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STATE OF LOUISIANA
FIREMEN'S SUPPLEMENTAL PAY
BOARD OF REVIEW



BOARD MEETING - AUGUST 15, 2012, at 10:00 A.M.

Brien Ruiz, Chairman

Ozias "Junior" Price

Ronald Schillace

Roy Robichaux

Dan Cotten

STAFF PRESENT:

Paul Schexnayder, Esq.

Susan Roberts

Katie Ryland

OTHERS PRESENT:

Jeff Akers, Caddo Fire Department

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CALL TO ORDER

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MR. RUIZ:

We'll call the meeting to order.

Roll call, please.

MS. ROBERTS:

Brien Ruiz?

MR. RUIZ:

Here.

MS. ROBERTS:

Junior Price?

MR. PRICE:

Here.

MS. ROBERTS:

Ronald Schillace?

MR. SCHILLACE:

Here.

MS. ROBERTS:

Roy Robichaux?

MR. ROBICHAUX:

Here.

MS. ROBERTS:

Dan Cotten?

MR. COTTEN:

Here.

MR. RUIZ:

1 A quorum is present. We'll call the meeting to order.

2 **APPROVAL OF THE MINUTES OF THE BOARD MEETING**

3 **MR. RUIZ:**

4 Approval of the minutes of the Board meeting for May 3,
5 2012.

6 **MR. PRICE:**

7 Motion.

8 **MR. ROBICHAUX:**

9 I'll second.

10 **MR. RUIZ:**

11 All in favor of the motion, signify by saying "aye."

12 Aye.

13 **MR. PRICE:**

14 Aye.

15 **MR. SCHILLACE:**

16 Aye.

17 **MR. ROBICHAUX:**

18 Aye.

19 **MR. COTTEN:**

20 Aye.

21 **OLD BUSINESS**

22 Lincoln Parish Fire District #1 - James Hilton, Jr.

23 **MR. RUIZ:**

24 Okay. Old business?

25 **MS. ROBERTS:**

1 The first thing on our old business is Lincoln Parish
2 Fire District #1, James Hilton, Jr. I sent him a letter that
3 he was denied due to his job classification. He didn't have
4 duties of a firefighter, so he sent me the attached document,
5 and I'm assuming this is what you all do when you get called
6 out or whatever, a call out. I tried to get him to come to
7 the meeting, but he --

8 **MR. COTTEN:**

9 He is a Firefighter I and he's had training. He has
10 gone through --

11 **MS. ROBERTS:**

12 Yes. He is certified in everything.

13 His duties are -- when you look at his duties, he was an
14 administrative assistant to the chief. He didn't have
15 anything in his duties about fighting fires. Well, when I
16 talked to the chief on the phone, he actually told me,
17 basically, they are a small department, and that is his title
18 but he still goes on calls, and he submitted the call out
19 register. I tried to get them to come, but they couldn't
20 make the meeting.

21 **MR. SCHILLACE:**

22 I'm looking here again, and I think basically we based
23 on our decision on the Civil Service job classification,
24 mostly, and I see, within the letter, he provided -- of
25 course, he gives an explanation, as well as provided the

1 documentation that he does respond to alarms and operates a
2 pump and so forth and so on, but, you know, what was the
3 reason why he could not come to the Board meeting?

4 **MS. ROBERTS:**

5 He just -- they just said they couldn't attend the
6 meeting.

7 **MR. SCHILLACE:**

8 Is this one of your guys -- I mean --

9 **MR. RUIZ:**

10 Where is Lincoln?

11 **MS. ROBERTS:**

12 I think it's -- is that near Ruston?

13 **MR. COTTEN:**

14 Yes.

15 **MS. ROBERTS:**

16 I was thinking it was near Ruston.

17 **MR. SCHILLACE:**

18 Based on what I can gather through this letter stating
19 it is a smaller department, and so, therefore, apparently, he
20 does do more than just what his job description states.

21 **MS. ROBERTS:**

22 And we do have that a lot at small departments. They do
23 more than -- sometimes more than --

24 **MR. SCHILLACE:**

25 And all I can say, if his job description was changed,

1 that he actually does this --

2 **MS. ROBERTS:**

3 Several firemen --

4 **MR. SCHILLACE:**

5 If his job description is changed to include the
6 firefighting duties, then I believe that would be
7 clarification for this Board to maybe review this and make a
8 decision.

9 **MR. RUIZ:**

10 If we get a letter from the chief, certified, saying
11 that this gentlemen -- since they cannot come to our meeting
12 -- the reason we have them come to the meeting, we ask the
13 chief, does he do this, does he do this, and the chief
14 verifies to his, with the court reporter, under oath, that he
15 does this job, you know, we usually grant him pay.

16 **MS. ROBERTS:**

17 Uh-huh.

18 **MR. RUIZ:**

19 Since they are a small department, maybe they just can't
20 afford to come here. I'm giving them the benefit of the
21 doubt. Can we ask for a letter in writing certified by a
22 notary --

23 **MR. ROBICHAUX:**

24 We've got the letter. All he's got to do is notarize
25 it.

1 **MR. RUIZ:**

2 And have it notarized, then we can grant this
3 gentleman --

4 **MS. ROBERTS:**

5 What -- I mean, this letter here we have is from the
6 chief, so what do I need to tell --

7 **MR. ROBICHAUX:**

8 Particularly what Brien is asking, if the chief would
9 notarize -- have this letter notarized as a true statement.

10 **MS. ROBERTS:**

11 Okay. They can use this same letter?

12 **MR. SCHEXNAYDER:**

13 Convert it to an affidavit.

14 **MR. COTTEN:**

15 In the meantime, I would suggest that he revise his
16 classification if that job is going to --

17 **MS. ROBERTS:**

18 Do more -- that is what I --

19 **MR. COTTEN:**

20 It is part of the responsibility is revise the
21 classification, also.

22 **MS. ROBERTS:**

23 And I was going to ask him about that, why would he -- I
24 understand that they gave him that title, but could they have
25 done like administrative assistant/firefighter?

1 **MR. COTTEN:**

2 Yes, they could. They could do a lot of things to --
3 we've talked about mechanics before and that kind of thing.

4 **MR. SCHILLACE:**

5 Yes. I don't think you're looking to change his title,
6 but within the description, put in there firefighting duties,
7 you know.

8 **MS. ROBERTS:**

9 It just would have made it easier.

10 **MR. COTTEN:**

11 And it may be required, other duties such as
12 firefighting.

13 **MR. RUIZ:**

14 Paul, can we do what I asked, you know, without him
15 coming in?

16 **MR. SCHEXNAYDER:**

17 Uh-huh.

18 **MR. RUIZ:**

19 This gentlemen may not be able to afford to come here,
20 but we need some kind of document.

21 **MR. ROBICHAUX:**

22 I'd make a motion so we don't push it off more. I'll
23 make a motion that, if we receive an affidavit signed by the
24 chief stating what the letter states, that he does perform
25 firefighting duties that we approve him.

1 **MR. SCHILLACE:**

2 I'll second.

3 **MS. ROBERTS:**

4 Do you all want me to bring it back before the Board, or
5 just go ahead and put him on?

6 **MR. RUIZ:**

7 We'll make that part of the motion, just go ahead and do
8 it.

9 **MR. ROBICHAUX:**

10 Just go ahead and do it.

11 **MR. RUIZ:**

12 That's right.

13 All in favor of the motion, signify by saying "aye."

14 Aye.

15 **MR. PRICE:**

16 Aye.

17 **MR. SCHILLACE:**

18 Aye.

19 **MR. ROBICHAUX:**

20 Aye.

21 **MR. COTTEN:**

22 Aye.

23 **MR. ROBICHAUX:**

24 And, basically, once you get the affidavit, it will be
25 done.

1 **MS. ROBERTS:**

2 Okay.

3 **MR. RUIZ:**

4 Any other old business?

5 **MS. ROBERTS:**

6 No.

7 **MR. SCHILLACE:**

8 I'd like to -- before we go on to the new business, I
9 know we have already voted on this matter, but going back to
10 Mr. Hilton, his original date of submittal was February of
11 this year, so upon complying with that motion that was just
12 passed, and once you receive that, Susan, that he's getting
13 back pay back to February of this year, correct?

14 **MS. ROBERTS:**

15 Actually, March 21, 2012, will be his effective date.

16 **MR. SCHILLACE:**

17 So he will be getting back pay from March?

18 **MS. ROBERTS:**

19 Uh-huh.

20 **MR. SCHILLACE:**

21 Okay.

22 **MR. ROBICHAUX:**

23 And that's going to be Act 110?

24 **MS. ROBERTS:**

25 Uh-huh.

1 **MR. ROBICHAUX:**

2 All right.

3 **MR. SCHILLACE:**

4 The Act 110 money, how will we know how much money is
5 there?

6 **MS. ROBERTS:**

7 Well, we don't. What happens is, once I get the list,
8 which I'm going to be working on the list -- I have a Police
9 meeting in a few weeks, and as soon as I have that meeting,
10 I'll have -- I'm going to have the list finished, and I'll
11 give it to Katie and to her supervisor, the head of our
12 Department, and then it gets submitted downtown.

13 **MR. RUIZ:**

14 Before we go to new business, can we go off the record?

15 (Off-the-record discussion.)

16 **NEW BUSINESS**

17 Jefferson Parish Fire Department - Joseph Greco, Jr.

18 **MR. RUIZ:**

19 New business, Jefferson Parish Fire Department.

20 **MS. ROBERTS:**

21 Joseph Greco, Jr., he is the fire chief at Jefferson
22 Parish. He had prior service with Jefferson Parish, so he
23 didn't have a year to wait, so his effective date would be
24 the date of his employment.

25 **MR. SCHILLACE:**

1 Okay. So it looks like he retired May 14, '08, and then
2 he come -- he was rehired on February 14, 2011?

3 **MS. ROBERTS:**

4 Uh-huh.

5 **MR. RUIZ:**

6 He's grandfathered in, as far as all that goes.

7 **MS. ROBERTS:**

8 Right.

9 **MR. COTTEN:**

10 Or if we go back to the date of application?

11 **MR. ROBICHAUX:**

12 Well, we've never done that before. We've always used
13 the guidelines that we were given, being employment date or
14 Firefighter I certification, is how we've always based the
15 dates on before, and I don't think that we ought to change
16 it, but we don't have the right to change the law. The
17 legislature has to change it.

18 **MR. RUIZ:**

19 We have the right to interpret the law.

20 **MR. ROBICHAUX:**

21 Yes, we do, but based on what we've done in the past, I
22 would make a motion we approve it.

23 **MR. SCHILLACE:**

24 I have a question. In this --

25 **MR. RUIZ:**

1 Is there a second?

2 **MR. PRICE:**

3 We have a motion.

4 **MR. RUIZ:**

5 Is there a second?

6 (No response.)

7 **MR. RUIZ:**

8 Hearing no second, the motion fails.

9 **MR. SCHILLACE:**

10 I have a question. I do see -- and I totally agree with
11 you, Roy. I do see what is before me, this submittal packet,
12 where he does meet the requirement and he is entitled to it,
13 but my question is, date of employment 2/14/11, and date of
14 submittal July 9, I guess, July 9, '12. So why is there such
15 a long time span of him applying -- even applying for State
16 supplemental pay? Do you have anything on that, Susan?

17 **MS. ROBERTS:**

18 Why?

19 **MR. SCHILLACE:**

20 Yes.

21 **MS. ROBERTS:**

22 He didn't give me a reason.

23 **MR. SCHILLACE:**

24 I'm sorry?

25 **MS. ROBERTS:**

1 They didn't give me a reason why.

2 **MR. SCHILLACE:**

3 They didn't give you a reason why?

4 **MS. ROBERTS:**

5 Uh-uh.

6 **MR. SCHILLACE:**

7 Well, here again, we do want to stay consistent with
8 what we have done in the past. We don't treat anyone
9 different.

10 **MS. ROBERTS:**

11 That is what I'm wondering, okay, this is my question.
12 If we do not give him his date until his effective date, what
13 we have done to everyone else in the past, can he say, you
14 all have done this, but yet, you're not doing the same thing
15 for me?

16 **MR. SCHILLACE:**

17 No. That's what I'm saying, I want to stay consistent
18 on what we have done in the past, okay, treat everybody fair,
19 and if this is -- you know, like I said again, I see within
20 this he is entitled to it.

21 **MR. ROBICHAUX:**

22 I've already made the motion, Ronnie, and I believe that
23 we ought to be talking to the legislature and saying, hey, we
24 ought to do -- make some changes to the laws where it is
25 application date or put something on it, so the State can

1 budget for it. But we ought to be doing the same thing for
2 everybody, and what we've done in the past is taken one of
3 those two dates, the employment date or Firefighter I
4 certification date.

5 **MR. RUIZ:**

6 Mr. Dan, what is your opinion?

7 **MR. COTTEN:**

8 If it is just my opinion, he has accountability for this
9 application and if you can receive supplemental pay, you have
10 supplemental pay. Now, if I want to drag it on for three
11 years, and you're not going to back pay me for three years,
12 that is my problem. I mean, I don't see where it is the
13 State's problem, but I understand Roy, too. If that is what
14 we've done in the past. We're kind of hung until we go back
15 and change some legislation to where you can only receive back
16 pay up to a point.

17 It's -- you know, I want to be fair to everybody. We
18 want to have integrity of this Board, but we are fair to
19 everybody, and we want to go down the line, you know.
20 Somebody that is irresponsible, we shouldn't have to pay for.
21 To me, that is irreponsibility if you're not applying for the
22 benefits that you are due at the time you're supposed to.

23 **MR. SCHILLACE:**

24 I've got a question, also. At the last meeting, we had
25 an issue we needed to address in what is considered to be full

1 time, okay. Part of the requirements of receiving State
2 supplemental pay says full time, and I think -- if I remember
3 correctly, Paul, you said it was 40 hours. Well, on the
4 application --

5 **MR. SCHEXNAYDER:**

6 We said that we would go along with whatever the
7 department says is full time.

8 **MR. COTTEN:**

9 On here, it's only 35 hours.

10 **MR. SCHEXNAYDER:**

11 It can be, depending on what --

12 **MR. SCHILLACE:**

13 I see on here, hours of work per week is less than 40
14 hours, is what he's got checked off here.

15 **MR. SCHEXNAYDER:**

16 Right.

17 **MR. SCHILLACE:**

18 But he did check off full time.

19 **MS. ROBERTS:**

20 Wait. Did you all read this?

21 If you are not employed full time or if you work less
22 than 40 hours, you are not eligible for supplemental pay,
23 that is on our app. Their app doesn't have that, but the
24 application has that on it.

25 **MR. RUIZ:**

1 Okay. I'd like to entertain a motion that we have
2 Mr. Greco appear before this Board and tell us that he works
3 40 hours or more.

4 **MR. COTTEN:**

5 I'll second that.

6 **MS. ROBERTS:**

7 All right. Okay. What does this letter need to say?

8 **MR. RUIZ:**

9 You want him to come to this Board to tell us that he
10 works more than 40 hours, because he checked off on his app
11 that he has -- works less than 40 hours. Now, our app says
12 that you have to have 40 hours or more in order to be
13 eligible for supplemental pay.

14 **MR. ROBICHAUX:**

15 Can I see that app that says that, Susan?

16 **MS. ROBERTS:**

17 All of them should say it, but --

18 **MR. SCHEXNAYDER:**

19 The law doesn't say 40 hours.

20 **MR. COTTEN:**

21 I would have checked into that.

22 **MR. RUIZ:**

23 Okay. A motion was made and seconded. It's open for
24 discussion.

25 **MR. SCHILLACE:**

1 Paul, the law states full time?

2 **MR. SCHEXNAYDER:**

3 It does not define full time. I know we've taken the
4 position in the past full time means whatever the department
5 you work for says is full time. If it's 35, it's 35. If it's
6 38, it's 38. It's whatever the department says. We don't
7 tell the department what is full time. They tell us.

8 **MS. ROBERTS:**

9 So, from now on, anybody can call me and they can tell
10 me that they work 20 hours and that is considered full time
11 for them, and that is okay?

12 **MR. SCHEXNAYDER:**

13 If the department says that's full time, because, I think
14 full time means --

15 **MS. ROBERTS:**

16 I thought the labor law -- Labor Department or whatever,
17 you had to work 32 or 36 hours to get benefits.

18 **MR. SCHEXNAYDER:**

19 The Civil Code does have specifications, but it's not --

20 **MR. COTTEN:**

21 The biggest thing you're going to find in Louisiana,
22 because I've been through this, other guys in my area has
23 been through this, if you retire, you start your retirement
24 and you get your DROP program and all of that and you go back
25 to work, say, full time, then you are forced to go back into

1 the retirement system, and so what is happening with a lot of
2 these departments because of the way the State law is, these
3 Boards and stuff hire these guys that have had 30 years
4 experience and education as their fire chief, and they hire
5 them on a supposedly part-time basis -- which you have to
6 remember, it's a part-time basis as a fire chief, and so they
7 hire them as that so you continue to draw your retirement but
8 you don't draw supplemental pay and you don't receive any
9 other kind of State benefits from it. So, basically,
10 you're --

11 **MR. ROBICHAUX:**

12 I thought the retirement system set the hours, and I'm
13 not familiar with all of the systems, but I thought the
14 parochial system set --

15 **MR. COTTEN:**

16 I talked to Paul Daley when he was still around, and he
17 said, if you go to work here, you'll lose your retirement and
18 you cannot be eligible for your DROP until you retire from
19 there again. You've got to pay back into the system. I said,
20 well, what can we do about it? He said, let me tell you how
21 to fix it, drop your classification under Civil Service to,
22 just say, 35 hours a week, 35 hours a week is what you're
23 working. So we did that, we cleared it, and I've been there
24 13 years.

25 I can go to Texas and I can work anywhere I want as a

1 fire chief, but in Louisiana, you can't. So that is how
2 they're doing a lot of this, and that is what is making me
3 wonder with this, if he's drawing his retirement from this
4 department.

5 **MR. RUIZ:**

6 He is.

7 **MR. COTTEN:**

8 If he's drawing his full retirement and he has his DROP
9 and he goes back in here full-time, then he's going to have
10 to stop his retirement plan. He's going back and start
11 paying into the retirement system again.

12 **MR. SCHILLACE:**

13 Apparently, he's not full time, because he showed less
14 than 40 hours, but he's also checked full time.

15 **MR. ROBICHAUX:**

16 But he's also checked full time.

17 **MR. COTTEN:**

18 Well, that is going to affect his retirement. I've been
19 through that.

20 **MR. RUIZ:**

21 Okay. Gentlemen, I really do believe that he needs to
22 come here and explain to us how his full time. I mean,
23 everything that Chief Dan has said on record just now, you
24 know, there has got to be a flaw in the law somewhere to
25 allow this to happen. It either can or can't happen. If he

1 has to go back to work, I can tell you exactly what is going
2 to happen. He's not going to be a fire chief.

3 **MR. COTTEN:**

4 Well, you all owe me \$78,000 in back pay, then.

5 **MS. ROBERTS:**

6 We can only give you \$10,000.

7 **MR. COTTEN:**

8 Well, \$10,000 is good.

9 **MS. ROBERTS:**

10 We can only give you \$10,000.

11 **MR. COTTEN:**

12 There is a way to manipulate the system, and to me, it's
13 manipulation.

14 **MR. SCHILLACE:**

15 Could you repeat the motion, please?

16 **COURT REPORTER:**

17 The motion was by Brien to have the guy come to the
18 Board and explain -- to write a letter to him to come to the
19 Board explaining whether or not he works 40 hours or more
20 and/or is full time.

21 **MR. SCHILLACE:**

22 And we seconded that?

23 **MR. RUIZ:**

24 Yes, to request his presence.

25 All in favor, signify by saying "aye."

1 Aye.

2 **MR. PRICE:**

3 Aye.

4 **MR. SCHILLACE:**

5 Aye.

6 **MR. ROBICHAUX:**

7 Aye.

8 **MR. COTTEN:**

9 Aye.

10 **MR. RUIZ:**

11 Any opposed?

12 (No response.)

13 **MR. RUIZ:**

14 Hearing no opposed, the motion passes.

15 **MS. ROBERTS:**

16 Are we going to put him on for that July and August?

17 **MR. SCHILLACE:**

18 No. We didn't approve him.

19 **MS. ROBERTS:**

20 Okay. He did put on the back he is full time.

21 **MR. SCHILLACE:**

22 But it also says on here that he is less than 40 hours.

23 **MS. ROBERTS:**

24 Okay.

25 **MR. COTTEN:**

1 I think we can hash that out when he comes.

2 **MS. ROBERTS:**

3 Okay.

4 **MR. RUIZ:**

5 (Off-the-record discussion.)

6 Lafayette Fire Department - Corey Mathews

7 **MR. RUIZ:**

8 Lafayette Fire Department?

9 **MS. ROBERTS:**

10 This guy, Corey Mathews, he has been -- he was employed
11 with the Lafayette Fire Department, September 29, 2011. He
12 got certified November 28, 2011, and he is being deployed to
13 active military for training for one year, it looks like.
14 Yes, it's for one year. Attached is a copy of the app that
15 they have approved for the individual to deploy to active
16 military to use the time that they're gone -- you know, that
17 time will count towards their supplemental pay, but this man
18 is not going to one of the defined -- what I have always used
19 as active war, emergency call of the Governor, whatever it
20 may be. He is going strictly for training, and I have never
21 paid anybody supplemental pay that is going to school. The
22 only training they get paid for is if they're being deployed
23 and they go -- they're being trained before they go overseas,
24 yes, we pay that because they have orders that tell me active
25 war, whatever -- you know, whatever their deployment is and

1 it's going overseas, but not to be trained. We do not -- I
2 mean, I get these all the time.

3 **MR. SCHILLACE:**

4 We have one that is full-time military and part-time
5 firefighter.

6 **MS. ROBERTS:**

7 Does he get paid while he's --

8 **MR. SCHILLACE:**

9 Through the City, yes.

10 **MS. ROBERTS:**

11 Well, then we would pay him. As long as the City is
12 paying, we would pay him. Shreveport, I think -- some of the
13 departments do -- I mean, we pay them 14 days here, but some
14 departments do pay them when they go to the military. Yours
15 does?

16 **MR. SCHILLACE:**

17 And that's why I said he's a full-time military,
18 part-time fireman.

19 **MS. ROBERTS:**

20 No. We're not going to take supplemental pay from
21 those, but this man has not met his eligibility yet, so I
22 need you all to tell me, does this new Act 453 exclude -- is
23 it for any kind of deployment?

24 **MR. RUIZ:**

25 I think you need to make sure they get a copy of that.

1 **MS. ROBERTS:**

2 I gave everybody a copy.

3 **MR. RUIZ:**

4 That is the military bill that we passed in the
5 legislature this year.

6 **MR. SCHEXNAYDER:**

7 It says active military duty, yes.

8 **MR. COTTEN:**

9 To me, if they receive the orders, they have go. I mean,
10 basically, it's --

11 **MS. ROBERTS:**

12 But we don't use this anymore?

13 **MR. SCHEXNAYDER:**

14 We use that, but this overrides that.

15 **MS. ROBERTS:**

16 These people that go to training, does this no longer
17 work, like I don't need to be concerned about this as far
18 as when they go, say, for three months to a training at Camp
19 Beauregard?

20 **MR. SCHEXNAYDER:**

21 Military -- that applies as opposed to this, but I don't
22 think either one of them tells you that training is included.

23 **MS. ROBERTS:**

24 We do not pay for training, as far as this is concerned.

25 **MR. SCHEXNAYDER:**

1 That's based on the fact that we just don't. It doesn't
2 say training or it doesn't exclude training. We just don't.

3 **MR. COTTEN:**

4 So, if a firefighter is called up for two or three
5 months for training and receives orders, they don't receive
6 supplemental pay for those three months?

7 **MS. ROBERTS:**

8 No. The departments do submit -- I get orders, like,
9 especially Shreveport, Bossier, Baton Rouge, they send a lot
10 of orders, and they're usually for training, a lot of them.
11 Don't get me wrong, some departments do pay them, and when
12 they pay, we don't --

13 **MR. COTTEN:**

14 Shreveport pays.

15 **MS. ROBERTS:**

16 Yes, so we don't do anything to them. It's the
17 departments that actually take money from them -- like if
18 they go on -- like Baton Rouge does leave without pay while
19 they're deployed overseas. They give them leave without pay,
20 but I still give them their \$500 a month, but if they go to --
21 like, I have one person, the same thing. She's going to a
22 school right now to learn to fly helicopters, and she's not
23 getting supplemental pay.

24 **MR. COTTEN:**

25 So, if they go -- you need to know about it?

1 **MS. ROBERTS:**

2 Yes. If they City is paying them, we pay them. If the
3 City doesn't pay, we don't pay, so -- unless they are
4 deployed to active -- or National Guard, if there is a
5 national emergency or whatever, or --

6 **MR. RUIZ:**

7 Hurricanes --

8 **MS. ROBERTS:**

9 Whatever, yes, anything that the Governor can -- like, I
10 think, the oil spill thing, there were people that were
11 deployed for that. I mean, anything like that, we still pay
12 them because it's -- they have orders for all that.

13 And I, really -- when I read this, I was thinking this
14 man falls under it because, I mean, he almost had to go, but
15 I'm not an attorney so I'm going to let Paul --

16 **MR. SCHEXNAYDER:**

17 It falls under the new statute.

18 **MS. ROBERTS:**

19 So he should be able to --

20 **MR. SCHEXNAYDER:**

21 He's entitled -- because it says active military duty.

22 It doesn't --

23 **MR. ROBICHAUX:**

24 It says they have to be paid, not including supplemental
25 pay.

1 **MR. SCHEXNAYDER:**

2 That's the general rule.

3 **MR. ROBICHAUX:**

4 I would say that the person has to be receiving pay from
5 the City, and it says on his letter that he is on leave
6 without pay.

7 **MR. RUIZ:**

8 What is your pleasure, gentlemen?

9 **MR. SCHILLACE:**

10 I'll say, here again, being consistent with what we've
11 done in the past --

12 **MS. ROBERTS:**

13 We've never had this. I've never had -- this is brand
14 new, so that is why I don't know what to do.

15 **MR. SCHEXNAYDER:**

16 The old language that we were going by talked about
17 declaration of war, congressional authorization, national
18 emergency. This new law doesn't say any of that. It just
19 says active military.

20 **MR. SCHILLACE:**

21 So with the new legislation, we can do it from here on
22 forward?

23 **MR. SCHEXNAYDER:**

24 Pretty much.

25 **MR. ROBICHAUX:**

1 Would we be violating this if we turned him down for
2 training?

3 **MR. SCHEXNAYDER:**

4 Well, there is a definite argument that, yes, even
5 though it continues to say that you're getting paid --

6 **MR. ROBICHAUX:**

7 Is he still considered a fireman?

8 **MR. COTTEN:**

9 Yes.

10 **MR. ROBICHAUX:**

11 If they join the National Guard, you can't fill their
12 position and you have to save their job for them, but you
13 can't fill the position, and it costs you overtime, and they
14 are doing it as extra pay, if they can find a department like
15 St. Bernard that still continues to pay --

16 **MR. COTTEN:**

17 What do you do, though, if the guy is already in the
18 National Guard when you hire him?

19 **MR. RUIZ:**

20 That is what we do most of the time.

21 **MR. COTTEN:**

22 My son is in the Army National Guard. He's done toured
23 Iraq. He has done everything over there. Shreveport is
24 doing an academy September 1st, and he's got two weeks
25 because he got promoted to sergeant. He has to go. He's

1 already tried to get it all in before then, but they kept
2 delaying the class and delaying the class. So now he's got
3 to go sometime before the end of the year. He can't
4 reschedule. He's going to be in the academy.

5 **MR. ROBICHAUX:**

6 What does your department do for the two weeks that he's
7 gone to summer camp?

8 **MR. RUIZ:**

9 In St. Bernard the same way. I got a guy we hired, and
10 two days later, he had to go to Afghanistan. He is on our
11 payroll today. He gets paid every two weeks, just like
12 everybody else, and so he's still over there. I thought he
13 was one of the Marines that got killed last week, and I
14 checked on him and he wasn't because I know his father.

15 **MR. COTTEN:**

16 The State recognizes and gives you points for being in
17 the military under the Civil Service rules, so they recognize
18 that as an important service.

19 **MR. ROBICHAUX:**

20 I was in the National Guard, so I'm not fighting against
21 it.

22 **MR. RUIZ:**

23 Right.

24 **MR. COTTEN:**

25 We had a guy in Shreveport when I was just a rookie

1 there, he went and joined the National Guard and left for a
2 period time and was gone for about a year. Now, I don't know
3 if the department paid him or not. This was 100 years ago, so
4 -- but I do remember that happening.

5 **MR. SCHILLACE:**

6 Paul, you feel that if this is denied, this probably
7 will create some problems?

8 **MR. SCHEXNAYDER:**

9 I would think he would appeal it, but I --

10 **MS. ROBERTS:**

11 They probably don't know about this. I have not had one
12 person call me about this.

13 **MR. RUIZ:**

14 I would think that the City of Lafayette would know
15 about this because I know the people over there.

16 **MR. SCHILLACE:**

17 I want to be able to vote my conscience and be fair,
18 because I realize we're about to set a precedence with this
19 Board in case this comes up again, so we'll have something to
20 fall back on and they are being treated fairly. I don't want
21 to deny something someone deserves, and just like you said,
22 Chief, it's recognized in Civil Service, the military, and I
23 understand what you're saying, Chief Roy, about the case law.

24 **MR. ROBICHAUX:**

25 Based on the bill, in paragraph 5(a), he's entitled to

1 it.

2 **MR. RUIZ:**

3 My problem is this, I guess --

4 **MR. COTTEN:**

5 It shouldn't be an issue. The way I read it, he's
6 entitled to it under paragraph 5(a).

7 **MR. SCHILLACE:**

8 I make a motion we approve this application.

9 **MR. RUIZ:**

10 Motion made. A second?

11 **MR. COTTEN:**

12 I'll second it.

13 **MS. ROBERTS:**

14 Okay. So his effective date will be September 29th.

15 **MR. RUIZ:**

16 All in favor of the motion, signify by saying "aye."

17 Aye.

18 **MR. PRICE:**

19 Aye.

20 **MR. SCHILLACE:**

21 Aye.

22 **MR. ROBICHAUX:**

23 Aye.

24 **MR. COTTEN:**

25 Aye.

1 **MR. RUIZ:**

2 Any opposed?

3 (No response.)

4 **MR. RUIZ:**

5 Hearing no opposed, the motion passes.

6 **MS. ROBERTS:**

7 So, in the future, for all the military, do you all want
8 me to bring them before the Board?

9 **MR. RUIZ:**

10 I didn't hear you. I'm sorry.

11 **MS. ROBERTS:**

12 The ones that I get for future, do you want me to bring
13 them before the Board, anybody, it doesn't matter what kind
14 of --

15 **MR. ROBICHAUX:**

16 This is from -- the way I interpret this, in the future,
17 he would get it.

18 **MS. ROBERTS:**

19 So when does it go in effect, July 1st?

20 **MR. SCHEXNAYDER:**

21 No, August.

22 **MR. RUIZ:**

23 Yes, it's August.

24 **MR. SCHEXNAYDER:**

25 The first week in August.

1 **MR. ROBICHAUX:**

2 I would say, from this point forward --

3 **MS. ROBERTS:**

4 For any kind of active --

5 **MR. SCHEXNAYDER:**

6 As long as they're active.

7 **MS. ROBERTS:**

8 As long as their orders tell me active, it doesn't
9 matter if it is for whatever.

10 **MR. PRICE:**

11 At the beginning, it says he's active -- it says right
12 here, you're ordered to active duty for training for the
13 period of -- August 12 through August --

14 (Off-the-record discussion.)

15

LEGAL MATTERS

16 **MR. RUIZ:**

17 Okay. Legal matters?

18 **MR. SCHEXNAYDER:**

19 I have a note, we do have an issue dealing with the
20 billing, and I got with the AG's Office and they told us what
21 we need to do to correct those, and I passed that along to
22 Susan and Katie.

23 Have we changed anything?

24 **MS. ROBERTS:**

25 I sent the letter out, and I'm actually getting a lot of

1 phone calls.

2 So, Fire, they're actually down -- I didn't run the
3 numbers before, but I will for the next meeting.

4 **MR. RUIZ:**

5 What about New Orleans?

6 **MS. ROBERTS:**

7 I don't know what happened with him.

8 **MR. SCHEXNAYDER:**

9 Did you send them a letter?

10 **MS. ROBERTS:**

11 Did I? I don't remember.

12 **MR. RUIZ:**

13 At one time, he was collecting from Fire and Police.

14 **MS. ROBERTS:**

15 Right. I don't know what I did with him. I don't think
16 I sent a letter on him, because I haven't done Police yet. I
17 don't think I've done anything with him. I've only done Fire
18 and Constables.

19 (Off-the-record discussion.)

20 **MR. RUIZ:**

21 Anything else under legal?

22 **MR. SCHEXNAYDER:**

23 No.

24 (Off-the-record discussion.)

25 **NEW APPLICATIONS SUBMITTED FOR APPROVAL**

1 **MR. RUIZ:**

2 Okay. New applications?

3 **MR. PRICE:**

4 Motion.

5 **MR. SCHILLACE:**

6 Second.

7 **MR. ROBICHAUX:**

8 I have some discussion before we vote.

9 Susan, they've made a motion and seconded it, but I have
10 a question. No. 24 and No. 85 are the same person.

11 **MS. ROBERTS:**

12 Oh, I'll tell you why. No. 24 is -- I'm going to pay him
13 Act 110 money at Harvey because he --

14 (Off-the-record discussion.)

15 **MS. ROBERTS:**

16 This was so confusing to me. Harvey sent his app in,
17 and he was only there for a short time. Then he went to
18 Terriot or Terrytown or wherever, so that's why he's on there
19 twice.

20 **MR. ROBICHAUX:**

21 That's fine.

22 **MS. ROBERTS:**

23 He's not getting paid twice. His Act 110 --

24 **MR. ROBICHAUX:**

25 As long as you know --

1 **MS. ROBERTS:**

2 Yes, I'm aware of it. When I put him in the system, his
3 social would come up. I would never be able to --

4 **MR. ROBICHAUX:**

5 It was a shocker there.

6 **MS. ROBERTS:**

7 Yes, I know about it.

8 **MR. RUIZ:**

9 All in favor of approving the applications, signify by
10 saying "aye."

11 Aye.

12 **MR. PRICE:**

13 Aye.

14 **MR. SCHILLACE:**

15 Aye.

16 **MR. ROBICHAUX:**

17 Aye.

18 **MR. COTTEN:**

19 Aye.

20 **MR. RUIZ:**

21 Any opposed?

22 (No response.)

23 **MR. RUIZ:**

24 Hearing no opposed, motion passes.

25

BUDGET MATTERS

1 **MR. RUIZ:**

2 Budget matters?

3 **MS. ROBERTS:**

4 Nothing really. They are working on budget doing stuff
5 right now, but everything through the end of our fiscal year
6 is paid off, and there's really nothing for budget right now.

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

8 **MR. ROBICHAUX:**

9 I have a question. Since we've postponed and asked that
10 an applicant come before us, is it going to hurt to wait
11 until December? Do we have to have a special meeting?

12 **MS. ROBERTS:**

13 I don't know. I thought about that, because I really
14 want to get the Act 110 done before the end of the year. I
15 want to do it -- my Police meeting is in a couple of weeks,
16 and I really want to do Act 110 and have it ready for the end
17 of September so that these guys can get paid by the end of,
18 you know, November, December, so I don't know. He won't be
19 able to go on my Act 110 for sure.

20 **MR. RUIZ:**

21 The thing about it is, if we approve it -- if he comes
22 in and we approve it, we'll just have to file the Act 110
23 money from that.

24 **MR. ROBICHAUX:**

25 We'll be pushing back --

1 **MS. ROBERTS:**

2 To December.

3 **MR. ROBICHAUX:**

4 If we push him back five more months, we're adding
5 another \$2,500.

6 **MR. RUIZ:**

7 You'll be able to get July, August, September, October,
8 and November, without Act 110 money.

9 **MR. ROBICHAUX:**

10 I understand that, but we're still pushing back another
11 \$2,500, at least.

12 **MS. ROBERTS:**

13 I know. He'll have to wait until December 31st to get
14 paid.

15 **MR. ROBICHAUX:**

16 Right. I just questioned whether we should have a
17 special meeting.

18 **MR. RUIZ:**

19 It still wouldn't -- if we had a meeting in September,
20 that still wouldn't help you.

21 **MS. ROBERTS:**

22 Yes, it would. Because I'm doing Police in a couple of
23 weeks, and I'm sending all of the Fire and all the Police, as
24 soon as that -- my Act 110 money, as soon as my Police
25 meeting is over, I want to try to --

1 **MR. SCHILLACE:**

2 What is the time and date of the Police meeting?

3 **MS. ROBERTS:**

4 I think around the first week of September. I'm not
5 real sure, probably around the 6th, 7th.

6 **MR. SCHILLACE:**

7 And this is just one note, is it possible -- I don't
8 know if -- maybe Dan has an issue, but if maybe the rest of
9 us could come maybe 30 minutes?

10 **MR. RUIZ:**

11 No. I want to see Mr. Dan here.

12 **MR. ROBICHAUX:**

13 The thing is, I agreed to serve on this Board, you know,
14 for the State firefighters, so it's my obligation to be here.

15 **MR. SCHILLACE:**

16 I thought maybe 30 minutes before your Police meeting
17 that we could have a special meeting.

18 **MS. ROBERTS:**

19 I don't feel like this is going to take 30 minutes. Do
20 you all think it's going to take 30 minutes?

21 **MR. SCHILLACE:**

22 He's going to come and tell us what he's going to tell
23 us, and then we're going to have to make a decision.

24 **MS. ROBERTS:**

25 I don't care when we do it. We can do it the whole

1 month of September. I just want to submit it in time for it
2 to be paid for the end of the year.

3 **MR. RUIZ:**

4 I understand that. That would be sometime in September.
5 Would the end of September be better?

6 The 19th of September?

7 **MS. ROBERTS:**

8 Yes, that's fine.

9 **MR. RUIZ:**

10 At 10:00 a.m., September 19th, special meeting.

11 **ADJOURN**

12 **MR. RUIZ:**

13 Motion to adjourn?

14 **MR. ROBICHAUX:**

15 Motion to adjourn.

16 **MR. SCHILLACE:**

17 Second.

18

19 (The meeting was adjourned.)

20

21

22

23

24

25

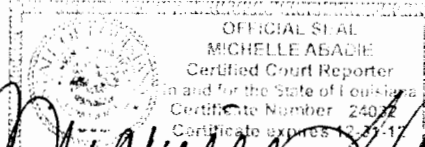
STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

I, Michelle S. Abadie, Certified Court Reporter in and for the State of Louisiana, as do hereby certify that the foregoing forty-two (42) pages, constitute a true and correct transcription of the meeting held on August 15, 2012, regarding the Firemens' Supplemental Pay Board of Review;

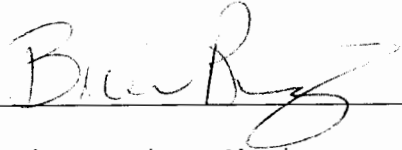
That the minutes of this meeting were transcribed by me from an audio recording of the proceedings;

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

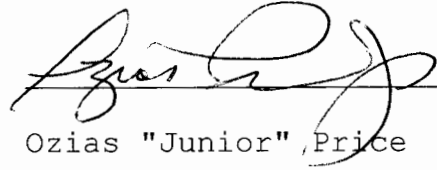


MICHELLE S. ABADIE, CCR #24032

*** APPROVAL OF MINUTES ***



Brien Ruiz, Chairman



Ozias "Junior", Price