

State of Louisiana

FIREMENS' SUPPLEMENTAL PAY BOARD

COMMISSION MEETING

SPECIAL MEETING

JANUARY 16, 2020

10:00 a.m.

Firemens' Supplemental Pay Board Commission

SPECIAL MEETING

January 16, 2020

10:00 a.m.

MEMBERS AND STAFF PRESENT:

Brien Ruiz
Frank Cusimano
Richard Parker
Ronald Schillace
Dwayne Thevis
Kay Debenedetto
Candace Oby
Mark Campbell
Paul Schexnayder, Esq.

ALSO PRESENT:

Chief Dave Tibbetts
Arthur Zink
Ken Majors, Professional Firefighters of Louisiana

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Firemens' Supplemental Pay Board Commission
SPECIAL MEETING
January 16, 2020

MR. RUIZ:

All right. We're going to call the Firemens' Supplemental Pay Board meeting -- special meeting to order.

Roll call, please.

MR. CAMPBELL:

Mr. Ruiz.

MR. RUIZ:

Here.

MR. CAMPBELL:

Mr. Schillace.

MR. SCHILLACE:

Here.

MR. CAMPBELL:

Mr. Thevis.

MR. THEVIS:

Here.

MR. CAMPBELL:

Mr. Cusimano.

MR. CUSIMANO:

Here.

MR. CAMPBELL:

1 Mr. Parker.

2 **MR. PARKER:**

3 Here.

4 **MR. RUIZ:**

5 We have a quorum.

6 This is old business that we're discussing today.

7 **MS. DEBENEDETTO:**

8 Before we start, can we put on the record, we now have use of the
9 services of a court reporter for this meeting and for future meetings. We
10 welcome Michelle. Let us know anything that you -- you know, she will
11 be able to swear any witnesses in that we need for any meeting that we
12 might have. And she may at some time stop us to get some clarification,
13 and we're going to ask that anybody who speaks, please, state your name
14 before you start so we can get that good on the record.

15 And for all the new board members and ones that Michelle might not
16 be used to your voices, you might, you know, let her know in the
17 beginning what your name is before we get started talking. Okay.

18 **MR. RUIZ:**

19 All right. We're going to call it to order. Old business, East Bank
20 Consolidated.

21 Chief Tibbetts. Can we swear Chief Tibbetts in, please?

22 (Chief Tibbetts sworn.)

23 **MR. RUIZ:**

24 All right. This is --

25 **MR. CUSIMANO:**

1 Let's swear in Mr. Zink, because I'm going to be questioning him.

2 **MR. RUIZ:**

3 Okay. Mr. Zink too.

4 (Mr. Zink sworn.)

5 **MR. RUIZ:**

6 This is -- this has been going on for over -- close to a year now, the
7 debate on whether -- who works for East Bank Consolidated and who
8 doesn't work for East Bank Consolidated, and whose names these
9 warrants should be on or shouldn't be on.

10 With that, I'm going to turn the floor over to Mr. Cusimano who
11 requested this meeting to be held so we can get started.

12 **MR. CUSIMANO:**

13 Thank you. Thank you, gentlemen, for coming to this meeting.

14 As Brien alluded to, this has been an ongoing situation of confusion
15 for about a year, and I think at the -- at the crux of the matter is that -- is
16 -- East Bank Consolidated Fire Department is an entity in Jefferson
17 Parish. It's an individual department, and all those employees that are on
18 the warrant answer to the Chief. They get orders from the -- from the
19 department and -- and such and such. And, in speaking to the Chief at
20 the time he became classified Chief, he was concerned about some of
21 these individuals who was still on his warrant.

22 So we brought it to your attention -- I brought it to the attention of
23 this Board. The Board had instructed -- or sent a letter out instructing
24 Chief Tibbetts on what we thought he should do -- or what he needed to
25 do -- and this was way back maybe in March of last year -- for these

1 individuals, that wasn't done, so they continued to get paid every month.

2 We had a subsequent meeting. The latest meeting is as of August in
3 which the Chief had testified to this Board on some of the questions that
4 were asked to him about these individuals on their duties, and did -- at
5 the end of the questioning, the opinion, was -- is that -- and he's here to
6 testify. The opinion was, that I believe he understood, that they weren't
7 his employees. Still, since August, September, October, November,
8 December, these individuals got paid.

9 So my question to you, Chief, is, what changed your mind from the
10 time you left the meeting to today to keep these individuals on the
11 warrant?

12 **CHIEF TIBBETTS:**

13 I had a -- Dave Tibbetts, T-I-B-B-E-T-T-S, Fire Chief, Jefferson
14 Parish, East Bank Consolidated.

15 I had spoken to the attorneys, I think I spoke to an attorney from the
16 Board, and I answered some questions about who funded what, and I was
17 told by that person, and the attorneys with the Parish to continue to sign
18 it at this time. I'm glad to be here and get this figured out, because it's
19 very -- it is very confusing.

20 **MR. CUSIMANO:**

21 Well -- and the problem that I have -- a problem that I'm going to
22 bring up to the Board and so we can discuss this is, some of these
23 individuals -- when you took over the department as a classified East
24 Bank, we changed the name on the warrant to East Bank Consolidated,
25 but more specifically, to clear up the confusion of some of the warrants

1 coming in with Jefferson Parish Fire Department, East Bank
2 Consolidated, we cleared that all up. And one of the individuals is here
3 today, but -- but three of the individuals are not here. Scott Berthelot is
4 not here, Joe Greco is not here, and Dave Saunders isn't here.

5 And I'm going to ask you again today, do those three individuals, do
6 you assign them any duties?

7 **CHIEF TIBBETTS:**

8 No.

9 **MR. CUSIMANO:**

10 Do you supervise them, do you do any of that?

11 **CHIEF TIBBETTS:**

12 No, I do not.

13 **MR. CUSIMANO:**

14 Okay. In my mind, they're not your employees. In my mind, they
15 shouldn't be on your warrant, and, in my opinion, they should be stricken
16 from the warrant.

17 Did they get -- are they on the warrant for January, Mark?

18 **MR. CAMPBELL:**

19 Yes, they are.

20 **MR. CUSIMANO:**

21 So they're on the warrant for January, so we're going to pay them
22 another \$500. To me, that's -- that's an error. I mean, to me, that's a
23 mistake. It needs to be cleared up and cleared up today.

24 **CHIEF TIBBETTS:**

25 Well, who -- whose -- whose instruction do I take? I mean, I'm --

1 **MS. DEBENEDETTO:**

2 Let me ask a question. Do you read the warrant at the bottom, at that
3 statement that says what you're doing by signing that warrant?

4 **CHIEF TIBBETTS:**

5 Yes.

6 **MS. DEBENEDETTO:**

7 That should give you everything that you need to know.

8 **MR. CUSIMANO:**

9 Okay. Let me interrupt.

10 We sent the letter to Chief Tibbetts back in March instructing him
11 that if he had any problems -- the warrant specified, if you have any -- if
12 you believe these individuals are -- shouldn't be on this warrant, you
13 strike them off, and those individuals can come appeal before the Board
14 for their -- for their supplemental pay. That's never been done. Now we
15 are here in January, and they're still on this warrant.

16 Guys, I'll -- to be honest with you, this don't pass the smell test. It
17 really doesn't.

18 Chief, I understand. I mean, you were -- you were advised by
19 attorneys to keep them on the warrant. You were advised by your
20 judgment to do that. I -- I wouldn't have did it, because they're not your
21 employees. You left here knowing that they weren't your employees.
22 And he was told what to do and he didn't do it.

23 **CHIEF TIBBETTS:**

24 Okay. Sir, did we not have a conversation, Paul?

25 **MR. SCHEXNAYDER:**

1 If we did, I don't remember. And I couldn't advise you, since I'm not
2 your attorney. All I can do is talk about what the -- what the specific
3 statute says.

4 **MR. RUIZ:**

5 Okay. Chief Tibbetts, this Board twice, that I can recall, advised you
6 to remove these gentlemen off the warrant, because it was your
7 responsibility to take them off the warrant. With saying that, I mean,
8 what is -- what is your intentions now that you -- once again, we're
9 telling you that it's your responsibility --

10 **CHIEF TIBBETTS:**

11 My intentions are to take them off, but as long as everybody
12 understands we're on the same page, so I --

13 **MR. RUIZ:**

14 We -- we have always been on the same page. We have told you --

15 **CHIEF TIBBETTS:**

16 Okay. That's fine.

17 **MR. RUIZ:**

18 -- a couple of different times to take whoever you feel, no matter if
19 there's -- it's this five or another five that doesn't belong on your warrant,
20 that way they can appeal to this Board.

21 **CHIEF TIBBETTS:**

22 Okay.

23 **MR. RUIZ:**

24 And then we can decide their fate whether they deserve
25 supplemental pay again, whether they should be put on somebody else's

1 warrant, maybe they work for some -- one of the other fire departments
2 that's -- that's in Jefferson Parish. I ain't saying that they not entitled to
3 supplemental pay, but it is not entitled to be on your warrant. They need
4 -- they need to be on somebody else's warrant. We need to find out
5 whose warrant they need to be on, so these gentlemen can -- if they -- if
6 they qualify, they can get -- continue to get supplemental pay.

7 **CHIEF TIBBETTS:**

8 Okay.

9 **MR. RUIZ:**

10 Now, if they come to this Board and they can't prove to us that they
11 can -- they don't work for no fire department and the Board decides that
12 they no longer get supplemental pay, then this -- they will stop receiving
13 the supplemental pay. It'd be up to the Board's responsibility to go to the
14 Parish and request the Parish to reimburse us, not the individuals. It's the
15 Parish. You signed the warrant and the Parish President signed the
16 warrant, so if this Board seeks to go back and get back pay, that's -- that's
17 who I'm going to say is responsible for paying us back.

18 **CHIEF TIBBETTS:**

19 Does it -- a question I have, does an individual have to be in the
20 State Civil Service system to receive --

21 **MR. RUIZ:**

22 No.

23 **CHIEF TIBBETTS:**

24 Okay.

25 **MR. PARKER:**

1 All right. Richard Parker, a board member.

2 I just have a question, and I think I asked our attorney before. We
3 were supposed to get clarification, and I don't recall getting it, or if we
4 did, you can refresh me.

5 As you stated, there's two people who signs warrant, the Chief and
6 the President. The Chief can't sign for himself, is that correct, so the
7 Parish President is signing applying to him?

8 **MS. DEBENEDETTO:**

9 Well, that's why it is a two-signature process.

10 **MR. PARKER:**

11 Correct. Okay. And that's my understanding. So -- because he
12 answers to the Parish President; is that correct? Basically, you answer to
13 the Parish President?

14 **CHIEF TIBBETTS:**

15 Yes.

16 **MR. PARKER:**

17 If that's the case, if one of the other people on the warrant answers to
18 the Parish President, isn't the Parish President technically signing for
19 them too? I mean, I'm just trying to look at the simplest answers of the
20 things.

21 I mean, Mr. Attorney, I mean, would that be your -- your take that,
22 you know, if -- if Chief Tibbetts signs and the Parish President signs, and
23 I don't know why the Parish attorneys told him leave them or whatever,
24 you know, but if they both sign, isn't the Parish President signing for the
25 people under him?

1 **MR. SCHEXNAYDER:**

2 See, that's the thing. We don't know if that's the case. If that was the
3 case, if we knew for sure that they were working for the Parish President,
4 he was their supervisor, he knew when they worked, when they didn't,
5 then, yes, I'd say that's fine.

6 **MS. DEBENEDETTO:**

7 And at that point, we would put them on a different warrant.

8 **MR. SCHEXNAYDER:**

9 Right.

10 **MR. CUSIMANO:**

11 Let me ask -- let me ask Chief one more question.

12 Chief, are you telling me today that, when you brought this question
13 to Lou Williams, attorney, to Craig Watson (phonetic) or whatever, they
14 advised you to keep them on the -- who is the individual that advised you
15 to keep them on the warrant?

16 **CHIEF TIBBETTS:**

17 All right. It's been a few months. I don't know. You may have it,
18 whenever we met the last time I came up here or whatever it was, but I
19 went back and talked to -- I believe I talked to -- I talked to the Parish
20 attorney. I think at the time, the representation was --

21 **MR. CUSIMANO:**

22 The Parish -- the Parish has a lot of attorneys. Is it a contract
23 attorney or what?

24 **CHIEF TIBBETTS:**

25 -- Robin Kliebert (phonetic) is the attorney assigned to the fire

1 department, and I believe I spoke to her at that time, and I -- and I
2 remember calling the attorney for the Board and being told that if we
3 were paying the percentage of the funding or budgeting for them, then it
4 -- to keep signing it, so I did, and I did it under that -- under that guidance
5 in the other. Obviously, I -- I won't do it anymore. I'll let that fight be
6 another fight. But I did not sit down and say, I'm going to do this wrong.

7 **MR. CUSIMANO:**

8 Right.

9 **CHIEF TIBBETTS:**

10 I was following, as most of us do -- which I have no attorney here
11 today, I want to say that on record -- that most of us do, we follow our
12 guidance on -- of our counsel.

13 So I apologize to the Board if I've made -- if that seems to be the
14 error, I will correct it and move forward.

15 **MR. CUSIMANO:**

16 You don't owe us an apology.

17 **CHIEF TIBBETTS:**

18 Of course, I do. I'm not -- I'm not that type of individual.

19 **MR. RUIZ:**

20 No. We just need to --

21 **MR. CUSIMANO:**

22 We're just trying to clear -- you know, we're trying to clear up the
23 confusion.

24 **CHIEF TIBBETTS:**

25 I understand 100 percent. I'm going to remove it and let the fight go

1 to where it has to go.

2 **MR. RUIZ:**

3 Right. If these other individuals --

4 **CHIEF TIBBETTS:**

5 Well, one and --

6 **MR. RUIZ:**

7 -- whoever they are --

8 **MR. CUSIMANO:**

9 I can tell you who they are.

10 **MR. RUIZ:**

11 I know, but I ain't worry about the names. Whoever they are, if you
12 take them off the -- take them off your warrant and they feel fit that they
13 need to get supplemental pay, they going to -- there's an appeal process.
14 They're going to appeal to this Board.

15 **CHIEF TIBBETTS:**

16 Okay.

17 **MR. RUIZ:**

18 And then we'll -- and we'll judge them from that day --

19 **CHIEF TIBBETTS:**

20 Right.

21 **MR. RUIZ:**

22 -- day forward on whether they're entitled to supplemental pay or
23 not. And they're going to have to prove --

24 **CHIEF TIBBETTS:**

25 Well, for the record, Mr. Greco has retired. So he's, I think,

1 effective --

2 **MR. RUIZ:**

3 The eighth.

4 **CHIEF TIBBETTS:**

5 -- seventh or eighth, something like that.

6 **MR. CUSIMANO:**

7 Well, yeah, but that still doesn't clear up that Mr. Greco collected all
8 this pay --

9 **CHIEF TIBBETTS:**

10 Right.

11 **MR. CUSIMANO:**

12 -- all this supplemental pay in the past, and that's an issue for -- we'll
13 probably discuss that.

14 **MR. SCHILLACE:**

15 And I want to say -- Ronnie Schillace, Board member.

16 Chief, I understand and I respect you doing what you did. If I was in
17 your shoes, I'd probably do the same thing. Because like you said, you
18 only have to go by what you're being told by legal advice, and you being
19 the Chief at -- at the top, that's all that you can do. And don't feel that
20 you owe this Board an apology.

21 And that's the reason why we're here today is to clarify everything
22 that has transpired within the last year, and I think I've got clarity for my
23 vote. Okay. And I appreciate you taking the time to be here today.

24 **CHIEF TIBBETTS:**

25 Thank you.

1 **MR. RUIZ:**

2 Go ahead, Frank.

3 **MR. CUSIMANO:**

4 I'm going to direct a question to Mr. Zink.

5 Mr. Zink, who are you employed by?

6 **MR. ZINK:**

7 I'm glad you asked that question.

8 Okay. In February of 2008, I came on board with the East Bank
9 Consolidated Fire Department as a fire inspector. In 2012, the fire
10 department saw the need to have an IT person in house. I had -- I'm very
11 familiar with computers. I had already started learning our software. I
12 was -- one of our retired district chiefs who had managed FIREHOUSE
13 software for us had taught me the ins and outs of the workings of
14 FIREHOUSE software, so they offered me to move in -- to transitioning
15 into an IT role.

16 At that time, we did not have an IT position under Fire Civil Service,
17 and the Parish Attorney at the time advised that we couldn't set one up,
18 because in the statute that outlines who can be part of Fire Civil Service
19 and who can't be, it did not designate anything -- the duties designated
20 did not include IT, because the statute was written probably in the '60s
21 when there were no station house computers. But, at that time, I became
22 a Parish Civil Service employee still under -- working under the Jefferson
23 Parish Fire Department, their East Bank Consolidated Fire Department,
24 however you want to refer to them.

25 **MR. CUSIMANO:**

1 But you are saying you had been employed and you were working
2 for East Bank Consolidated Fire Department?

3 **MR. ZINK:**

4 Yes.

5 **MR. SCHILLACE:**

6 And you were drawing State pay at that time?

7 **MR. ZINK:**

8 Yes. And -- hang on. Let me complete my --

9 **MR. RUIZ:**

10 He didn't finish yet.

11 **MR. ZINK:**

12 I see your smirk, Frank, and, you know, your -- your organization is
13 the one that's --

14 **MR. CUSIMANO:**

15 No, not my smirk -- not my smirk. I'm just trying to get -- I'm just
16 trying to put my ducks in a row here. Look, I'm not on no witch hunt
17 here. I just want to clear this up for the State. I've got a responsibility to
18 the State.

19 **CHIEF TIBBETTS:**

20 Just answer the questions.

21 **MR. ZINK:**

22 And that's exactly what I'm trying to do, that's exactly what I'm
23 trying to do, Frank.

24 **MR. RUIZ:**

25 One at a time.

1 **MR. ZINK:**

2 So I've been in the position -- in the current position I'm in doing the
3 job I'm doing for the past seven years. At some point, the Parish decided
4 to -- to move things around and say Fire Services and fire department,
5 and all the Parish employees, the parochial system employees, were
6 placed under Joe Greco for supervision.

7 Now, my position is largely autonomous. I don't have somebody
8 telling me exactly what to do every day, because I keep the systems
9 running. I keep whoever's password needs to be taken care of, whoever
10 needs training. I receive -- I do receive tasks from Chief Tibbetts and
11 from Chief Schmidt. I have never received directions from Joe Greco or
12 any other non-East Bank Consolidated employee on how to run the fire
13 department's computer system. So, as far as the performance of my job,
14 all directions come from East Bank Consolidated Fire Department.

15 **MR. CUSIMANO:**

16 I understand.

17 **CHIEF TIBBETTS:**

18 So -- and I have some questions, because --

19 **MR. ZINK:**

20 So, by your own definition earlier, I should be on the East Bank
21 warrant, because all of my directions come from this man or one of his
22 designees.

23 **MR. CUSIMANO:**

24 Okay. Did you have anything to do with a job analysis questionnaire
25 from the State Examiner, did you receive one of those and fill it out?

1 **MR. ZINK:**

2 I did.

3 **MR. CUSIMANO:**

4 And what was the determination, that you should be classified under
5 his command?

6 **MR. ZINK:**

7 Well, yes, and they're working towards that at this -- at this very
8 moment. They're working on creating a classified matter. Frank's
9 organization is actually the one who spearheaded this effort to get these
10 positions moved to Fire Civil Service.

11 **CHIEF TIBBETTS:**

12 Let me ask a question --

13 **MR. CUSIMANO:**

14 Go ahead, Chief.

15 **CHIEF TIBBETTS:**

16 -- so I'm clear. He is -- so Saunders and Greco and all of them were
17 on the West Bank. They were a separate entity. We pay, you know, a
18 percentage of -- we pay 49 percent, I believe, of their budget. They get
19 budgeting. The rest of it comes from either I think capital budget -- I'm
20 sorry -- the general budget or the West Bank Fire Departments. I'm not
21 sure. He's the only one -- he's in our office every day, and he is under my
22 command, if you will, as far as like -- just like -- as such, would be a
23 clerk, I guess, and -- as far as the org chart goes, he reports the Chief
24 Schmidt.

25 The analysis was done. It was said to be a State position. We found

1 one. We're working towards that. It's about the only one that, if you
2 want to use your terms, passes the smell test.

3 But, again, I'm going to reiterate, I'm doing what these attorneys tell
4 me to do, and I'll leave it at that since we're on the record.

5 But -- but, you know, my question is, is that a valid employee?

6 **MR. CUSIMANO:**

7 Well, if you're working in the direction of him being classified under
8 your command and where we know he's come up through -- he was an
9 inspector. He was --- and he was authorized to receive supplemental
10 pay.

11 **CHIEF TIBBETTS:**

12 Right.

13 **MR. CUSIMANO:**

14 We have watched individuals do that through their department and
15 still get supplemental pay. I don't have so -- I'm not so much having a
16 problem with you, Mr. Zink, as long as you're going to wind up under his
17 command.

18 Now, the only problem could be is, you know, you're in a different
19 pension system and everything else. You're going to have to go back to
20 the upper --

21 **MR. ZINK:**

22 And that's fine. I'm still young enough to do that. I've got no
23 problem with any of that. I --

24 **MR. RUIZ:**

25 Well, you -- you say that. We do have fire department that aren't in

1 the FRS.

2 **MR. CUSIMANO:**

3 Yeah, yeah. But, I mean --

4 **MR. ZINK:**

5 Right. The thing is, I sign the supplemental pay warrant that you get
6 from --

7 **MR. RUIZ:**

8 Right. We do have fire departments that aren't Civil Service, is all
9 the point that I'm trying to make. It's --

10 **MR. CUSIMANO:**

11 But the situation that I was trying to clear up is that he was in the
12 East Bank. He left to go and -- and coming back to the East Bank, that's
13 all I wanted to clear up, that he separated from the East Bank and went
14 over to that division of fire, something like that. And now it's -- it's in
15 transition to maybe try to make you return back to --

16 **MR. RUIZ:**

17 Chief, I have a question for you. Can you -- is it possible for you to
18 take this gentleman and put him back into -- into the firefighters'
19 retirement? Are you saying, we want to change him --

20 **CHIEF TIBBETTS:**

21 Right.

22 **MR. RUIZ:**

23 -- or you think you've got -- you've got --

24 **CHIEF TIBBETTS:**

25 If we make it a -- if we -- from the analysis, it looks like -- and one

1 of the headaches we have, so we -- I want to get it all out on the table
2 while I'm here.

3 So one of the headaches I'm having with that is that IT in Jefferson
4 Parish is run by Jefferson Parish.

5 **MR. RUIZ:**

6 Yes, sir.

7 **CHIEF TIBBETTS:**

8 They've got this huge umbrella, if you will, of IT. So the -- when I
9 approached the IT director and said, I want to make him State Civil
10 Service, he's going to work for us and fool with the IT, he starts having a
11 problem because of security and it's almost like having an outside party
12 working on the computers. So there was a discussion of him working for
13 the IT, and half -- we pay half and half for the -- which goes on, which is
14 -- it's not working out that way. It looks like we're going to make him a
15 State employee and let the -- let the chips fall where they may, as far as
16 the IT and security and all of that work goes.

17 Once -- once he's -- once we develop that, he'll -- either an
18 examination will be given, or from what I understand, if it's a new
19 position, they do an experience and training document. So we take
20 applications, applications go in, they accept them or they don't, the
21 Board. If they're accepted, they go to the State. The State sends the
22 individuals, the first time, this experience and training thing and they fill
23 it out, and then we get a grade back and we get a register is what we
24 work off of. After that, it would be a test.

25 **MR. CUSIMANO:**

1 Correct. I understand that totally. We're doing --

2 **CHIEF TIBBETTS:**

3 Because I'm just learning all that --

4 **MR. CUSIMANO:**

5 We just did the same thing.

6 **CHIEF TIBBETTS:**

7 -- after I took a Civil Service test when I didn't need to.

8 The -- so, anyway, to answer your question, once that individual, be
9 at him or whoever, comes in, then he'll fall under the rules or the
10 guidance of the FRS, whether he's old enough -- or young enough rather
11 and qualifies to be in the system.

12 So, to answer your question, that's not really my decision to make
13 and say, yes, you are or, no, you're not in the pension system.

14 **MR. RUIZ:**

15 I understand what you got to do. Thank you.

16 **CHIEF TIBBETTS:**

17 I would also like to take each individual while we're here, you know,
18 I mean, so Berthelot -- and I'm trying to remember if I got them all,
19 Berthelot.

20 **MR. CUSIMANO:**

21 It's Berthelot, Mr. Zink, Mr. Saunders, and Mr. Greco.

22 **CHIEF TIBBETTS:**

23 Right. That's right. The other person resigned.

24 **MR. CUSIMANO:**

25 We know that Mr. Greco --

1 **CHIEF TIBBETTS:**

2 Right. So -- yeah. So it would be -- right now, I think the -- the --
3 the people that -- that I don't deal with that I would remove would be
4 Saunders and --

5 **MR. RUIZ:**

6 One second, sir. Before we start talking about individuals, can we
7 go on record and say which one of these individuals received letters and
8 which ones haven't received letters ?

9 For the record, we sent letters to everyone registered requesting them
10 to be here today. Of course, I know Mr. Greco ain't gonna be here. He's
11 no longer an employee. Mr. Zink is here. Mr. Saunders is not here. Mr.
12 Berthelot is not here.

13 And I need to know on -- for the record, if these individuals was
14 served with their letter from this Board.

15 **MS. DEBENEDETTO:**

16 Well, I believe the letters went to their home addresses, not to the
17 fire department.

18 **MR. RUIZ:**

19 I understand that.

20 **MR. CAMPBELL:**

21 I have gone on the USPS tracking website, and as of today, Mr.
22 Berthelot, there is a status it says in red "alert, attempted delivery."

23 **MR. RUIZ:**

24 Okay.

25 **MR. CAMPBELL:**

1 And that was as of 1/14/20. And so it says "delivery attempt, action
2 needed," so he has not received it. It is --

3 **MR. RUIZ:**

4 But they -- they attempted to deliver it?

5 **MR. CAMPBELL:**

6 Absolutely. They do -- the post office has it.

7 Mr. Saunders, every day checking, including today, is status "not
8 available." So that that's all that says.

9 And then, of course, Mr. Zink got his.

10 **MR. RUIZ:**

11 So my next question is to the -- to the attorney. If we requested
12 these people to attend this Board meeting, and they -- I can understand
13 one of them, he was -- he was delivered. He just -- they would try to
14 deliver it to him and he has refused to go pick it up, in my opinion.

15 The other gentleman hasn't been delivered.

16 Should this Board discuss these individuals without being prior
17 notified that we'd be -- that we would be discussing them, even though
18 they haven't had been served papers?

19 **MR. SCHEXNAYDER:**

20 It's -- it's on the agenda. We can discuss East Bank Consolidated, if
21 that's part of the discussion, that's part of the discussion.

22 **CHIEF TIBBETTS:**

23 Well, I'm going to -- I'm going to -- I'm going to withdraw my
24 question. I mean, I'm going to do my action and let it take where it goes,
25 that's all.

1 **MR. CUSIMANO:**

2 Yeah. I mean, that -- the two individuals that are not here, Mr.
3 Greco, Mr. Saunders, Mr. Berthelot, you know, we've discussed that with
4 you already, Chief, that -- you know, Mr. Berthelot, is he an employee of
5 East Bank Consolidated Fire Department?

6 **CHIEF TIBBETTS:**

7 No. He's a -- Fire Services. As you know the division of the
8 training center.

9 **MR. CUSIMANO:**

10 Okay. Okay. Mr. Saunders, is he employed by East Bank
11 Consolidated Fire Department?

12 **CHIEF TIBBETTS:**

13 No.

14 **MR. CUSIMANO:**

15 And, of course, Mr. Greco. So those individuals should be under
16 each situation decided by you what you should do with your warrant,
17 with those individuals.

18 All right. Mr. Zink answered the questions I have -- I had for him.

19 My only discussion with the Board is now that we are kind of clear
20 on what's going -- has been done, what do we do with the money that has
21 been paid to these individuals over all this time? What do -- what do we
22 do? You know, I --

23 **MR. RUIZ:**

24 It's my opinion is that we ask East Bank Consolidated Fire
25 Department to pay the money back.

1 **MR. CUSIMANO:**

2 Well, let me ask you this. I'll ask Mr. Schexnayder. Now that we
3 have some, how you say, testimony that some individuals got
4 supplemental pay that they weren't entitled to, what's our next step? Do
5 we go after -- do we ask the IG to look at it, do we ask the AG to look at
6 it, or do we just go and make a Board action to recover it?

7 **MR. RUIZ:**

8 First of all, he's got to take them off the warrant, and then they've got
9 to make an appeal. Once they make the appeal, then we decide whether
10 we go after them for the money, whether it's individually, or like I think
11 the Parish is responsible for paying it back. Up until that point, we --
12 there's no decision to be made, because he's got to take him off the
13 warrant.

14 **MR. CUSIMANO:**

15 He's advised us that he was.

16 **MR. RUIZ:**

17 Right. Well, we've -- he's advised us a couple of times he was, and it
18 still hasn't happened.

19 **MS. DEBENEDETTO:**

20 And -- and I can say that, when he notates on the warrant that they
21 are not under his office, there should be a date --

22 **CHIEF TIBBETTS:**

23 Yes, ma'am.

24 **MS. DEBENEDETTO:**

25 -- that they left, you know. Typically, a town will put John Brown

1 resigned such and such a date, and that is the date that we use to do the
2 billing. So there would need to be a date.

3 **MR. CUSIMANO:**

4 Well, my question is, if he takes them off next month's warrant,
5 because they've already got on the December warrant -- the January
6 warrant, who informs them they're off the warrant and they're no longer
7 getting paid supplemental pay? If they won't come pick up registered
8 letters now just to come before this Board.

9 **MS. OBY:**

10 They just won't get paid, and then they'll know.

11 **MS. DEBENEDETTO:**

12 And then they will pick up their registered mail.

13 **MR. CAMPBELL:**

14 Mr. Zink, Are you the preparer of the -- the warrants?

15 **MR. ZINK:**

16 No, not at this agency.

17 **MR. CAMPBELL:**

18 Okay. Because we have not received -- we've sent out the warrant.
19 We've not received back a sign warrant.

20 **CHIEF TIBBETTS:**

21 It's probably already -- I'll look --

22 **MR. CAMPBELL:**

23 -- out for delivery?

24 **CHIEF TIBBETTS:**

25 Yeah.

1 **MR. CAMPBELL:**

2 Okay.

3 **CHIEF TIBBETTS:**

4 I signed it. I don't know.

5 **MR. CAMPBELL:**

6 Okay.

7 **CHIEF TIBBETTS:**

8 Over the holidays, it could still be --

9 **MR. CUSIMANO:**

10 That would be the January warrant?

11 **MR. CAMPBELL:**

12 Well --

13 **CHIEF TIBBETTS:**

14 I signed off on that on.

15 **MR. CAMPBELL:**

16 -- it's the December warrant.

17 **MR. RUIZ:**

18 The December warrant.

19 **MR. CAMPBELL:**

20 Yes. In January, yes. And so, at this point, yes, they are on there,
21 and I guess if it's been signed and sent back, they're -- they're still on
22 there, so when we get that back, it would be our duty to pay as the
23 warrant says.

24 **MR. RUIZ:**

25 Right. They've got to -- it's up to December 31st. The warrant that

1 they're receiving now is for December, correct?

2 **MR. CAMPBELL:**

3 That's right. That's right. The warrant actually says December 31st.

4 **MR. CUSIMANO:**

5 Okay.

6 **MR. RUIZ:**

7 So, Paul, my question is, am I correct in saying that we need to do
8 what I said, that once they file an appeal -- or do we send them a letter
9 telling them they no longer are going to get supplemental pay next
10 month? I mean, I don't think it's the Board's responsibility.

11 **MR. SCHEXNAYDER:**

12 It may not be the responsibility of the law. It's probably the right
13 thing to do is to send them a letter, give them notice of what's going on.

14 But my question would be, have we determined that they're not
15 eligible, because --

16 **MR. RUIZ:**

17 Right.

18 **MR. SCHEXNAYDER:**

19 Because it appears that they're eligible, they should have received it.
20 The only problem was maybe the warrant was in error.

21 **MR. RUIZ:**

22 That's why -- that's why I wanted to wait.

23 **MR. SCHEXNAYDER:**

24 So I don't know if we should be going back.

25 **MR. RUIZ:**

1 That's why I wanted to take them off the warrant, stop paying them,
2 let them make their appeal, and then the Board will decide whether they
3 should continue to get it or whether they shouldn't continue to get it.

4 And then from there, we'll decide whether we go -- and who we go after
5 the money from.

6 **MR. SCHILLACE:**

7 I've got a question. Ronnie Schillace, Board member.

8 The -- the people that we are discussing at this moment in time, I
9 understand the organizational chart before me, and I understand the --
10 you call it Fire Services?

11 **CHIEF TIBBETTS:**

12 Yes.

13 **MR. SCHILLACE:**

14 That group of people under that umbrella of Fire Services came from
15 -- at one time and point, from this organizational chart?

16 **CHIEF TIBBETTS:**

17 Yes.

18 **MR. SCHILLACE:**

19 So they were receiving State supplemental pay at that time?

20 **MR. RUIZ:**

21 Yes, sir.

22 **MR. SCHILLACE:**

23 And they just simply moved to another area, just like this gentleman
24 here is fixing to do, correct?

25 **CHIEF TIBBETTS:**

1 Correct. I -- I believe when the -- the Parish -- and I -- again, I'm --
2 I'm not sure how it came about, but they passed an ordinance that the fire
3 chief would be a State --- that would be Civil Service and no longer an
4 appoint --- appointment. So Joe Greco was the Director -- appointed the
5 Director, and Dave Saunders, I believe at the time, was Assistant
6 Director, and so they created that position -- those positions in the Fire
7 Service, and I guess to make way, if you will, for the Civil Service
8 people coming in, myself and people that I -- I am trying to develop my
9 staff.

10 **MR. SCHILLACE:**

11 I know, from time to time, this Board comes with a -- a firefighter
12 that works from one department, and then he goes to work for another
13 fire department, in essence, all he's doing is, he got paid under this
14 governmental agency. Now he's being paid as a salary under this
15 governmental agency.

16 **MR. RUIZ:**

17 The problem is --

18 **MR. SCHILLACE:**

19 So somewhat -- somewhat similar is what's happened here, is that
20 they created another governmental agent within the Fire Service,
21 correct? And they got a group of people that were -- was once approved
22 supplemental pay and put them under this agency with this new title --

23 **CHIEF TIBBETTS:**

24 Right. I think --

25 **MR. SCHILLACE:**

1 -- is what it amounts to.

2 **CHIEF TIBBETTS:**

3 I think what the issue is, is that -- is --- is the fire department, in
4 other words. And I -- I don't know -- some of you may remember,
5 myself came here in another life --

6 **MR. RUIZ:**

7 Airport.

8 **CHIEF TIBBETTS:**

9 -- with the Airport --

10 **MR. SCHILLACE:**

11 Correct.

12 **CHIEF TIBBETTS:**

13 -- and that -- that station wasn't -- for lack of a better term, wasn't a
14 qualified station, even though I was with the City of New Orleans, so we
15 had to do some type of formality to accept the ARF station that -- the
16 Airport station.

17 **MR. RUIZ:**

18 And that's what -- and that's what I wanted to -- to explain to Ronnie,

19 The problem is, they created this new Fire Service thing, which was
20 never recognized by this Board as a fire service entity.

21 **MR. CUSIMANO:**

22 That's correct.

23 **MR. RUIZ:**

24 And that's -- and that's what the problem is. That's what I wanted to
25 explain to you what the difference is for somebody going from one fire

1 department to another fire department.

2 If they would've came to the Board and -- and the Board would have
3 voted to make them a fire entity, then there -- there wouldn't be no
4 problem. Greco or whoever could signed the warrant, get the Parish
5 President to sign the warrant, and them four or five guys would be on
6 their own little warrant, and we wouldn't have this problem today.

7 **MS. DEBENEDETTO:**

8 Right. I can say that from the -- from the administration part,
9 whenever someone does move from one fire department to another, he is
10 actually taken off of the fire department A and has to reapply under fire
11 department B.

12 **MR. RUIZ:**

13 Right.

14 **MS. DEBENEDETTO:**

15 And if it is a whole new entity, there is an information packet that
16 needs to be filed with our department with new applications for all of the
17 people so that that can be reviewed by the Board. And that, obviously,
18 didn't occur in this process.

19 **MR. SCHILLACE:**

20 Okay. And I would like to also say I agree with what Paul, our
21 attorney, is advising -- I mean, that Paul had mentioned. We do -- this
22 Board may not be obligated to do so, but it's the right thing to do to
23 notify these individuals that they would no longer be receiving
24 supplemental pay. However, within the letter, explain that if you apply
25 as a new agency, whatever you are, you know, simply fill out whatever it

1 is, and I think this will help this Board and -- and somewhat -- not to
2 create any more problems or -- or, you know -- or hardship amongst
3 these guys. Because, in essence, it's kind of like it's not their fault so to
4 speak. Okay. They were getting it, and now we're fixing to stop it, by no
5 fault of you, as well, okay, so it's the right thing to do, let them know,
6 under East -- East Bank Consolidated, you would no longer receive
7 supplemental pay. However, if you want to continue, you must apply
8 under this new --

9 **MR. RUIZ:**

10 Appeal.

11 **MR. SCHILLACE:**

12 -- appeal under this -- well, not appeal. You -- you really have to
13 apply, because it's something new, right? Well, basically, what you said,
14 it's a new department.

15 **MR. CAMPBELL:**

16 It's a new station.

17 **MS. OBY:**

18 A new application.

19 **MR. SCHILLACE:**

20 Yeah, a new application.

21 **MS. DEBENEDETTO:**

22 But that is not for the individual to apply as a new department.

23 **MR. SCHILLACE:**

24 No, no, no. For the organization itself, Fire Services, we'll approve
25 Fire Services, then we have to approve the individuals and -- to simplify

1 things and to -- and not to create, you know, chaos amongst these -- these
2 individuals. Let's try to explain it. Let's try to resolve a problem before
3 it's a bigger problem.

4 **MR. RUIZ:**

5 Well, what I'm -- what we need to do is, we need to find out who's
6 going to be taking the superintendent spot. We got to find out all that
7 information, and that's how -- I don't know how we're going to go about
8 finding out all that information, because -- unless somebody wants to
9 volunteer to do it, you -- but -- because that's -- it's all new people that's
10 coming in there that's -- that's going to be in charge. Greco is no more
11 involved. They got a new gentleman that's going to take Greco's place,
12 because a few of --

13 **MS. DEBENEDETTO:**

14 It sounds like that's on Jefferson Parish.

15 **MR. SCHILLACE:**

16 That's -- that's --

17 **MR. RUIZ:**

18 That's what I'm saying. That's why -- how do you send to what he
19 wants?

20 **MR. CUSIMANO:**

21 Mr. Chairman -- you want to go?

22 **MR. PARKER:**

23 I just -- Richard Parker, Board member.

24 Quick question, do we even know if what they do would qualify me,
25 the specifics.

1 **MR. CUSIMANO:**

2 That's my point.

3 **MR. PARKER:**

4 -- of a thing --

5 **MR. CUSIMANO:**

6 That's why I'm -- let me just chime in.

7 That's my point. I think when you're moving from a department to
8 another department, that's clear. But when you're coming in with a new
9 application from a new entity, you have to specify what your budget is,
10 what you do. And a department that has no fire stations and no
11 firefighters and -- and nothing else, but administrative personnel, I'd have
12 to look at that as an individual entity before I would want to make a
13 decision if they qualify.

14 **MR. PARKER:**

15 Yeah. Would it -- would -- I mean, as far as our rules for
16 supplemental pay, where is the line that defines what is considered
17 qualified as a fire department or not.

18 **MR. RUIZ:**

19 It's in the statute.

20 **MR. CUSIMANO:**

21 It's in the statute. I mean, It's in the statute, the -- the duties and stuff
22 like that. But that's my only question, and that's neither here or there.

23 If Chief Tibbetts, you know, takes these individuals off the warrant
24 and we sent the letter out and they want to appeal to this Board, then
25 that's what -- you know, that's -- that's what --

1 **MR. RUIZ:**

2 That's where we got to start at, in my opinion, is that we got to see if
3 these individuals want to appeal, and then we can direct them to do other
4 things in order to qualify --

5 **MR. CUSIMANO:**

6 Yeah.

7 **MR. RUIZ:**

8 -- if we feel that they qualify to get supplemental pay, but they've got
9 to make the appeal first. And then once -- say -- say none of these
10 individuals appeal to us, and then we need to send a letter back to
11 Jefferson Parish saying, oh, hey, none of these people made an appeal.
12 We feel, from this day forward, they was being paid illegal, and we feel
13 that Jefferson Parish owe -- owes the State this amount of money. Boom.

14 **MR. CUSIMANO:**

15 Okay. We're going to -- that's exactly what the process ought to be,
16 Paul, is if the Chief has advised us that you're going to take them off the
17 warrant, they'll be off the warrant, and those individuals will have to
18 come before us, should they want to appeal, and then we can -- if they
19 don't come when they come or they come, we can make that
20 determination, and then we can make the determination to see of
21 recovery of funds from when they were on the warrant being paid for it
22 that they shouldn't have got paid.

23 **MR. SCHEXNAYDER:**

24 Yeah.

25 **MR. SCHILLACE:**

1 I have a question. Ronnie Schillace, Board member.

2 Chief, Fire Services, that group of people, do they ever respond to --
3 to fire calls?

4 **CHIEF TIBBETTS:**

5 I don't believe so. They -- they are -- their job, from what I know,
6 and I'm not the official keeper of their job title, is that they coordinate
7 over the volunteer -- if you're aware of how Jefferson Parish, as a whole,
8 is set up, I'm East Bank Consolidated, which is, for lack of a better term,
9 is Metairie. Then there's Harahan paid department, Third District paid
10 department, and River Ridge, over the river that -- in Kenner, and then
11 over the river there's volunteer departments, as well as paid. They were a
12 coordination or a liaison, if you would, over those departments.

13 I can't -- I don't believe they've responded to fires, but I don't want to
14 go on record as -- as --

15 **MR. RUIZ:**

16 Board member.

17 **MR. PARKER:**

18 All right. Richard Parker, Board member.

19 I think I could clarify something for you, Chief. As you know, I'm
20 also --

21 **CHIEF TIBBETTS:**

22 Right.

23 **MR. PARKER:**

24 I'm also -- I work for Jefferson Parish Fire Department under Chief
25 Tibbetts, but I'm a volunteer fire chief on the West Bank.

1 I have personally -- I can't speak for the other departments. I have
2 personally had Chief Greco -- or Director Greco come on a fire scene
3 once or twice for working fire calls. And my understanding, they're sort
4 of like an -- like the emergency management works is that, if it's a big
5 enough fire and they think they may need it, they can respond out there,
6 and I'm here if you need assistance kind of a thing.

7 **MR. RUIZ:**

8 And one thing when -- when he did come before this Board -- when
9 they went to the other thing, he did come to the Board and testify in front
10 of the Board that he responded to fires. Whether he does or he doesn't, I
11 can't judge that, because I'm not there. But under oath, he came here and
12 said that he responded to fires, Greco. The rest of the, I ain't -- I --

13 **CHIEF TIBBETTS:**

14 I guess a question to the Board or the attorney, is there any way to
15 change what you've done for January? That's -- that's already signed and
16 notarized, so I guess it's done.

17 **MR. RUIZ:**

18 It's December.

19 **CHIEF TIBBETTS:**

20 I'm sorry. December.

21 **MR. SCHEXNAYDER:**

22 You never sent it in?

23 **CHIEF TIBBETTS:**

24 I believe it's left, but I'd have to -- my first call would be to see if it's
25 left the -- the building. If it hasn't, then, obviously, we can make

1 adjustments.

2 **MR. SCHEXNAYDER:**

3 Right.

4 **MR. RUIZ:**

5 Yeah.

6 **CHIEF TIBBETTS:**

7 But I got a feeling that it's probably -- being that today's the 16th, I
8 would think it's in route.

9 **MR. SCHEXNAYDER:**

10 If you contact Mark, we can still make changes.

11 **CHIEF TIBBETTS:**

12 Oh, we can?

13 **MR. CAMPBELL:**

14 Yes.

15 **CHIEF TIBBETTS:**

16 Even though it's -- it's --

17 **MS. DEBENEDETTO:**

18 Well, you could obtain a copy of that warrant and restart your
19 process.

20 **CHIEF TIBBETTS:**

21 Okay. Even though -- even though --

22 **MS. DEBENEDETTO:**

23 We're not going to -- we're not going to act on the --

24 **CHIEF TIBBETTS:**

25 -- even though it's been notarized, I can --

1 **MS. DEBENEDETTO:**

2 It will have to go through your whole chain again.

3 **CHIEF TIBBETTS:**

4 Okay. And will that have an effect on the -- the distribution of next
5 month's checks?

6 **MS. DEBENEDETTO:**

7 Well, it could, depending upon when we receive it.

8 **CHIEF TIBBETTS:**

9 All right.

10 **MR. CUSIMANO:**

11 Again, I wouldn't want the -- all of -- 250 guys hold up for three --

12 **MR. RUIZ:**

13 No. Any more questions for these gentlemen?

14 **MR. CUSIMANO:**

15 No. And I think what Mr. Zink cleared up, you're probably in the
16 process of becoming back under his --

17 **MR. ZINK:**

18 Yes.

19 **MR. CUSIMANO:**

20 -- situation.

21 **CHIEF TIBBETTS:**

22 So, I mean, I'm -- my feeling is to remove him and let him come
23 appeal, because I don't want this to -- to keep going?

24 **MR. CUSIMANO:**

25 Well --

1 **CHIEF TIBBETTS:**

2 So I don't know if we could get a ruling on how to -- I don't know.

3 **MR. RUIZ:**

4 I'll make a motion that he can stay on the warrant. That's what
5 you're looking for.

6 **MR. CUSIMANO:**

7 Yeah. I mean, if -- if your intention that you've testified today,
8 you're going to be back on the East Bank Consolidated. And -- and in the
9 past, we've had individuals who have started in fire prevention and are
10 firefighters and went into everything from chief of wellness to whatever,
11 they continued to get it, even though they're not specifically named in the
12 warrant, but this Board has given a -- you know, allegiance for that, you
13 know, to give them into -- to keep them where they're at. So, I mean,
14 if --

15 **MR. RUIZ:**

16 So you don't -- would you like a motion by this Board?

17 **MR. CUSIMANO:**

18 Well, I mean --

19 **MR. RUIZ:**

20 Go ahead.

21 **MR. CUSIMANO:**

22 You want to -- yeah. I'll make a motion that Mr. Zink, if -- if his
23 intentions are to -- to be IT for Chief Tibbetts under his command and on
24 Chief Tibbetts's warrant, I'll make a motion he continue his supplemental
25 pay.

1 **MR. SCHILLACE:**

2 I second that motion.

3 **MR. RUIZ:**

4 Any more questions?

5 (No response.)

6 Hearing none, all signify by saying "aye."

7 (All Board members aye.)

8 **MR. RUIZ:**

9 Motion passed.

10 Go ahead, Chief.

11 **CHIEF TIBBETTS:**

12 There wasn't no discussion with -- just -- I mean, it's a process, so it's
13 not going to happen overnight.

14 **MR. CUSIMANO:**

15 Yeah. I understand.

16 **MR. RUIZ:**

17 We know that.

18 **CHIEF TIBBETTS:**

19 Because we -- we're seeing with my -- the position -- there's other
20 positions I'm working on. It's -- with OSE and everything else, it's taking
21 months. But that is -- those two that -- the Chief of Administration and
22 the other one, we're working on it.

23 **MR. RUIZ:**

24 I totally understand. And St. Bernard is doing the same thing with
25 two positions over there.

1 **MR. CUSIMANO:**

2 While we have you, Arthur, just to clear up, you do report the fire
3 scenes and take commands, take, you know, orders from Chief Tibbetts
4 or chiefs on the East Bank?

5 **MR. ZINK:**

6 Yes, not on a constant basis, but as needed.

7 **MR. CUSIMANO:**

8 I understand.

9 **CHIEF TIBBETTS:**

10 I learned long ago, I never can tell you who's going to be at the next
11 fire, a doctor, lawyer, Indian Chief, I don't know. It could be somebody
12 that I'm not familiar with.

13 **MR. RUIZ:**

14 Okay. Is there any more questions for these gentlemen?

15 **MR. CUSIMANO:**

16 No, no. I think -- I think we're pretty clear. I think the Chief is clear
17 of these individuals we spoke about. Now, you have three of them,
18 Berthelot, Saunders, and Greco.

19 **MR. RUIZ:**

20 Well, two.

21 **MR. CUSIMANO:**

22 And who?

23 **MR. RUIZ:**

24 Two, because Greco --

25 **CHIEF TIBBETTS:**

1 Yeah, Greco,

2 **MR. CUSIMANO:**

3 Yeah, but I mean --

4 **CHIEF TIBBETTS:**

5 Greco, we need to see what happens.

6 **MR. CUSIMANO:**

7 Greco didn't get the pay, but we'll deal with that at a later date.

8 **MR. RUIZ:**

9 Right.

10 **MR. CUSIMANO:**

11 Yeah. Chief, I think it's all clear.

12 **MR. RUIZ:**

13 Thank you.

14 **CHIEF TIBBETTS:**

15 Thank you.

16 **MR. ZINK:**

17 Thank you, gentlemen.

18 **MR. RUIZ:**

19 Okay. We -- we -- we would like to, uh, amend the --

20 **MR. CUSIMANO:**

21 -- an amendment to the agenda for the Kenner Fire Department for
22 applications for the new hire. They brought the warrant up here and it
23 came later, but we're trying to get it done. Can we just go ahead and
24 make them -- approve and --

25 **MR. SCHILLACE:**

1 Are you making a motion to amend the agenda?

2 **MR. CUSIMANO:**

3 Yeah.

4 **MS. OBY:**

5 We haven't reviewed the application.

6 **MR. RUIZ:**

7 I know, but we want to -- we want to do is, we want to approve it on
8 y'all's approval. We don't want to have to wait until March.

9 **MR. SCHILLACE:**

10 We're talking about 25, 30 firefighters.

11 **MS. OBY:**

12 Well, why weren't -- why -- why weren't they in the last Board
13 meeting? I'm just curious.

14 **MR. RUIZ:**

15 I don't know.

16 **MR. CUSIMANO:**

17 They -- I don't think they made it in time, and --

18 **MS. OBY:**

19 Okay.

20 **MR. CUSIMANO:**

21 -- and what was asked to me is, if they -- I got a call from one of the
22 firefighters and one of the chiefs asking me if he could deliver the
23 warrant up here in time, could we get them on to approve them for this --
24 for this meeting?

25 **MS. OBY:**

1 Well, just FYI, it -- even if they are approved at this meeting, they
2 won't get paid probably until March anyway, because we'll have to
3 review them and add them. And I -- I just can't, you know -- I mean,
4 even if you -- even if you say, yes, I want to approve them, I can't
5 guarantee you that they're going to be reviewed, and --

6 **MR. RUIZ:**

7 So the best you can do is March anyway?

8 **MS. OBY:**

9 Yeah.

10 **MR. CUSIMANO:**

11 Okay.

12 **MS. OBY:**

13 I know they won't get paid January. I can't guarantee February.

14 **MR. RUIZ:**

15 I understand.

16 **MS. OBY:**

17 The only thing I can tell you is March.

18 **MS. DEBENEDETTO:**

19 But they would get full back pay.

20 **MR. RUIZ:**

21 We understand that. Yeah. We understand that.

22 **MS. OBY:**

23 I just can't -- with the amount of applications that we have, I just
24 don't know where they are in line to be reviewed, you know. Do you
25 follow what I'm saying?

1 **MR. CUSIMANO:**

2 I just wanted to see if they -- this warrant was here and everything
3 was here that it would have been done by today, but it's not going to be
4 done by today.

5 **MS. OBY:**

6 No.

7 **MR. CUSIMANO:**

8 Can it be done --

9 **MS. OBY:**

10 Even if we review them, I can't guarantee they will be reviewed
11 before March anyway.

12 **MR. CUSIMANO:**

13 And that's when we approve anyway?

14 **MS. OBY:**

15 Yeah. Right.

16 **MR. RUIZ:**

17 Okay.

18 **MR. CUSIMANO:**

19 Well, then there's no point -- I withdraw the motion to amend the
20 agenda.

21 **MR. RUIZ:**

22 Okay. Motion withdraw.

23 Mr. Parker has a question.

24 **MR. PARKER:**

25 Richard Paul, Board member.

1 Just a question in reference to the letters, I can't speak for Mr.
2 Saunders, but I'm know Mr. Berthelot on the job and off the job, and
3 talked to him and knowing when he got his. I know the letters were
4 written on December 8th. What date did these letters go out to these
5 individuals? Because I know we talked in the last meeting that we
6 wanted them to go out last month to make sure they had ample time.

7 **MS. OBY:**

8 I think they were put in the mail -- in our outgoing mail the day after
9 --the day we got back from Christmas break, so that would've been
10 December 26th. That doesn't mean that it went out to the USPS
11 December 26th, that meant it went out to our outgoing mail. So I'm not
12 really sure.

13 **MR. PARKER:**

14 So it could have possibly -- could have possibly been last week that
15 it just hit the --

16 **MS. OBY:**

17 Could have been the next day or it could have been -- I mean, I
18 wouldn't have said last week, definitely before last week, but it could
19 have possibly been Friday.

20 **MS. DEBENEDETTO:**

21 It should say on the information from the post office.

22 **MR. RUIZ:**

23 That's what I kept telling Mark.

24 **MS. OBY:**

25 Well, no. I'm saying I put it in our mail the another day, but --

1 **MS. DEBENEDETTO:**

2 I know, but the -- they day they -- it was received, it should be
3 recorded in there.

4 **MR. PARKER:**

5 Yeah. Each step should -- should be able to be tracked on the post
6 office.

7 **MR. CAMPBELL:**

8 So my question would be is that -- that they all went out on the same
9 day. Why would Chief Tibbetts get his delivered on January 6th? And
10 my only thought there is that, we must not have the right addresses,
11 which is what is on file for their personal addresses. And that's one of
12 the things that I wanted to ask Tibbetts is that, how do we verify those
13 dates, because they're supposed to update the dates -- I mean, the
14 addresses. They're supposed to update the addresses. It's the addresses
15 that we sent. So they all got sent out on the same day.

16 Tibbetts received is on January 6th, and nobody else did until
17 January 14th, Berthelot did, and then Saunders got nothing at all. So I
18 see where you're going with it.

19 **MR. PARKER:**

20 Yeah. And that's -- I mean, and this -- we can't fix this, but that's
21 something that needs to be fixed in the future. I think that's unfair to an
22 individual -- I mean, I receive State pay, and if you wanted me to come
23 here to testify to keep my State pay and you give me a letter and I get it,
24 even a week before I got to be here, it's kind of hard for me to arrange to
25 be off work, you know. Some -- some people need more notice, you

1 know. And some of these guys, I mean, you're showing, I think, on your
2 tracking Mr. Berthelot's got to his house on the 14th, that was, what --

3 **MR. RUIZ:**

4 Two days ago.

5 **MR. PARKER:**

6 -- two days ago. Okay. So, you know, if it delivered on the 14th, it
7 was delivered during the day while he was at work and he got the slip,
8 then that's the 15th before he gets back and get or whatever, you know,
9 whatever the reason was, you see I'm -- it -- it could be an issue for other
10 people, and I think that's something we just need to try to improve on as a
11 group.

12 **MR. CAMPBELL:**

13 Well, I think --

14 **MR. PARKER:**

15 I think it's unfair -- unfair to the individual.

16 **MR. CAMPBELL:**

17 So I will tell you --

18 **MR. PARKER:**

19 And I know it's a rare thing that we do this, but it's something we
20 need to improve on.

21 **MR. CUSIMANO:**

22 Let me -- let me just say, Richie, I've been serving on this Board
23 several years, like yourself, and we have requested individuals, many
24 individuals, come to this Board, and they show up. We sent registered
25 letters out to these individuals, and they don't show up. I have a problem

1 with that.

2 **MR. RUIZ:**

3 Well, I got --

4 **MR. PARKER:**

5 Well --

6 **MR. RUIZ:**

7 Wait. Hold on. I got her -- I got a problem, Frank, if they didn't get
8 the letters.

9 **MR. CUSIMANO:**

10 I understand. I understand.

11 **MR. RUIZ:**

12 And I told you that. If they didn't get the letters, this Board's fault
13 and the administration's fault that they didn't get the letters.

14 **MR. CUSIMANO:**

15 Well, maybe the postal service --

16 **MS. OBY:**

17 Well, I'd like to say that it's the -- it's the fire department's fault that
18 they didn't give us their correct address.

19 **MR. CUSIMANO:**

20 That's correct.

21 **MR. PARKER:**

22 That -- that could be true too.

23 **MS. OBY:**

24 Because they are supposed to update that every time, which Chief
25 Tibbetts would update that, but they don't report to him, so he doesn't

1 know if their correct address --

2 **MR. CAMPBELL:**

3 The address does not come from an old list.

4 **MS. OBY:**

5 No.

6 **MR. CAMPBELL:**

7 It came from the mouth of Becky Haydale (phonetic). I called
8 Becky Haydale, Chief Tibbetts's secretary, and I asked for their
9 addresses.

10 **MR. RUIZ:**

11 Yes, sir.

12 **MR. CAMPBELL:**

13 That's the addresses that I got, and that's the addresses that we sent.
14 One got received on January 6th.

15 **MR. PARKER:**

16 And, look, I'm not -- I'm not trying to point the finger at anyone. I'm
17 not trying to point the finger at anybody. I'm just saying that, you know,
18 we need to try to make sure that something like this don't happen in the
19 future. Because it's just, you know, if it happened to you, happened to
20 somebody else, it's just not fair to that individual, you know.

21 **MR. RUIZ:**

22 Can we send out a reminder to these departments that they need to
23 make sure that we have correct addresses on these people?

24 **MS. DEBENEDETTO:**

25 Time out. Off the record.

1 (Off-the-record discussion.)

2 **MR. RUIZ:**

3 We're going to go back on the record.

4 I feel that we don't need to send out a letter until we get Tibbetts's
5 warrant saying that he took them off, so we can discuss whether we want
6 to send a letter on the 12th of March.

7 **MR. CUSIMANO:**

8 Well --

9 **MR. RUIZ:**

10 Go ahead. Speak.

11 **MR. CUSIMANO:**

12 It depends on what warrant he takes them off of. If he takes them off
13 of the February warrant, because the January's in process right now --

14 **MR. RUIZ:**

15 No, no. The warrant that he's sending in is December -- December --

16 **MR. CUSIMANO:**

17 So he's going to take them off of the -- off the January -- the
18 February warrant. They'll get paid for January.

19 **MR. RUIZ:**

20 No. The money that they're getting right now, Frank, is from
21 December --

22 **MR. CUSIMANO:**

23 It's January 1st. They're going to get paid -- well, they got a check
24 January 1st.

25 **MS. OBY:**

1 Well, they got paid for the month of December already.

2 **MR. RUIZ:**

3 Okay.

4 **MS. OBY:**

5 The -- at the end of December, everyone gets a check for the month
6 of December. And then a warrant is mailed to the fire departments
7 saying, please, verify that everybody that was paid for the month of the --
8 this is how much money everybody got paid in December. Please make
9 sure that was correct, and also send us this warrant back so that we know
10 who you want us to pay for January. So that -- it says December on the
11 bottom of the warrant, but they send it to us in January so we know who
12 to pay for January. So the January warrant hasn't been printed yet, that's
13 through the end of January.

14 **MR. CUSIMANO:**

15 Okay.

16 **MS. OBY:**

17 But the December warrant is what we get saying, this is who you pay
18 for January.

19 **MR. CUSIMANO:**

20 Okay.

21 **MR. PARKER:**

22 And I think he indicated the next warrant he gets, he's going to do it.

23 **MR. CUSIMANO:**

24 Okay. That's fine.

25 **MS. OBY:**

1 So that means people will -- if he's already completed January and
2 sent in January and signed January, then they will get paid for January.
3 When he receives a January warrant at the end of January, he should
4 make his corrections, and they may or may not get paid for February.

5 **MR. CUSIMANO:**

6 So we may not see it to try to appeal until the March meeting. By
7 then, they should be off the warrant for the March meeting?

8 **MS. OBY:**

9 Correct.

10 **MR. RUIZ:**

11 What you thinking, Ms. Kay?

12 **MS. DEBENEDETTO:**

13 Well, you know, realistically -- and I don't -- I hate to hold -- I
14 promised Michelle we'd have her out of here by now.

15 But, realistically, when he removes them from the warrant, that is
16 not the point when we would normally send them a letter saying you can
17 appeal. We normally do that after they've already been before the Board.
18 And so -- and we don't typically send anyone a letter when they're
19 removed from a warrant. Their beef would then be -- they would need to
20 go up through their chain of command --

21 **MR. RUIZ:**

22 Right.

23 **MS. DEBENEDETTO:**

24 -- okay, to do that. Now, they are welcome to come to this Board at
25 any point in time, and these are public meetings, and they can do that.

1 But I think it would be improper of us to send them a letter after they've
2 been administratively removed from the warrant giving them any
3 information about who, what, when, or where.

4 **MR. CUSIMANO:**

5 Correct.

6 **MS. DEBENEDETTO:**

7 Because it's not --

8 **MR. PARKER:**

9 I think, when they don't get paid, they're going to inquire why.

10 **MS. DEBENEDETTO:**

11 Then they need to go up.

12 **MR. PARKER:**

13 And when they find out why, they're going to be at the next meeting.

14 **MS. DEBENEDETTO:**

15 Right.

16 **MR. PARKER:**

17 They're going to be on the phone with their rep --

18 **MS. DEBENEDETTO:**

19 Right. So --

20 **MR. PARKER:**

21 And want to know when the next meeting is.

22 **MS. DEBENEDETTO:**

23 So, I mean, it would be -- it would be the administration's suggestion
24 that no letters go out from this office giving -- I mean, because we're just
25 simply following what their administration is doing.

1 **MR. SCHILLACE:**

2 Are we off the record?

3 **MS. DEBENEDETTO:**

4 No. We are on.

5 **MR. RUIZ:**

6 We're on the record.

7 **MR. SCHILLACE:**

8 Okay. That's -- that's the reason why I say what I said earlier while
9 the Chief was here to kind of prevent this from happening, to kind of
10 give them a little head's -- a little warning, so to speak, this is in the
11 process of what's going to take place, so, therefore, this is what you need
12 to do to avoid not getting paid. Okay.

13 **MS. DEBENEDETTO:**

14 But that would be on him to do that.

15 **MR. RUIZ:**

16 They're not --

17 **MR. SCHILLACE:**

18 So it's going to happen. It's going to happen.

19 **MS. OBY:**

20 Okay. Then the chief should say, I should maybe let these people
21 know I'm not going to pay them anymore.

22 **MS. DEBENEDETTO:**

23 Correct.

24 **MS. OBY:**

25 And the chief should send them a letter. We don't send anybody a

1 letter saying that they're removed.

2 **MR. SCHILLACE:**

3 I understand that's a rule. Leading up, he didn't leave with that in his
4 mind, so he's probably not going to do that.

5 **MR. MAJORS:**

6 I think it's y'all's job to decide who's supposed to get paid, not who's
7 not going to not get paid. Again, that's going to be the chief's job if he
8 doesn't send the warrant in, and then it's on him -- and they answer to
9 him. You know, I think it has nothing to do with the Board. He takes
10 him off the warrant.

11 **MS. OBY:**

12 Right. Right.

13 **MR. RUIZ:**

14 I agree with you. Now we can --

15 **MR. CUSIMANO:**

16 My next -- my next -- well, before we close, my next issue is, if
17 they're taken off the warrant, then I'm going to be discussing what we do
18 with the pay that they got that they shouldn't have got. I'm thinking
19 about that issue.

20 **MS. DEBENEDETTO:**

21 Did they remove -- did y'all remove the motion?

22 **MR. RUIZ:**

23 I don't think we ever had a motion.

24 **MR. CUSIMANO:**

25 I made a motion for Zink, continue pay for Zink.

1 **MR. RUIZ:**

2 For Zink.

3 **MR. CUSIMANO:**

4 Yeah. That was the only motion.

5 **MR. RUIZ:**

6 Do we make a motion to adjourn?

7 **MR. CUSIMANO:**

8 I think you better do that, Brien. We need it?

9 **MR. RUIZ:**

10 Yeah.

11 **MR. CUSIMANO:**

12 Motion to adjourn.

13 **MR. RUIZ:**

14 Second?

15 **MR. PARKER:**

16 Second.

17

18 THE MEETING WAS ADJOURNED

19

20

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CERTIFICATE

I, MICHELLE S. ABADIE, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this hearing was reported, and during which, testimony was taken after duly being sworn by me, that on January 16, 2020, a meeting for the Firemens' State Supplemental Board was held, that this testimony and matters were reported by me, was prepared and transcribed by me, and that the foregoing pages, numbered 1 through 61, inclusive, is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this proceeding.

MICHELLE S. ABADIE, CCR #24032
CERTIFIED COURT REPORTER

MICHELLE S. ABADIE, CCR
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