

FIRE SUPPLEMENTAL PAY BOARD MEETING MINUTES

November 7, 2023

A regular meeting of the Municipal Fire Fighters Supplemental Pay Board of Review, November 7, 2023 at Louisiana Department of Public Safety, Management and Finance Office.

Brien Ruiz called the meeting to order.

ROLL CALL:

The following members and staff present:

Board Members

Brien Ruiz
Richard Parker Jr.
Ronnie Schillace
Dwayne Thevis
Charles Williams

Staff

Natalya Besse
Candy Diez
Susanne Tessier
Marlon C. Battley, Esq.

Visitors

T. Kevin Yates, Fire Chief, New Llano FD
Alfred Dale Vernon, Fire Chief, Husser Volunteer FD
James Boheman, inspector, Marrero Ragusa Volunteer Fire Co.
Joshua Paolini, operator, Marrero Ragusa Volunteer Fire Co.
Chris Womack, Fire Chief, Ruston FD
David Atkins, Fire Admin of the Tangipahoa Council
Louis Joseph, Fire Board President of the Tangipahoa Council
Darren Ramirez, Fire Chief, Plaquemine FD
Shane Spillman, Chief Admin, Baton Rouge FD

APPROVAL OF MINUTES:

Ronnie Schillace made a motion to approve minutes for August 4 and October 5 of 2023 meetings. Richard Parker Jr. seconded the motion, and the motion passed.

APPEALS:

None.

OLD BUSINESS:

Husser Volunteer Fire Department:

Alfred Dale Vernon

Natalya Besse reminded the board that at the August 4th board meeting, the board pulled two names from the routinely approved application list and requested the applicants to appear at this meeting.

Ronnie Schillace confirmed that Alfred Dale Vernon was present at the meeting.

Marlon C. Battley swore Alfred Dale Vernon.

Ronnie Schillace addressed some discrepancies on the application and had some questions to clarify the matter. Different documents provided in the application packet indicated that he is a fire chief in one and a firefighter in the other. In addition, the application indicates that the date of employment was December 3, 2012, and the Firefighter 1 certificate was obtained on July 19, 2016. The question was: Why wait so long to apply for supplemental pay? Per Ronnie Schillace recollections, Chief Vernon applied for supplemental pay once before, but the previous administration for Tangipahoa Parish did not approve the application due to Mr. Vernon being a full-time state employee. State employees are not eligible for supplemental pay.

Ronnie Schillace said, per legal department research, this law only applies to police; it does not apply to fire. Based on that conclusion, state employment does not prevent Chief Vernon from being eligible for supplemental pay. Even though the eligibility effective date is July 19, 2016, the back pay will only be \$10,000 in accordance with R.S. 40:1667.8.

Brien Ruiz confirmed with the attorney, Marlon Bentley, that the \$10,000 one-time payment limit is in the statute.

Ronnie Schillace said that, although previously, the board made a decision to back pay up to two years from the eligibility effective date, the back pay amount ends up being larger than the allowable, per statute, amount.

Brien Ruiz asked Chief Vernon if he is still employed by Southeastern Louisiana University (SLU). Chief Vernon confirmed that he has two full time jobs at SLU and the Husser Volunteer FD. Chief Vernon works as a maintenance person at SLU Monday through Friday during a day and work at the fire department nights and weekends.

Brien Ruiz asked Chief Vernon if he works five (5) nights at the fire station. Chief Vernon stated that he works two to three nights a week in rotations and then works full weekends. Because the Husser Volunteer FD is short on personnel, there was some confusion about whether he was a fire chief or a firefighter. Not everyone is willing to work for \$10 per hour, which is why he fills in those weekend shifts as well.

Ronnie Schillace made a motion to approve the application with \$10,000 back pay. Richard Parker Jr. seconded the motion, and the motion passed.

Dustin E. McDonald

Ronnie Schillace presented the application. In the application, there were some questions about the various job titles: Dustin McDonald is an assistant chief in one and a firefighter in the other. In addition, Dustin McDonald signed Chief Vernon's application as an assistant chief on behalf of the fire chief, and he holds another full-time job. The board requested that he appear at the board meeting.

Ronnie Schillace informed the board that Dustin McDonald is unable to attend; however, Chief Vernon, David Atkins, Fire Admin of the Tangipahoa Council, and Louis Joseph, Fire Board President of the Tangipahoa Council, are present on behalf of Mr. McDonald.

Brien Ruiz informed everybody that both applicants' ACT 110 back pay will not happen the following month. It will be in 2024.

Ronnie Schillace returned to Dustin McDonald's application, saying that he spoke to Chief Vernon who had clarified the application entries.

Chief Vernon testified that Dustin McDonald works at the Solomon Episcopal Center during the day and works rotation shifts at the fire station at nights. He is the assistant chief and signed Chief's Vernon application because the chief did not want to sign his own application. Even though both applicants are the chief and the assistant chief, they are expected to perform firefighter duties.

Ronnie Schillace confirmed that Dustin McDonald works a minimum of 35 hours a week.

Louis Joseph, chairman of the Tangipahoa Council, requested Ronnie Schillace to appear at their board meeting to explain the statutes regarding the second full-time job that may disqualify the application from supplemental pay benefits.

Brien Ruiz said that police and fire have different statutes.

Ronnie Schillace said that a question was raised: if you were a state employee, would you still be eligible for supplemental pay? Per legal, this is true only for police; fire applicants are eligible for supplemental pay.

Ronnie Schillace confirmed with the staff the back-pay amount for Dustin McDonald.

Brien Ruiz asked if the Act 110 list that was presented at this meeting will be paid this year.

Natalya Besse said no; the approved Act 110 list was already submitted to the Joint Legislative Commission of the Budget (JLCB) for the November 17th meeting. The current list will be submitted to the JLCB in 2024.

Brien Ruiz told Chief Vernon that it might take a year before they receive their back pay. All backpay that comes from the previous fiscal year must be approved by the JLCB. Chief Vernon said that he is familiar with the process and will explain it to Dustin McDoland.

Ronnie Schillace made a motion to approve the application. Richard Parker Jr. seconded the motion, and the motion passed.

Marrero Ragusa Volunteer Fire Company #3 overpayment.

Natalya Besse reminded the board of the circumstances in which Joshua A. Paoloni from Marrero Ragusa Volunteer Fire Company #3 was inadvertently overpaid. Joshua A. Paolini, following the installment plan, had to pay 50% of the overpaid amount immediately, and in July, the supplemental pay staff started collecting the remaining balance by withholding 50% of the monthly pay. As of that day, August 4, 2023, firefighter Paolini had not paid the first half of the agreed upon amount.

Brien Ruiz requested that Joshua A. Paolini appear before the board. Marlon C. Battley, Esq., swore Joshua A. Paolini.

Joshua A. Paolini explained to the board that his current circumstances do not allow him to pay 50% of the overcollection up front. He was willing for the supplemental pay office to withhold his supplemental pay benefits until the overpayment was fully collected.

Ronnie Schillace confirmed the total overpayment amount (\$4,080).

Brien Ruiz asked for the attorney's, Marlon C. Battley's, opinion about withholding the full supplemental pay amount to recoup the overpayment. Marlon C. Battley confirmed that the board could do it.

Richard Parker Jr. made a motion to withhold Joshua A. Paolini's supplemental pay until the full amount is paid back. Charles Williams seconded the motion, and the motion passed.

NEW DEPARTMENTS:

None.

NEW BUSINESS:

Baton Rouge Fire Department: Holt Holmes.

The department requested a reimbursement for the wrongfully terminated employee's supplemental back-pay.

Richard Parker Jr. made a motion to approve reimbursement in the amount of \$4,550. Charles Williams seconded the motion, and the motion passed.

Brien Ruiz said that the amount might need to be adjusted to account for the outstanding overpayments.

Chief Spillman asked when he would find out the adjusted dollar amount.

Candy Diez confirmed that the payment will be in full to keep a clear record of the recipient's reimbursement.

Lafourche Parish Fire District 3: Juancarlos Suarez

The applicant is no longer employed by the fire department. He is owed \$10,460 in Act 110 back-pay.

Richard Parker Jr. made a motion to approve \$10,000 in Act 110 back-pay. Ronnie Schillace seconded the motion, and the motion passed.

Brien Ruiz recommended informing the applicant that the approved back-pay will not happen until the next year's JLCB meeting.

Susanne Tessier advised that the office will notify the department of the payment.

New Llano Fire Department: Justin D. Eubanks.

The department is in the non-civil service municipality. The town meeting minutes indicate that Justine D. Eubanks was promoted to permanent part-time firefighter.

Marlon C. Battley, Esq., swore Chief T. Kevin Yates

Chief Yates informed the board that their firefighters work 96 hours per pay period. The town follows the federal standard of 106 hours of full-time work for a firefighter. Their department had a similar scenario in 2016, when the chief had to appear before the board. There was a difference between what the town was considering full-time and what was defined in the job description. The department's firefighters work more than 35 hours per week.

Ronnie Schillace said that based on the testimony from the fire chief, the applicant is a full time firefighter.

Ronnie Schillace made a motion to approve the application. Dwayne Thevis seconded the motion, and the motion passed.

Ruston Fire Department: John Davis, Abigail Henkel and Shane Kennedy

Firefighters received their Firefighter 1 certification in Arkansas. The office required the certification to be evaluated by FETA.

Marlon C. Battley, Esq., swore Chief Chris Womack.

Chief Chris Womack argued that according to the statute, the department is not required to go through FETA because it says "OR".

(2) The term "employee" as used herein expressly excludes any person hired primarily to perform secretarial and clerical duties, switchboard operators, secretaries, record clerks, maintenance personnel, and mechanics; it shall expressly exclude employees hired after March 31, 1986, who have not completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firefighter's training program as approved by the office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq.; and it shall also expressly exclude part-time employees and volunteers of such municipal, parish, tribe, or fire protection district fire departments.

Brien Ruiz said the board is required to obtain the certificate from FETA.

Chief Womack said that "OR" gives an option and the board must follow the law.

Brien Ruiz said the attorney will review the law and give his opinion.

Natalya Besse said the office and the board follow the law. There is no requirement to take another training from FETA. The office is seeking an expert's opinion on the certification validity. FETA is that

expert that has a mechanism getting touch with the body that issues the certificate to confirm the certificate is valid.

Chief Womack said the law does not state that, it says "OR."

Charles Williams said that the statute is clear that "a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firefighter's training program as approved by the office of state fire marshal Fire and Emergency Training Academy."

Chief Womack disagreed.

Brien Ruiz said that their definition of "OR" is different from the board's definition.

Charles Williams said that the statute is clear it all has to be approved by FETA.

The attorney, Marlon C. Battley, confirmed that all certificates must be approved by FETA.

Brien Ruiz said that he spoke to FETA. There should be no problem to issue reciprocity certificates.

Chief Womack gave certificates to Natalya Besse.

Natalya Besse confirmed that the colored certificates are not original. Original certificates must be kept by the firefighters.

Chief Womack said all certificates are being emailed to them by FETA, Steve Billman.

Charles Williams proposed that FETA pre-approve the training institute in Arkansas as accredited by them. That way, there will be no need to go through FETA for their certificate.

Natalya Besse said the FETA accepts training from other states. FETA gets in touch with the organization that issued the certificate to confirm that individuals indeed completed and passed the training. The certificates can be forged; FETA is the agency this office trusts. FETA follows the procedure to confirm the validity of the presented certificates; they have a mechanism for communicating with other training organizations.

Chief Womack requested legal action to look into the Act. The Act says the certification will be issued by the office of academic affairs with no one's procedures. There are no academic affairs anymore. There is nothing said about reciprocity.

Dwayne Thevis confirmed that other fire departments have similar issues with the out-of-state certificates.

Chief Womack said that he had to be extremely persistent to get the certificates he brought today.

Brien Ruiz said that he was informed that FETA was caught up with the certificates.

Chief Womack presented a letter from Steve Billman that FETA accepts certificates from Arkansas.

Natalya Besse confirmed that FETA and this office accepts the training and certificates from Arkansas. The statute says these trainings are acceptable. FETA does not require taking the same training at FETA. The agency evaluates and approves those certificates.

Brien Ruiz said that law must be addressed.

Chief Womack said that he will address the law. Even the application requirements do not mention reciprocity.

Candy Diez said that FETA took over the program just recently; the office is updating the application forms and procedures.

Chief Womack said that the state charges him \$30 for each certificate. The department has already paid for those firefighters' training.

Brien Ruiz said until the attorney says at the next meeting that you do not need to go through FETA, reciprocity is required.

Charles Williams made a motion to applications. Dwayne Thevis seconded the motion, and the motion passed.

PRESENTATION OF MOST RECENT BUDGET PROJECTIONS

Natalya Besse informed the board that although the office could not present the current projection, the board can be assured that the program has sufficient funding to continue with the supplemental pay.

NEW APPLICATIONS SUBMITTED FOR APPROVAL

Richard Parker Jr. made a motion to approve 119 routinely approved applications. Ronnie Schillace seconded it and the motion passed.

NEW ACT 110 MONEY APPROVAL

Richard Parker Jr. made a motion to approve Act 110 in the amount of \$65,563.00. Dwayne Thevis seconded the motion, and the motion passed.

SET TIME & DATE OF NEXT MEETING

February 6, 2024 @ 10:00 a.m.

SET DATES/TIMES OF 2024 BOARD MEETINGS:

February 6, 2024 @ 10:00 a.m.

May 7, 2024 @ 10:00 a.m. – subject to change to hold the meeting at the spring conference.

August 6, 2024 @ 10:00 a.m.

November 7, 2024 @ 10:00 a.m.

ADJOURN

Ronnie Schillace made a motion to adjourn. Richard Parker Jr. seconded and the motion passed.