUTCHINSON:**

3 In other departments?

4 **MS. ROBERTS:**

5 I am going to start writing a list of them. I am usually
6 -- the phones are ridiculous now, but I am going to start
7 making a list of all of the calls I get about it and kind of
8 keep track of it.

9 **MR. SCHEXNAYDER:**

10 They're not requalifying, is that what it is?

11 **MS. ROBERTS:**

12 They can't. They can't pass. When they go back, they
13 are not passing it, and the departments are asking me if they
14 cannot pass what -- as far as, you know, do they get to keep
15 their supplemental pay.

16 **MR. SCHEXNAYDER:**

17 What do you tell them?

18 **MS. ROBERTS:**

19 I tell them that the Board right now is looking into
20 that, and -- you know, when I know something I will let them
21 know, but --

22 **MR. SCHEXNAYDER:**

23 When we met with P.O.S.T., P.O.S.T. was pretty clear that
24 it's not -- that prevents them from being P.O.S.T. certified
25 if they are not qualified.

1 **MS. ROBERTS:**

2 If they put them in a position other than police
3 officer/jailer or whatever position, or clerical position,
4 will they keep it?

5 **MR. SCHEXNAYDER:**

6 That is a different issue.

7 **MS. LEBOEUF:**

8 Yes. It's a different -- a whole different thing.

9 **MS. ROBERTS:**

10 Okay. If they keep them as a police officer but put them
11 at a desk, not carrying a firearm, what about that?

12 **MS. HUTCHINSON:**

13 If their job title is still police officer and their job
14 duties still say that they are conducting law enforcement for
15 more than 50 percent of the time.

16 **MS. LEBOEUF:**

17 Uh-huh.

18 **MS. HUTCHINSON:**

19 If they are clerical, then their job descriptions will
20 say what their job description --

21 **MS. LEBOEUF:**

22 Well, first of all, I wouldn't answer them on the phone
23 at all. I would make them put it in writing. Because they
24 could tell you something on the phone and you answer them
25 based on what we decide on Hammond and it has no relevance to

1 them.

2 **MS. HUTCHINSON:**

3 Right. And we shouldn't be telling them what position to
4 put them in.

5 **MS. ROBERTS:**

6 Well, no. I'm not telling them that.

7 **MR. SCHEXNAYDER:**

8 We'll have to take them one by one.

9 **MS. HUTCHINSON:**

10 Right.

11 **MS. ROBERTS:**

12 Most of them that are calling are saying -- that is what
13 they're telling me, though, that they cannot qualify and they
14 are putting them at a desk. They --

15 **MR. LAYRISSON:**

16 I believe the big issue is whether or not they are
17 commissioned law enforcement officers who have arrest powers.

18 **MS. LEBOEUF:**

19 That's right.

20 **MR. LAYRISSON:**

21 And so if they cannot qualify and the department
22 transfers them to a position that they're not a commissioned
23 law enforcement officer with arrest powers, then we will have
24 to look at that issue separately.

25 **MS. ROBERTS:**

1 Okay. I will tell them to put in writing everything that
2 they -- every time they call.

3 **MS. LEBOEUF:**

4 Yes, because that becomes a whole different scenario, you
5 know.

6 **MS. HUTCHINSON:**

7 Right.

8 **MS. LEBOEUF:**

9 I would think that, in that respect, P.O.S.T. would come
10 back and say, no, they are not, if they took away their --
11 depending upon what they tell us.

12 **MR. SCHEXNAYDER:**

13 I don't know that -- P.O.S.T. would say whether they were
14 certified. We would say whether they were qualified.

15 **MS. LEBOEUF:**

16 Right.

17 **MS. HUTCHINSON:**

18 Right.

19 **MS. ROBERTS:**

20 Let me ask this. The Hammond people, they are moving
21 these people from police officers to, say, jailers or
22 whatever, communication officers. They will no longer be
23 carrying firearms, from what I gather, so what --

24 **MR. LAYRISSON:**

25 I don't believe the issue is whether they carry a firearm

1 or not. The issue is whether they are a peace officer, which
2 is defined by the State statute. If they are a jailer, but
3 they are still considered a peace officer, then, in my
4 opinion, they should get supplemental pay.

5 **MS. ROBERTS:**

6 Yes.

7 **MS. LEBOEUF:**

8 Right.

9 **MR. LAYRISSON:**

10 But if they move them to a position when they become a
11 civilian employee or they do not have arrest powers, then --

12 **MS. ROBERTS:**

13 Okay. But these people are putting them in positions
14 where they are still going to have arrest powers?

15 **MR. LAYRISSON:**

16 That is a question we'll have to ask Hammond.

17 **MR. SCHEXNAYDER:**

18 Yes.

19 **MS. ROBERTS:**

20 Okay.

21 **MS. LEBOEUF:**

22 We don't know that, that don't tell us that.

23 **MR. LAYRISSON:**

24 This doesn't really go into all that.

25 **MS. LEBOEUF:**

1 That is what I thought we were going to ask them if they
2 came, you know.

3 **MS. ROBERTS:**

4 Because when I spoke with Lieutenant Hauck (phonetic), I
5 think was his name, I gathered that he -- he was trying to
6 find out if they didn't -- I don't know if he didn't want to
7 send them or what, you know, it might have been, but if they
8 didn't requalify and they were put in these position, would
9 they still qualify with their firearm -- I mean, would they
10 still qualify to get supplemental pay. I mean, that is what I
11 gathered.

12 **MR. LAYRISSON:**

13 I think some of the issues we have already talked about
14 with these other departments, I think as time goes on, some of
15 these become unfit to qualify -- or can't qualify with their
16 firearm, so that is where the City of Hammond is listing as
17 taking their firearms from them.

18 **MS. ROBERTS:**

19 Okay.

20 **MS. LEBOEUF:**

21 Did they not want to come; did we not ask them to come?

22 **MR. LAYRISSON:**

23 We asked them.

24 **MS. LEBOEUF:**

25 They did not want to come?

1 **MR. LAYRISSON:**

2 That is correct.

3 **MS. LEBOEUF:**

4 Well, I mean, there is no way for us to even -- you know,
5 because this letter and these generic job descriptions that
6 are back here doesn't say anything to me.

7 **MR. LAYRISSON:**

8 Let me ask you this, Mr. Paul. Does the Board have the
9 authority to issue a statement to the effect that, if you are
10 not commissioned a peace officer defined by the State statute,
11 you are not eligible for supplemental pay?

12 **MR. SCHEXNAYDER:**

13 I think the safest thing to do is actually quote the law
14 and say, if you don't fit under one of these -- I mean, they
15 do lay it out in the law. If you don't fit under one of
16 these, you are not eligible to receive supplemental pay.

17 **MR. LAYRISSON:**

18 Do we want to send that now; are we at that point?

19 I mean, I move to the Board that I think it is time to
20 set a precedent, because I think a lot of other agencies are
21 coming with this very same type issues. I know we have some
22 enforcement concerns with us versus P.O.S.T., but legally, if
23 we can state the statute, like he said, I would be in favor to
24 do that.

25 **MR. SCHEXNAYDER:**

1 We can do that. We can always cite the statute. We
2 can't go wrong with that.

3 **MS. LEBOEUF:**

4 So we would cite the statute and send it back to them
5 based on just this information they gave us? I mean --

6 **MS. ROBERTS:**

7 They are basically too asking us questions. They're
8 saying, if we take their guns away from them and put them in
9 these, you know, positions, correctional officer,
10 communication officers, will this affect them getting
11 supplemental pay.

12 **MR. SCHEXNAYDER:**

13 But that doesn't --

14 **MS. ROBERTS:**

15 Right. I mean, how can we answer? The questions they
16 are asking us, we can't really --

17 **MR. SCHEXNAYDER:**

18 We can't. It is too vague.

19 **MS. ROBERTS:**

20 Why do you think they want to -- I wonder if it's because
21 -- I don't know.

22 (Off-the-record discussion.)

23 **MS. ROBERTS:**

24 How can you have power of arrest or any of that --

25 **MR. SCHEXNAYDER:**

1 You don't need a firearm to arrest somebody.

2 **MS. ROBERTS:**

3 You don't? Oh, I didn't know that.

4 **MR. LAYRISSON:**

5 I think the power of arrest, in my opinion, is really the
6 strongest thing we have to stand on now until P.O.S.T. can put
7 their new restrictions in place, but the law clearly states
8 that you must be a peace officer to receive supplemental pay.
9 If you are a clerical employee, then you are not a peace
10 officer.

11 The question is going to be, that I think is going to be
12 -- each department is going to make the decision, is whether a
13 jailer -- whether they are going to commission a jailer up to
14 be a peace officer.

15 **MS. LEBOEUF:**

16 Right.

17 (Off-the-record discussion.)

18 **MR. SCHEXNAYDER:**

19 P.O.S.T. is definitely a requirement.

20 **MS. LEBOEUF:**

21 Oh, yes.

22 **MS. HUTCHINSON:**

23 Yes.

24 **MR. SCHEXNAYDER:**

25 They have to be P.O.S.T. certified.

1 **MS. HUTCHINSON:**

2 And, technically, they still are.

3 **MS. LEBOEUF:**

4 Right.

5 **MR. LAYRISSON:**

6 They have to be P.O.S.T. certified in order to be peace
7 officers. The issue is if they recertify each year. That is
8 not an issue yet, because we don't have enforcement power.

9 **MS. LEBOEUF:**

10 Right, but are they a peace officer?

11 **MR. LAYRISSON:**

12 They had to be P.O.S.T. certified at some point, I think
13 we can say that, because it is in the law. In my opinion,
14 right now, if they don't meet any one of those, then they
15 should not be eligible for supplemental pay, but I am not the
16 attorney. We need the attorney to give us his legal opinion.

17 **MS. LEBOEUF:**

18 Uh-huh.

19 **MR. SCHEXNAYDER:**

20 Well, the law is clear. I mean, it's different
21 categories. You have to fit under one of them, and either you
22 do or you don't, and the only way to determine them is take
23 them one by one. Whichever one is in question, you have to
24 look at it, does it fit under one of the eight. If they
25 don't, they are not qualified.

1 **MR. LAYRISSON:**

2 So all they have to meet is one of the eight?

3 **MR. SCHEXNAYDER:**

4 One of the eight.

5 **MR. LAYRISSON:**

6 Could our response be to Hammond in a letter in order for
7 these employees to receive supplemental pay, they must meet
8 one of the following and we list the eight?

9 **MR. SCHEXNAYDER:**

10 Right.

11 **MR. LAYRISSON:**

12 That way, that would give Hammond something to base their
13 decisions on.

14 **MR. SCHEXNAYDER:**

15 Yes.

16 **MS. LEBOEUF:**

17 They have to come back and tell us, you know, which one
18 of these people, where they fall under, leave it up to them to
19 tell us.

20 **MR. SCHEXNAYDER:**

21 Right.

22 **MS. HUTCHINSON:**

23 Right.

24 (Off-the-record discussion.)

25 **MR. LAYRISSON:**

1 Are you okay with that, preparing a letter to them?

2 **MR. SCHEXNAYDER:**

3 We can just say, you know, whichever position you have a
4 question about, these are the categories. They have to fit
5 under one of them. Which one do they fit under?

6 **MS. LEBOEUF:**

7 Yes, make them identify it.

8 **MR. SCHEXNAYDER:**

9 If you have a question -- you know, if they have a
10 question whether they fit under one of these eight, they can
11 come to a meeting, then we can discuss it.

12 **MS. LEBOEUF:**

13 Exactly.

14 **MS. ROBERTS:**

15 Why can't we -- if it is at that point, can we do like,
16 say, the Fire, when we defer on something, if they want this
17 issue solved, they have to come before the Board. It isn't
18 none of this --

19 **MS. LEBOEUF:**

20 Maybe we can do that in the letter, you know.

21 **MS. HUTCHINSON:**

22 Right.

23 **MS. LEBOEUF:**

24 Any further discussion, you know, you will need to appear
25 or something like that.

1 **MR. SCHEXNAYDER:**

2 Yes.

3 **MS. LEBOEUF:**

4 Maybe once they come back and say it, then it is
5 dependent upon them.

6 **MS. ROBERTS:**

7 That is what we do with Fire. We make them come.

8 **MR. SCHEXNAYDER:**

9 Right. They have to show up.

10 **MS. HUTCHINSON:**

11 The people in question are still receiving supplemental
12 pay?

13 **MS. ROBERTS:**

14 The ones on that list, yes. I haven't taken any --

15 **MS. LEBOEUF:**

16 Yes, because, obviously, they are still certifying the
17 warrant.

18 **MS. ROBERTS:**

19 Yes, they are.

20 **MS. HUTCHINSON:**

21 And we don't know if they have been moved yet?

22 **MS. ROBERTS:**

23 No. I haven't gotten a warrant for this month that lets
24 me see what their titles are, but I review their titles every
25 month, so...

1 **MS. LEBOEUF:**

2 So I assume it is just these that are in question?

3 **MR. SCHEXNAYDER:**

4 Yes.

5 **MS. LEBOEUF:**

6 Who knows? I think that is all we can do.

7 **MS. HUTCHINSON:**

8 I think so, too.

9 **MR. LAYRISSON:**

10 All right. Let's move on to the next thing.

11 **MS. ROBERTS:**

12 Do you all want to vote on it?

13 **MS. LEBOEUF:**

14 Do we need a motion?

15 **MS. ROBERTS:**

16 Do you need a motion for that, Paul?

17 **MR. SCHEXNAYDER:**

18 It wouldn't hurt.

19 **MS. ROBERTS:**

20 Okay.

21 **MR. LAYRISSON:**

22 I would like to make a motion that we notify the City of
23 Hammond via letter in response to their inquiry that in order
24 for any employee to be eligible for State supplemental pay,
25 they must meet at least one of the following requirements, and

1 the attorney will list the eight requirements.

2 **MS. HUTCHINSON:**

3 I'll second.

4

NEW BUSINESS

5

Slidell Police Department - Sharon Gorman

6 **MR. LAYRISSON:**

7 Let's move on to the next item on the agenda, new
8 business, Slidell Police Department, Sharon Gorman.

9 **MS. ROBERTS:**

10 Sharon Gorman is someone that contacted me. She is
11 retiring from her position.

12 **MS. LEBOEUF:**

13 As a what?

14 **MS. ROBERTS:**

15 As a -- let me get her stuff in front of me. I think she
16 is a communications -- her classification -- she has a lot of
17 old stuff here that she sent me, and I ended up finding it,
18 but it is communications -- like a communications officer, but
19 she was grandfathered. She came before the Board back in --

20 **MS. LEBOEUF:**

21 She is a dispatcher, yes, something -- grandfather
22 clause.

23 **MS. ROBERTS:**

24 Well, I know -- I mean, I see the warrant, she's a
25 communications -- actually, a communications supervisor is

1 what she is, that is her title, but she came before the Board
2 -- and I didn't know this, she faxed over all this stuff -- in
3 1993. Well, she had to come before the Board at that time
4 because they -- she was grandfathered in, from what I can
5 understand, getting supplemental pay. Well, then they changed
6 the title of her position or whatever, so she had to come back
7 and be reapproved whether her grandfather was still valid.

8 To make a lot -- this is what she told me. The
9 department she works for cannot fill her position, so the
10 chief has asked her to stay on, and she continuously stays on.
11 Well, she is basically now at the point where she is working
12 for nothing. She wants to retire, and he was, like, can you
13 just stay -- you know, just stay, get your retirement, and you
14 can stay on and we will pay your salary, what you were making.
15 She was, like, fine, I will do it.

16 Well, she started questioning her supplemental pay,
17 because if she leaves, she is leaving on a Monday, you know --
18 or she is retiring that Monday. She is just going right back
19 to work Tuesday. It isn't like she is leaving, but she is
20 still going to leave -- she is retiring and going to the other
21 position, so she is going to lose her grandfather.

22 **MS. HUTCHINSON:**

23 She's in a different position?

24 **MS. LEBOEUF:**

25 What kind of position?

1 **MS. ROBERTS:**

2 The same exact thing, everything that --

3 **MR. SCHEXNAYDER:**

4 The problem is, if you are hired after 1986, you have to
5 be P.O.S.T. certified.

6 **MS. LEBOEUF:**

7 P.O.S.T. certified.

8 **MS. ROBERTS:**

9 And she is not.

10 **MR. SCHEXNAYDER:**

11 She is going to be hired after 1986, and she won't be
12 P.O.S.T. certified.

13 **MS. ROBERTS:**

14 She is not going to be P.O.S.T. certified, so I brought
15 it --

16 **MS. LEBOEUF:**

17 Frankly, I think something needs to come from the city --
18 or from the Slidell Police Department and not from her.

19 **MS. ROBERTS:**

20 She is just -- this is what she -- her question was, she
21 is just trying to find out. She is going to stay working for
22 them regardless, but she is just wondering if she can keep her
23 supplemental pay.

24 **MS. HUTCHINSON:**

25 No.

1 **MS. ROBERTS:**

2 I told her no, too.

3 **MS. HUTCHINSON:**

4 I make a motion to deny. She is not grandfathered in.

5 **MS. ROBERTS:**

6 I had talked to Paul about it, but I still needed to
7 bring it before the Board, because it was --

8 **MS. HUTCHINSON:**

9 Do we need to make a motion to deny it?

10 **MR. SCHEXNAYDER:**

11 Yes.

12 **MS. HUTCHINSON:**

13 I'll make a motion to deny her since she will no longer
14 be grandfathered in, and she does not have P.O.S.T.
15 certification.

16 **MS. LEBOEUF:**

17 I'll second that.

18 **MS. ROBERTS:**

19 I just need a letter for that, unless she wants to go get
20 P.O.S.T. certified.

21 Zachary Police Department - Shawntell Johnson

22 **MS. ROBERTS:**

23 Our next item is Zachary Police Department, Shawntell
24 Johnson, this is an employee that was terminated and then they
25 -- they had to reinstate her, so the city paid the money to

1 her, and now the city is asking us to reimburse the money that
2 they paid her.

3 **MR. LAYRISSON:**

4 That definitely sounds like a legal question to me.

5 **MR. SCHEXNAYDER:**

6 There is no precedence for it. I mean, it is up to the
7 Board to whether you all want to do on it, but, yes, there has
8 been a Court case that says -- the Supreme Court said, you
9 know, it is the city's responsibility to pay for it, and then
10 they can come back to the Board and ask for reimbursement. I
11 don't know that we have done it before.

12 **MS. ROBERTS:**

13 I think we have done it maybe -- when Chief LeDuff was
14 here, he said we did it a long time ago for one -- for
15 someone, but I have never done it since I have been here, but
16 I think the Fire Board, Vyki said they had done it in the
17 past. I have never done it.

18 **MR. LAYRISSON:**

19 My opinion would be that, if the termination was
20 overturned by the Court, I would -- it is my opinion that the
21 city is responsible for that money and not supplemental pay.

22 **MR. SCHEXNAYDER:**

23 They are, and they did pay it, but then they have the
24 ability to come back to the Board and ask for reimbursement.
25 Because, in a way, it doesn't hurt the Board. It doesn't -- I

1 mean, she was entitled to it throughout, so she should have
2 gotten it throughout. The city just kind of basically stopped
3 it from happened for a certain amount of time. Now they have
4 -- the money should have come from the Board, in the first
5 place.

6 **MS. LEBOEUF:**

7 It was a mistake.

8 **MR. SCHEXNAYDER:**

9 A mistake, yes. She should have never been fired,
10 according to the Court. They overturned it.

11 **MS. LEBOEUF:**

12 So do they want \$3,600, or do they want \$7,900?

13 **MS. ROBERTS:**

14 The last sheet -- the last sheet shows the breakdown, and
15 I already verified that she didn't receive this money.

16 **MS. LEBOEUF:**

17 She did not receive it?

18 **MS. ROBERTS:**

19 Uh-uh, that was she didn't get for '08, '09, 2010.

20 **MR. SCHEXNAYDER:**

21 They waited that long?

22 **MS. ROBERTS:**

23 Okay. She didn't get paid. She was terminated November
24 of '08. She only got partial in November, three days -- two
25 days, actually, and she got nothing in December.

1 **MR. SCHEXNAYDER:**

2 What about this -- gave her everything she --

3 **MS. ROBERTS:**

4 They paid her. We -- I took her off of supplemental pay
5 back November 3, 2008.

6 **MS. LEBOEUF:**

7 Correct.

8 **MS. HUTCHINSON:**

9 You are just verifying that she did not receive
10 supplemental pay during that time?

11 **MS. ROBERTS:**

12 Right, right, right.

13 **MR. SCHEXNAYDER:**

14 Oh, okay. I'm sorry.

15 **MS. ROBERTS:**

16 I'm sorry. That is what I meant. I'm sorry.

17 **MR. SCHEXNAYDER:**

18 I got you, but she did get reimbursed?

19 **MS. ROBERTS:**

20 Yes. She got reimbursed from the city.

21 **MR. SCHEXNAYDER:**

22 Okay. Now we just need to give the money to Zachary?

23 **MS. ROBERTS:**

24 Right. We are not going to give this to her.

25 **MS. HUTCHINSON:**

1 And you're going to go back --

2 **MS. ROBERTS:**

3 But I don't know how -- wait. How can I write a check --
4 I guess I would have to get -- how would I write a check to an
5 -- I mean, to a town?

6 **MS. LEBOEUF:**

7 To a town?

8 **MR. LAYRISSON:**

9 They write them to the Sheriff. Isn't the Sheriff's
10 Office getting one check?

11 **MS. ROBERTS:**

12 Theirs is done different. Ours, we write to individuals,
13 unless I get with Scott and we have to a -- I mean, there is a
14 way.

15 **MS. LEBOEUF:**

16 Yes.

17 **MS. ROBERTS:**

18 I personally can't do it.

19 **MS. LEBOEUF:**

20 Right.

21 **MS. ROBERTS:**

22 Okay. I had to think about that when you said that.

23 **MS. HUTCHINSON:**

24 Can we go back to '08?

25 **MS. LEBOEUF:**

1 Probably not.

2 **MS. ROBERTS:**

3 Would we have to do Act 110 money?

4 **MS. HUTCHINSON:**

5 Yes.

6 **MS. LEBOEUF:**

7 I don't know if Act 110 applies to a town, to reimburse a
8 city for, you know --

9 **MR. SCHEXNAYDER:**

10 The law doesn't say anything about that. Act 110
11 money --

12 **MS. LEBOEUF:**

13 Well, that means the \$7,900 is going to have to come out
14 of '11.

15 **MS. LEBOEUF:**

16 Can we deny it? Let me ask this question, not that we
17 are going to deny it, but can we deny it based on --

18 **MR. LAYRISSON:**

19 What about the -- can we postpone it until the next
20 fiscal year, I mean, if we are prepared to put it in next
21 year's budget? I mean, do we have extra funds in this year's
22 budget for the \$7,900?

23 **MS. HUTCHINSON:**

24 I don't think we make decisions based on whether or not
25 we have the money, right?

1 **MS. LEBOEUF:**

2 No, we don't. We don't. This is not --

3 **MS. HUTCHINSON:**

4 Whether we have the money or not.

5 **MS. LEBOEUF:**

6 Right, but this is not a person whose application was
7 received late.

8 **MR. SCHEXNAYDER:**

9 Right.

10 **MS. LEBOEUF:**

11 You know what I'm saying, or that was not certified in
12 time and we owe them back pay, you know. I agree with you on
13 that respect.

14 **MR. LAYRISSON:**

15 Yes, but I just don't want to issue a check for \$7,900 --

16 **MS. LEBOEUF:**

17 It is the city asking for reimbursement when they should
18 have paid her, but -- you know, even though she was due
19 supplemental pay, they were wrong in terminating her, and the
20 Courts found that, so they should be liable. Now I realize
21 that the statute allows them to ask for it.

22 **MS. HUTCHINSON:**

23 The statute does allow them to come back and ask for it?

24 **MR. SCHEXNAYDER:**

25 It is not really the statute. It was really a case that

1 said that, that the city was reimbursed -- or the city,
2 whatever, municipality would reimburse the person and they
3 could come to the Board and ask for reimbursement.

4 **MS. HUTCHINSON:**

5 But nothing says that the Board has to then reimburse --

6 **MR. SCHEXNAYDER:**

7 Nothing says that they have to, and Act 110 doesn't
8 really apply.

9 **MS. LEBOEUF:**

10 I don't think so.

11 **MR. SCHEXNAYDER:**

12 It refers to money due to the recipients for back periods
13 of time.

14 **MS. LEBOEUF:**

15 And she was paid, so it is not like she --

16 **MR. SCHEXNAYDER:**

17 That's right.

18 **MS. LEBOEUF:**

19 -- that she is due the money. She got paid.

20 **MR. LAYRISSON:**

21 So what has the Board done with these in the past? Have
22 they denied it or approved it?

23 **MR. SCHEXNAYDER:**

24 I've never seen one.

25 **MS. ROBERTS:**

1 Well, I have never seen -- I have only -- wait a minute.

2 **MR. SCHEXNAYDER:**

3 You have seen one?

4 **MS. ROBERTS:**

5 We talked about it at a meeting when Chief LeDuff was
6 here. I don't know if you all remember, but New Orleans never
7 -- New Orleans, it was the City of New Orleans, and they -- we
8 told him, I think, that the city had to reimburse, and then he
9 -- then the city could come to us and we would --

10 **MR. SCHEXNAYDER:**

11 Yes, but I don't think they ever --

12 **MS. ROBERTS:**

13 No. They never did come back to us.

14 **MS. LEBOEUF:**

15 Right. They never did.

16 **MS. ROBERTS:**

17 The city never -- I mean, I guess like -- I got one today
18 from the City of Baton Rouge, but it was too late to get it
19 with all of this. I was already finished with this, so I
20 didn't bring it, but I think I have gotten them before from
21 the City of Baton Rouge.

22 **MS. HUTCHINSON:**

23 For reimbursement?

24 **MS. ROBERTS:**

25 But it was not much -- it wasn't this much money, and I

1 put it on the agenda.

2 **MS. LEBOEUF:**

3 What did we do?

4 **MS. ROBERTS:**

5 It was approved.

6 **MS. HUTCHINSON:**

7 So we paid back the City of Baton Rouge?

8 **MS. ROBERTS:**

9 It was like \$17.00, the last one I remember doing. It
10 was \$17.00.

11 **MS. HUTCHINSON:**

12 But we were on record for paying back a city for making a
13 back payment to a person, so --

14 **MS. LEBOEUF:**

15 I don't know how we cannot.

16 **MS. HUTCHINSON:**

17 -- how we cannot pay this.

18 **MR. SCHEXNAYDER:**

19 Yes.

20 **MS. HUTCHINSON:**

21 Even if it was a small amount.

22 **MS. ROBERTS:**

23 It wasn't this amount, of course.

24 **MS. LEBOEUF:**

25 Yes. The amount doesn't matter. If you know that we

1 paid it.

2 **MS. ROBERTS:**

3 Yes. I have done it. I couldn't tell you when, but, I
4 mean, I can go back pull the minutes in the last three years.
5 I know I have done at least one, and it was for \$17.00.

6 **MS. HUTCHINSON:**

7 Okay.

8 **MS. LEBOEUF:**

9 And was it the same situation, you know, they were hired
10 back and --

11 **MS. ROBERTS:**

12 They were suspended and they got their suspension
13 overturned.

14 **MS. LEBOEUF:**

15 Overturned, and the city paid them, and then blah, blah,
16 blah?

17 **MS. ROBERTS:**

18 And they asked for reimbursement, the City of Baton
19 Rouge.

20 **MR. LAYRISSON:**

21 Well, I make a motion we reimburse the City of Zachary in
22 the full amount of \$7,925.

23 **MS. HUTCHINSON:**

24 I'll second.

25 **MS. ROBERTS:**

1 Well, I have to do this through Act 110 money, though,
2 won't I?

3 **MS. HUTCHINSON:**

4 I don't know how you are going to do it, because Act 110
5 doesn't allow for this, so...

6 **MR. SCHEXNAYDER:**

7 It doesn't really provide for that.

8 **MS. HUTCHINSON:**

9 Okay. Wait. So you're saying you really don't have -- I
10 don't want to say authority.

11 **MR. SCHEXNAYDER:**

12 No. We don't have statutory authority. We could stretch
13 it. We could say it is due for back periods of time.

14 **MS. LEBOEUF:**

15 But it is not due to the recipient.

16 **MR. SCHEXNAYDER:**

17 It is not due to the recipient.

18 **MS. LEBOEUF:**

19 It would be --

20 **MR. SCHEXNAYDER:**

21 It is due to the municipality who paid it.

22 **MS. HUTCHINSON:**

23 Are you advising that we should not pay it, or --

24 **MR. SCHEXNAYDER:**

25 The right thing to do is pay it, because all we did is

1 defer it from when we should have paid it until now.

2 **MS. HUTCHINSON:**

3 Yes.

4 **MR. LAYRISSON:**

5 Which is the end of litigation.

6 **MR. SCHEXNAYDER:**

7 Right.

8 **MS. LEBOEUF:**

9 Correct, correct. I mean, that makes sense. So it
10 should just come out of -- it should just come out of your
11 normal budget.

12 **MS. HUTCHINSON:**

13 And the normal way we do it, it doesn't matter how far
14 back, right, how far back?

15 **MS. ROBERTS:**

16 Uh-uh.

17 **MS. HUTCHINSON:**

18 In Act 110, we don't worry about how far back, like this
19 is back to 2008.

20 **MR. SCHEXNAYDER:**

21 Right.

22 **MS. HUTCHINSON:**

23 A normal individual gets paid, if they had made this
24 request?

25 **MS. ROBERTS:**

1 Yes. We would approve it, and I would put them on the
2 list for Act 110 money. If the individual -- well, we would
3 have probably told them, though, to -- I mean, I have had
4 people from New Orleans that we request money for that was
5 terminated and then they rehired them, and their dates are
6 sometimes in excess of --

7 **MS. HUTCHINSON:**

8 Or if they just --

9 **MS. ROBERTS:**

10 Yes.

11 **MR. SCHEXNAYDER:**

12 I'd say you vote.

13 **MS. HUTCHINSON:**

14 We did already.

15 **MS. LEBOEUF:**

16 We did, yes.

17 **LEGAL MATTERS**

18 **MS. ROBERTS:**

19 The next thing we have is legal matters. I don't think
20 we have any --

21 **MR. SCHEXNAYDER:**

22 We discussed that.

23 **MS. ROBERTS:**

24 We have kind of already gone over all of that.

25 **NEW APPLICATIONS SUBMITTED FOR APPROVAL - 160**

1 **MS. ROBERTS:**

2 And then we have new applications. I have a 160 new
3 applicants that are on the list for approval.

4 **MS. LEBOEUF:**

5 What is an A-R-S-F officer at the airport? I am just
6 curious.

7 **MS. ROBERTS:**

8 That is what they call their people out there.

9 **MS. LEBOEUF:**

10 Oh, okay. I didn't know we had many out there.

11 **MS. ROBERTS:**

12 We have like 30 people at the airport who get
13 supplemental pay.

14 **MS. LEBOEUF:**

15 I was before I was here, but I knew you were here.

16 **MS. ROBERTS:**

17 I was before me, too. It was in between when I left and
18 came back, so...

19 **MS. LEBOEUF:**

20 There are a few chief of police -- chiefs of police.

21 (Off-the-record discussion.)

22 **MS. ROBERTS:**

23 Do you all want to make a motion on the apps?

24 **MR. LAYRISSON:**

25 I'll make a motion to approve the 160 applications.

1 **MS. HUTCHINSON:**

2 I'll second.

3

BUDGET MATTERS

4 **MS. ROBERTS:**

5 We have the budget projection in there, if you all want
6 to look at -- we are at least not showing -- we're showing a
7 plus, anyway, this year, this time.

8 **MS. LEBOEUF:**

9 No doubt.

10 **MS. ROBERTS:**

11 I do have the Act 110 money for you all, but I have
12 already submitted it. It is supposed to be in the March -- I
13 talked to somebody named George.

14 **MS. HUTCHINSON:**

15 Yes.

16 **MS. ROBERTS:**

17 He said it could be on the March.

18 **MS. HUTCHINSON:**

19 You've sent in the paperwork?

20 **MS. ROBERTS:**

21 Yes.

22 (Off-the-record discussion.)

23 **MS. HUTCHINSON:**

24 I'm just curious, this 120,710 instead of the 120,708

25 (inaudible) --

1 **MS. ROBERTS:**

2 Are you serious?

3 **MS. HUTCHINSON:**

4 On this sheet.

5 **MS. LEBOEUF:**

6 The sheet says 120 instead --

7 **MS. ROBERTS:**

8 Oh, I have 120,710, that is what it is. I didn't prepare
9 this. Maybe I e-mailed it wrong to him. I will have to check
10 on it, but this is definitely right. I went over this -- I
11 know this is right. It is probably a typo. I know this is
12 right. I can't vouch for that, but I can vouch for this.

13 (Off-the-record discussion.)

14 **SET TIME AND DATE OF NEXT MEETING**

15 **MS. ROBERTS:**

16 That is everything, and I put the time and date of the
17 next meeting on there tentatively, April 7th, that can change
18 if you all have other -- but as of right now --

19 **MS. LEBOEUF:**

20 Do you have a calendar because they always seem to come
21 up on our --

22 **MS. ROBERTS:**

23 Would you rather do it another day, Danielle?

24 **MS. LEBOEUF:**

25 As long as it's not --

1 **MS. ROBERTS:**

2 It is a Thursday.

3 **MS. LEBOEUF:**

4 So it is going to be our staff meeting.

5 **MS. ROBERTS:**

6 Do you want to do it on Wednesday?

7 **MS. LEBOEUF:**

8 We can either do it at 10:30 -- I mean, 10:00 is going to
9 be okay. I just don't want to --

10 **ADJOURN**

11 **MR. LAYRISSON:**

12 I'll move that this meeting be adjourned.

13 **MS. HUTCHINSON:**

14 I'll second.

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STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

I, Michelle S. Abadie, Certified Court Reporter in and for the State of Louisiana, as do hereby certify that the foregoing thirty-nine (39) pages constitute a true and correct transcription of the meeting held on February 16, 2011, regarding the Police Supplemental Pay Board;

That the minutes of this meeting was reported by me in the voice writing method and thereafter reduced to printed copy by me;

And that I am not related to any of the parties herein, nor am I otherwise interested in the outcome of this matter.

Michelle S. Abadie
OFFICIAL SEAL
MICHELLE ABADIE
Certified Court Reporter
in and for the State of Louisiana
Certificate Number #24032
Certificate expires 12/31/15

MICHELLE S. ABADIE, #24032