

**Louisiana Fire and Emergency Training Commission Meeting
August Special Meeting Minutes
August 18, 2021**

Commission Members Present:

Chad Major	Professional Firefighters Association of Louisiana
Butch Browning	State Fire Marshal
Louis Romero	Professional Firefighters Association of Louisiana
Bryan Adams	Governor's Appointee
Ken Himel	Louisiana Fire Chief's Association
Russell Di Salvo	Louisiana Fire Chief's Association
William Parker	Louisiana State Firemen's Association

Commission Members Absent:

Matt Lee	Chancellor's Designee from LSU
Brandon Davis	Governor's Appointee
Karen St. Germain	Governor's Appointee
Brian Lindberg	Louisiana State Firemen's Association

In Attendance:

Ken Fowler	FETI
Dan Wallis	SFM
Russell Shultz	SFM
Bryan Fontenot	House of Representatives

QUORUM PRESENT

The Louisiana Fire and Emergency Training Commission was called to order by Mr. Chad Major. Invocation was performed. Pledge was performed as well. Mr. Major called the roll and announced that a quorum was present. The special meeting began.

Mr. Major stated that the special meeting was called because he had received several calls from members of the commission due to concerns about things happening during this transition. He felt that it was appropriate to call this meeting to discuss the issues as a whole and not independently.

New Business

After the introduction, Mr. Major stated that at this time, the floor was opened for new business discussion regarding the transition. Mr. Adams invited Rep. Fontenot to give more details about his legislation to those in attendance. He thanked him for his support of the fire service and for carrying the resolution that had brought them to this point. He asked Rep. Fontenot what the intention of the resolution was as far as having consistency between the two parties. Rep. Fontenot thanked them for the opportunity to be at the meeting. He answered that originally when the resolution was crafted, there were meetings with the house members, OSFM, fire service and LSU. The vision in the beginning was for both agencies to work together and be transparent in the transition of the leadership of LSU FETI over to the fire marshal's office. He had felt that this would be a process of two government entities that would have been accomplished by now. Most importantly, however, from a government standpoint, that both agencies would be transparent and the funds that were coming in and going out

on municipal and industrial side and understanding what the Office of State Fire Marshal had as a vision and start positioning this agency within that vision. Since transparency was a key point, Rep. Fontenot was in hopes that no decisions were being made without both parties at the table. Even though it was an inter-agency agreement, it was still two businesses colluding together to accomplish one goal and both parties should remain at the table to make financial and executive decisions that would have long-term impact on FETI. Mr. Adams thanked him again for attending the meeting and being willing to give explanation of the legislation.

Mr. Major asked if there were any other questions for Rep. Fontenot. None was voiced.

Mr. Major stated that he knew there were issues when they began years ago but things had been coming to light more over the past year or two. The problems had become exacerbated to the extent that it landed them where they were at today. He recognized that the primary problem was with the director. Subsequent to the beginning of the transition, the conversations had begun a few months ago.

They had tried to talk through some things and there were ways that it started off initially not being on the right foot so to speak. The communications that went out to all the employees at FETI were very poor. The transition was presented in a way that everyone was being terminated and then maybe brought back in. Mr. Major added that he had been able to attend every meeting with the commission, LSU, and the fire marshal's office to work through the problems that had been arising. He felt that it had become clear after a BRAMAS meeting month before last in Baton Rouge that Ms. Jones was basically spewing out garbage and trying to cloud exactly what the transition was going to look like in the long run as well as put questions in industry's eyes as to whether or not the services that were being provided to them today through FETI would be able to continue tomorrow. That was when he felt there were two problems with LSU. She had already tendered her resignation at the time from FETI so there wasn't much to say about it other than making it known that she had made some statements that were basically unfounded and unwarranted. For him to be told as chairman of the commission and trying to stay connected to every single action that was occurring, that outside of the commission's knowledge, she had been hired as a WAE for LSU for FETI was disturbing. At that BRAMAS meeting, she was basically telling lies and he didn't want anything to do with that personally.

Mr. Browning stated that he agreed with Mr. Major. He wanted to set the record straight about where he felt they should be. First, there has been opposition about the fire marshal's office working for the commission. In fact, he had purposely not directed Mr. Wallis when he asked for guidance but made sure that they communicated with the commission when they got to impasses that were important. He felt the system was working. His concerns were with the fact that they had a timeline that they were not following.

It was understood that from now and the time the contract was in place, which was conceptually January 1, LSU was still the employer and signer, but Mr. Wallis and Mr. Trahan who worked for LSU, made the decisions together. He felt that where they were at today was that Mr. Wallis was given information on a need-to-know basis and when they asked for something, there was always some spin where they couldn't legally be given that information. The whole process had been stalled. There was money being spent that may not need to be spent, but they were not really a part of that process.

Their biggest concerns were the employees. The avenue had already been created for them to transfer to public safety when the contract was signed. They were in disagreement on the environmental and safety issues. There were two different philosophies, what the fire service and commission wanted and

what LSU deemed as an acceptable level for environmental and safety. Currently, they were not able to sit down and discuss that and more importantly, that everything out there met the appropriate safety level.

He was also aware that last on the list was property and funds. All this was negotiable in the contract, and they shouldn't be arguing about these things. Lastly, he wanted to address the rumors about training stopping this year. Training did not need to be stopped and until they addressed some of these issues and moved past them, then they were just chasing their tails. He did feel that they needed to move away from the Nicholson property. He felt one of the failures there was that there had not been any capital investment in it. So again, until they could get back to the right track and bring the commission factual things in the form of some kind of a master plan, then they would not be able to move forward to make future decisions.

Mr. Major commented that his primary focus from the beginning was to protect the employees and having no loss in the transition and still be conducting business as usual. They did not want to have a gap where they turned business off and then back on which was why they had wanted to set the timeline for January 1 because it was the exact midpoint of the fiscal year. It would have made the transition easier.

Rep. Fontenot asked if anyone from LSU was present in the room since it seemed that the other entities in the transition were represented. Mr. Major answered that Mr. Fowler was. Rep. Fontenot asked if a transition team had been created. Mr. Fowler answered that they did have one in place. Mr. Major stated that it was Mr. Wallis from the fire marshal's office and Mr. Trahan from LSU. Rep. Fontenot asked if those individuals were privy to the executive and financial decisions being made at the facility. Mr. Major asked Mr. Wallis to come give answer to that question.

Mr. Wallis answered that they were not being included in the decision-making process nor any of the general operations as they were taking place. Rep. Fontenot asked if they had any checks and balances in place in the current situation that ensured LSU would not take these employees and move them to another part of the state agency which would leave OSFM with no employees in the transition. Mr. Major answered that on the front end, an email was sent out to all the employees at FETI worded in a way that stated after July 1 they would not have a job anymore. A secondary email was sent out to repair the damage that had been done and explain the situation better. A number of the employees had applied for other positions within the university system outside of FETI. The rest of the employees had been sitting in purgatory so to speak and wondering what they were going to do and how it was going to work.

In their meetings with LSU, he had pushed for some resolution on information needed regarding what was going to happen with the employees. An email had been sent out the other day from Ms. Thackaberry again talking about misinformation given to them. Mr. Major felt it was more about the lag of information and lack of clarity being the problem. Rep. Fontenot was under the impression that this would be an agreeable transfer of powers and asked if there had been a memo sent signed by both agencies as to what the employment benefits would be in the future. Mr. Major answered that they were trying to work through all the moving parts in the process. The employees were moving from at will employment to civil service, so the process was tedious and there were many details to work out.

Rep. Fontenot was highly disappointed that a multitude of LSU employees were not present at the meeting today. He felt that good employees were hard to find, and they certainly didn't want any

misleading facts about who was going to be employed and who was not. The communication should have been positive about the transfer. Subsequent to Ms. Jones's speech at the recent meeting, the communication by LSU not FETI had been misleading according to Mr. Major which set about unrest and uncertainty among the employees.

Mr. Wallis stated that 3 weeks ago they had called for a meeting with DPS Human Resources, the director of Human Resources and two of her assistants. The meeting was attended with FETI staff as well as the transition team and questions were answered. Basically, the transition of the employees and the process of that transition was reviewed and discussed. There were many questions at that meeting and Mr. Wallis felt that they had been adequately answered. He stated that DPS had been provided all the job descriptions of the current employees and they were moving forward next week with an org chart with some prediction of what the agency would look like. Certainly, there would be some changes. At that point, they would gather all the information and put together a package for review.

Mr. Browning directed to Rep. Fontenot that from the beginning they had tried to figure out the employee piece. He had met with the civil service commission director to explain the merger and transfer. The director had understood the process well because it had happened before with other agencies. He had told him that they would move them over with whatever job descriptions they wrote, and it would bring them over as job appointments which gave them four years to create the civil service class to where they would have civil service protection. At no time was any employee in any danger of being left behind. All this would be done when the contract was signed. The idea from LSU was that once it was signed, they wanted to relinquish the responsibility of the employees which was fine with them all along. Mr. Browning felt that they had done everything needed at this point.

Rep. Fontenot asked for some clarification on monies received by FETI and how it was funded. Mr. Browning answered and gave explanation of how their funding was derived. Rep. Fontenot asked if they had any concerns with taking over the agency and offering minimal services that they were currently provided now with the current revenue as it was. Mr. Browning did not have any concerns, but he did state that he felt the biggest challenge would be with the industrial program because it was not bringing in the money it had in the past. Historically, the industrial side of the program had made money to put back into the municipal side and support it, but now that was flipped which created an issue and it needed to be fixed.

Rep. Fontenot asked why people were choosing to go out of state for their certifications instead of keeping the dollars here in Louisiana. Mr. Browning answered that in their day the industrial props they currently had were great, but nothing had been updated or changed and they were behind in the ballgame. Neighboring states such as Mississippi and Texas had simply built better equipment. Rep. Fontenot asked if LSU had been keeping up with the rigorous demands of NFPA on the props and equipment and he wanted to know if they were losing people because their facility was not NFPA compliant. Mr. Browning stated that in regard to this there was a current disagreement about that very thing. Rep. Fontenot stated that if they could not get LSU to the table in regard to fundamentals, finances and management ASAP then maybe the right way would be to convene an investigative oversight committee to examine how this resolution was proceeding forward. He did not feel that was the way they needed to be but currently they were never going to get to where they wanted to be until LSU showed up at a commission meeting so questions could be addressed.

Mr. Major agreed with Rep. Fontenot, and he felt that they had been amenable to moving forward. Rep. Fontenot stated that he was not picking sides and he supported both entities fully. The goal was to

have a better, quality training program that was funded through the stat debt monies and insurance rebate monies. He was willing to do whatever he needed to do to get the process to move forward. This agreement was initially made in this way so they didn't have to propose legislation and battle this out in this committee room and put negative things out whether it be about FETI or the fire service. The agreement was made in the Speaker's office to expedite this process and transfer the power over to OSFM and he felt that should be accomplished in the immediate future.

Mr. DiSalvo reiterated that he had received the communication and emails about different things happening. He commented that commission members were not always able to attend every meeting so who did they rely on to fight the commission's battles and make this legislation move forward. He felt that the transition team should be able to do that. Communication was key and he did not understand why they were not addressing all their questions through their own transition team. Rep. Fontenot stated that legislators from around the state were contacting him asking him questions about the process. He offered the resolution with the Speaker, and it was approved unanimously. The resolution did not have the bearing of law, but it said that the approving members of the body wanted to make it law. He stated that his next step he felt would be to meet with the president of LSU. He knew it was a rough time for this meeting, but this was important to him and to the fire service. Mr. Major thanked Rep. Fontenot for assisting them in this matter. Mr. Major felt that it was not as much about what had occurred with the transition but what hadn't happened. They had been detailed since the resolution had been made because they wanted to make sure they did everything the right way. Mr. Major at this time stated that he had to leave the meeting, but there would still be a quorum present. Mr. Browning would take over the meeting as chair.

Mr. Adams stated that he had handed Rep. Fontenot a copy of the statute that had created this commission. He asked the representative what his legislative opinion was on what he thought the law was meant to say in Section D and if the state fire marshal's office or FETI had the authority to make any hires without coming before the commission. Rep. Fontenot stated that he was familiar with the statute information prior to it being given to him. In his position, any hire from management to clerical was supposed to be brought to the commission no matter if it was for approval or simply consulting. Mr. Browning asked if there were any other questions for Rep. Fontenot. None were voiced. Rep. Fontenot stated that he had another meeting to attend at the capitol and thanked the commission for having him at their meeting that day. He exited at this point.

The questions resumed and were directed to Mr. Wallis. Mr. Browning stated that in the last email from Ms. Thackaberry, she had said that Mr. Wallis had been provided everything that had been requested from LSU, Mr. Trahan and from FETI. He asked him to tell the commission some more about that and when he had actually received what was requested. Mr. Wallis stated that there had been multiple requests at every level from the standpoint of employees, program development, delivery, facilities and other various departments. The requests had started back in April. There had been a few that had received responses. A spreadsheet had been made by the fire marshal's office to keep track of the correspondence. There were a few things that they did not have currently.

They had asked for a specific budget inquiry which outlined monies in and out in more detail back on April 20. This had not been received. They had requested the client list for the self-generated funds on April 22. The list was received on August 9. They had also asked for the maintenance records for the props. This had not been received yet either. Inventory request had been made on April 22. They had been told that the staff needed time to gather information. Health, safety and environmental plan

specific to FETI operations had also been requested on April 22. The health, safety, and environmental plan for LSU had been received but not one specific to FETI.

On May 17, they had asked for the training records for the employees as well as a staff ratio analysis for live fire training. They had received self-reported training records and certifications on August 9 but not the staff ratio analysis. On May 17, they had asked about the computer systems, and they had wanted to have their IT person shadow the IT folks at FETI. As of August 9, they had still not viewed systems based on the knowledge that they had still not received permission by LSU to do so. They had asked for a cost analysis which was basically a formula for how to bill for the services. They had received a blank template which was fill-in-the blank. It was helpful but what they had wanted to know was the billing rates that were currently in place and how they were determined.

In their correspondence to Ms. Thackaberry, they had never asked for a list of employees who did not plan to come over to the fire marshal's office. What they had asked was to shadow and learn the processes if there were people who were planning to stay with LSU that were the only ones who knew certain jobs and how to perform them. On April 20, they had asked for the specific budget information as well as any of the past annual reports for the past five years. Those had not been received. The client list had been received on August 9. There were 20 clients altogether. As a team, they had not come to the table to talk about a master plan, but they were not that far because they simply did not know what was there. They did not have any semblance of a re-org. They had been asked by their HR for an org chart, but they had not been able to provide that yet to them because they just didn't know any details pertaining to the current organization of the agency. They did not know the credentials of the people. They could not develop an org chart until they knew the right people were in the right places. And if they were not certified, then they wanted to give them the opportunity to get whatever was going to be their minimum criteria for whatever position they would hold.

The easiest piece for them would be the WAE or part-time people. They had met with HR on that, and it seemed to be a seamless transition. However, it was their intent to submit to the commission a job description for part time personnel which he felt was important. He had also requested to meet with each individual employee to discuss their personal career progression plan. Mr. Wallis stated that he heard from the representative that a lot of information was being put out there by some means and he could only assume it was coming from other employees. So, he had brought this to Mr. Trahan's attention, and they were both working on it. He felt that they should do a weekly or bi-weekly meeting and distribute an informational packet that would come to the commission as well as to the employees.

Mr. Adams asked if Mr. Wallis felt that the documents requested were considered to be normal business documents. Mr. Wallis stated that they were absolutely normal. Mr. Adams asked when Mr. Wallis found out that Ms. Jones was hired back. Mr. Wallis stated that they were recently in a transition meeting and Mr. Trahan commented that Ms. Jones had volunteered to come back in and help them through the process. Mr. Wallis stated that it was fine with him, but he wanted to bring it before the commission first. Mr. Trahan said that wasn't a problem. The information was brought to Mr. Browning, and he asked if she was being paid. Mr. Wallis asked Ms. Ramezan the next morning if Ms. Jones was being paid and she stated yes. In the meantime, Major Roberts had gotten the payroll records that she was indeed being paid \$55 an hour and worked 48 hours prior to that conversation. Mr. Wallis was not sure when her last day actually was, but he didn't think it was more than six weeks.

Motion was made by Mr. Adams to send an email to Ms. Thackaberry that effective immediately Ms. Katie Jones be relieved of her responsibilities and duties at FETI due to the commission not being

notified or approving the hire which was in direct violation of the law in place that gave them the authority to hire, fire and set salaries and The motion was seconded. There were no opposition or abstentions. No more discussion was made. The motion was unanimously approved.

MOTION PASSED.

Mr. Himel thanked Mr. Browning for allowing Mr. Wallis and Rusty to assist with this transition process. His personal opinion was that they needed to show whoever was in charge that the commission was the one in charge and they did the hiring, firing and setting of salaries. He did not feel that they had put any pressure on LSU. He stated that when the letter that was drafted, it needed to be worded that LSU did not come to the commission to ask for the permission to hire. He felt that until LSU was held accountable for their actions then they would continue to do what they were doing. He felt that the letter should also include that the proper chain of command was not followed. They had not come to the commission.

Mr. Adams stated that an instructor that had come to his area had told some of the students in the class that in October, November, and December that there would be no more drills done because LSU had to shut down. He found that very concerning because if he could not complete the required number of drills that they had to get, it would be a big problem for them. He asked Mr. Fowler to address this issue.

Mr. Fowler stated that he was not aware that the instructor had made those comments. He stated that he could certainly deal with that. He added that part of what Mr. Wallis and Rep. Fontenot were saying was that they needed better communication. He had been saying that they needed a communication plan, talking points and they all needed to be on the same page with what they were communicating to the fire service to stop any rumors which could have kept this very thing from happening. In answer to the original question, there had been a timeline initially which included some pauses because of the complexities when it came to the billing cycle of LSU. He did not personally understand that process, but he did know that there was a process with pauses that needed to take place with specific classes. He had directed all of his people that they would not be stopping training. They had a legislative mandate to provide training to the fire service of Louisiana and that was his mission and his goal. He had made that perfectly clear to LSU, Mr. Wallis and anybody else who would listen. There were solutions around the issue. They just needed to come to the table about it. Mr. Browning stated that the contract could address all those issues within the document. Mr. Wallis stated that he did have an operational shutdown plan that Mr. Trahan had provided which included that all free regional training would continue until November 1. Mr. Wallis and Mr. Fowler did not understand the reason for the two-month shutdown but they had just received the report so they had not had a chance to discuss and determine an answer yet. According to the report, a total of 71 classes, all certifications and exams would stop. The commission disagreed with this happening.

Mr. Himel felt that Mr. Donahue was still pulling the strings somehow. Mr. Browning stated that it was his understanding that Mr. Donahue was no longer physically there. FETI was still paying his salary until the December 31 deadline, but he had no operating control. Mr. Fowler confirmed that Mr. Donahue was still pushing the buttons in Workday, but he had moved over to continuing education. Mr. Fowler stated that he reported directly to Ms. Thackaberry.

Motion was made by Mr. Adams to send an email to Ms. Thackaberry that effective immediately Mr. Michael Donahue be relieved of his responsibilities and duties at FETI due to the commission not being

notified or approving the hire which was in direct violation of the law in place that gave them the authority to hire, fire and set salaries and the motion was seconded. There were no opposition or abstentions noted. No more discussion was made.

MOTION PASSED.

Mr. Adams read a section of Ms. Thackaberry's email which stated that stat debt funds had been used on the industrial side. Mr. Adams asked Mr. Wallis if he had found this information to be true. Mr. Wallis asked Rusty to come share because he was more familiar with it. Rusty gave details regarding different classes offered and fees associated with them. He could see nowhere in the records where they were spending anywhere near 3.5 million in stat debt on municipal which led to the assumption that it was being spent in the back or on the industrial training. Rusty felt that an audit or just the records themselves could clarify a lot of the information. Mr. Adams asked if the documents that had been requested would have assisted in working all this out. Mr. Wallis stated that yes if the documents had been presented then they could have formulated a plan. Mr. Browning asked if there were any more questions for Mr. Wallis or Rusty. None were voiced.

Motion was made by Mr. Adams to ask Rep. Fontenot to help them to create an legislative oversight committee and for that committee to convene as soon as possible and the motion was seconded. There were no opposition or abstentions noted. No more discussion was made.

MOTION PASSED.

Motion was made by Mr. Adams to hold their next meeting on September 9 at 2 pm at the capital with the approval of the Speaker and the motion was seconded. There were no opposition or abstentions noted. No more discussion was made.

MOTION PASSED.

In closing, Mr. Adams offered his services to attend a weekly meeting with the transition team, LSU FETI, Dr. Thackaberry, and Mr. Trahan. He had been boisterous in his support of the fire service, and he felt that the commission had more authority than they were exercising. He requested to be a part of the transition team moving forward. Mr. Browning asked for someone to put it in the form of a motion.

Motion was made by Mr. Himel to induct Mr. Adams as a part of the transition team and the motion was seconded. There were no opposition or abstentions noted. No more discussion was made.

MOTION PASSED.

Motion to adjourn was entertained by Mr. Browning. Motion was made to adjourn the meeting and it was seconded. There were no opposition or abstentions noted. No more discussion was made.

MOTION PASSED.

Meeting was adjourned.



Approved by: Chad Major



Date