

MINUTES  
STATE POLICE COMMISSION

JANUARY 22, 1996

The State Police Commission convened its monthly meeting at 9:08 a.m. on Monday, January 22, 1996, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana.. Present were Chairman Richard N. Kinsey, Vice-Chairman Larry W. Jeane and Members Gary M. Clark, Lori Ann Landry and Genevieve L. May. Members James R. Conway, III and Helen O. Mendell were absent.

Pursuant to the provisions of State Police Commission Rule 2.1(b), election of Chairman and Vice-Chairman was held. On motion duly made and seconded, by unanimous vote of the members present, the Commission elected Helen O. Mendell as Chairman and Lori Ann Landry as Vice-Chairman.

There were no employees present at the employee opportunity to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes of the December 18, 1995 meeting.

The Commission received comments from Joseph Booth, Russell Culotta, Norman Ershler and Debra Johnson and Commission Members relative to the adoption and revision of State Police Commission Rules 9.1(a), 9.3(a), (b), (c), (d) and (e) and 9.4. Mr. Ershler requested that Rule 9.3(e) be withdrawn from consideration at this time, to be resubmitted at a later date. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt and revise the State Police Commission Rules mentioned above, more fully set forth in Attachment A hereto.

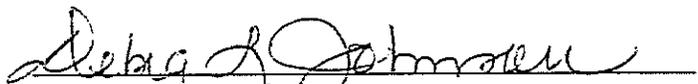
The public hearing of the appeal of **Robert E. Hilburn**, Docket No. 95-67-S was called. Counsel for both parties appeared to present a proposed settlement. On motion duly made, seconded

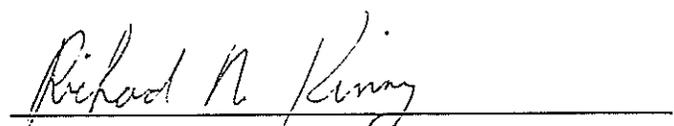


and passed, by unanimous vote of the members present, the Commission voted to approve the settlement proposal.

At the conclusion of the general business agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission entered into executive session, at the conclusion of which, the Commission reentered into public session. There being no further business, the Commission adjourned its meeting at 10:20 a.m. until Monday, March 18, 1996.

Respectfully submitted:

  
Debra L. Johnson, Director

  
Richard N. Kinsey, Chairman



9.1 Probationary Period.

- (a) Except as provided by Rule 9.3 and 9.4 herein, a probationary period of no less than six (6) months nor more than twelve (12) months shall be served by employees following original appointment or non-competitive reemployment.

9.3 Interruption of Probationary Period Because of Physical and/or Mental Disability or Condition.

- (a) A probationary employee whose physical and/or mental disability or condition prevents them from performing their duties, shall, upon their request to the appointing authority, be placed in an appropriate leave status for a period not to exceed one (1) year, which shall have the effect of interrupting their probationary period without prejudice.

In the event no other leave status is available to the employee, he or she may be placed on Leave Without Pay during the interruption of their probationary period.

- (b) Upon the resumption of their duties, such employee shall be returned to duty in a probationary status at the point in the probationary period he or she reached before being so absent.
- (c) After a probationary employee has been absent from duty because of such a physical and/or mental disability or condition for one year, the appointing authority shall, for this reason, remove such employee and shall report such removal, and the reasons therefor, to the Director.
- (d) Such physical and/or mental disability or condition which results from an employee's willful misconduct shall not be the basis of the interruption provided for in Subsection (a) herein, nor shall such physical and/or mental disability or condition resulting from the employee's willful misconduct prevent the termination of such probationary employee as provided for by Rule 9.1(a) and (e).

9.4 Interruption of Probationary Period for Military Purposes.

A probationary employee who is absent from duty for military training or military active duty, without regard to the length of time of such absence, shall be returned to duty in a probationary status at the point in the probationary period he or she reached before being so absent.



MINUTES  
STATE POLICE COMMISSION  
FEBRUARY 19, 1996

Due to the lack of items for consideration by the Commission in February, the monthly meeting was canceled.



MINUTES

STATE POLICE COMMISSION

MARCH 18, 1996

The State Police Commission convened its monthly meeting at 9:05 a.m. on Monday, March 18, 1996, at 9:05 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Helen O. Mendell, Vice-Chairman Lori Ann Landry and Members Gary M. Clark, Larry W. Jeane, Richard N. Kinsey and Genevieve L. May. Member James R. Conway, III was absent.

At the employees' opportunity to address the Commission, comments were received from Mark Oxley and Joseph Lentini regarding State Police promotional examinations. Oxley addressed revision of office policy to include testing of applicants unable to test on a scheduled date due to a death in the family. Lentini addressed the manner in which promotional announcements are disseminated. At the conclusion of the presentations, the Commission entered into Executive Session to discuss resolving the issues presented. At the conclusion of the Executive Session, the Commission reentered into public session. The Commission instructed revision of the testing policy, to include rescheduling for deaths covered by State Police Commission Rule 11.23. No action was taken on the comments received from Lentini.

On motion duly made and seconded, by unanimous vote of the members present, the Commission approved the Minutes from the January 22, 1996 meeting.

The Commission received comments from Russell Culotta relative to reinstating 329.89 hours of sick leave, pursuant to the provisions of State Police Commission Rule 11.21.1(b). On motion duly made, by unanimous vote of the members present, the Commission voted to approve the request.

The consideration of the Order to Show Cause filed in the Appeal of Johnell Temple, Docket No. 95-73-T was called. By request of Norman Ershler, this matter was passed on.

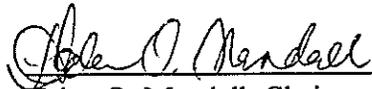
The Commission received comments from Wanda Raber relative to the adoption, revision and repeal of State Police Commission Rules 13.21(I); 9.1(a) and (c); 2.11.1(a) and (b); 9.3(e) and (f); 12.10 (a), (b) and (c). On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt, revise and repeal the rules, as more fully set forth in Attachment A hereto.

The consolidated public hearings of the appeals of **Thomas A. Lott**, Docket Nos. 95-75-O and 95-76-T were called. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to appoint Norman Ershler as the Referee for the taking of testimony in this matter. After hearing the merits of the appeal in Docket No. 95-75-O, the Commission took this matter under advisement. The hearing in the appeal of Docket No. 95-76-T had previously been limited to appellant's Motion In Limine concerning the admissibility of polygraph evidence and appellant's Motion for Summary Disposition based on the ground that the stated cause for appellant's termination did not constitute legal cause for this action.

At the outset of the hearing in the appeal in Docket No. 95-76-T, appellant's Motion for Summary Disposition was referred to the merits. After hearing argument and evidence on appellant's Motion In Limine, the Commission took that motion under advisement.

At the conclusion of the appeal hearings, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into Executive Session. At the conclusion of the Executive Session, the Commission reentered into public session. There being no further business, the Commission adjourned at 5:10 p.m. until Monday, May 20, 1996.

Respectfully submitted:



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Helen O. Mendell, Chairman



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Debra L. Johnson, Director

## 2.11.1 Cooperation of Persons Within the State Police Service with the Department of State Civil Service

- (a) Upon request by certified letter from the Director of the Department of State Civil Service, or his representative, all persons within the State Police Service so notified shall fully cooperate with any public investigation being conducted by the Department of State Civil Service, including being interviewed and truthfully answering all questions and/or providing all requested documents.
- (b) Failure of any person within the State Police Service to fully and truthfully cooperate in public investigations being conducted by the Department of State Civil Service shall constitute contempt of the State Police Commission, and such persons shall be punished accordingly.

## 9.1 Probationary Period.

- (a) A probationary period of twelve (12) months shall be served by employees following original appointment or non-competitive reemployment.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required performance standard of work.

- (c) Repealed, effective March 18, 1996.

## 9.3 Interruption of Probationary Period Because of Physical and/or Mental Disability or Condition.

- (e) The provisions of Rule 12.10 and, except as hereinafter provided, the provisions of Rule 9.1(e) shall not be effective during the period of interruption provided for by Rule 9.3(a) and Rule 9.4.
- (f) A probationary employee whose physical and/or mental disability or condition prevents them from performing their duties, or a probationary employee who is absent from duty for military training or military active duty, may be removed by the Appointing Authority under the provisions of Rule 9.1(e) only after certification to the Director of the reasons for the removal and approval by the Director of that removal.

Should the Director disapprove such removal, the employee shall continue in their probationary employment, pursuant to the provisions of Rules 9.3(a) through (c) or Rule 9.4.

#### 12.10 Special Separation of Sick or Disabled Employees.

- (a) A permanent employee absent from duty because of a physical and/or mental disability or condition which prevents performance of their usual duties, shall, upon their request to the appointing authority, be placed in an appropriate leave status for a period not to exceed one (1) year.

In the event no other leave status is available to the employee, he or she may be placed on Leave Without Pay during the one (1) year period referred to in the preceding paragraph.

- (b) After such employee has been absent from duty because of such physical and/or mental disability or condition for one (1) year, and the employee has exhausted all of his or her sick leave, the appointing authority, shall, for this reason, remove such employee and shall report such removal, and the reasons therefor, to the Director. Such removal shall not disqualify the former employee from non-competitive reemployment, as provided for by Rule 8.18.
- (c) Notice of the removal of an employee under the provisions of subsection (b) shall be given pursuant to the provisions of Rule 12.3.

#### 13.21 Subpoena of Witnesses; Production of Documents.

- (i) All subpoenas shall be issued only for the specific hearing for which they are requested. Subpoenas previously issued shall not be reissued, except upon another request from a party, which is in compliance with the provisions of this rule.



MINUTES  
STATE POLICE COMMISSION

APRIL 15, 1996

Due to the unavailability of counsel for appellant in the only scheduled appeal on the Commission's agenda, the meeting was canceled.



## MINUTES

### STATE POLICE COMMISSION

MAY 20, 1996

The State Police Commission attempted to convene its monthly meeting at 9:10 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Helen O. Mendell, Vice-Chairman Lori Ann Landry and Member Richard N. Kinsey. Member Gary M. Clark arrived at 9:45 a.m. Members James R. Conway, III and Genevieve L. May were not present. The Commission deferred their General Business Agenda until 2:00 p.m., and departed the building with Lieutenant Dale Hall for a tour of Headquarters, the Crime Lab, the Training Academy and a luncheon hosted by Colonel Whittington. The Commission reconvened its public session at 2:20 p.m. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into Executive Session. At the conclusion of the Executive Session, the Commission reentered into a public session, at approximately 3:40 p.m.

On motion duly made and seconded, by unanimous vote of the members present, the Commission approved the Minutes from the March 18, 1996 meeting.

The Commission received comments from Major Harold Carpenter regarding the adoption of State Police Commission Rule 8.16(e). On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt the rule as follows:

8.16 (e) Temporary Duty Assignment (TDY).

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the same class, an employee may be assigned to such temporary duty for a period not to exceed one hundred eighty (180) days. Such assignment to temporary duty shall not affect the employee's status or pay.



2. When the assignment to temporary duty requires a change in the employee's duty station from one geographical area to another, the appointing authority shall pay all related expenses of such temporary assignment in accordance with State Travel Regulations.

The Commission received comments from Debra Johnson concerning the attainment of permanent status of Master Trooper Joseph Lentini upon his reemployment by the Department. This matter was considered, but no action was taken by the Commission.

There being no further business, the Commission adjourned at 4:00 p.m. until Monday, June 17, 1996.

Respectfully submitted:

  
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Helen O. Mendell, Chairman

  
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Debra L. Johnson, Director



## MINUTES

## STATE POLICE COMMISSION

JUNE 17, 1996

The regularly scheduled meeting of the State Police Commission was canceled due to the lack of a quorum of members available to appear at the meeting.



MINUTES

STATE POLICE COMMISSION

JULY 15, 1996

The State Police Commission convened its monthly meeting at 9:15 a.m. on Monday, July 15, 1996, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Towers Building in Baton Rouge, Louisiana. Present were Members Gary Clark, Michael Johnson, Genieve May and Theodore Newnam. Member Helen Mendell arrived at 9:22 a.m. Members Richard Kinsey and Lori Landry were absent.

At the employees' opportunity to address the Commission, the Commission received comments from Captain Mel Ryan, Major Bobby Achord, Trooper Joseph Lentini and Foye Lowe relative to concerns of Trooper Lentini regarding the adoption by the Commission of Rule 9.1(a). The Commission recognizes that Trooper Lentini has an appeal pending concerning the same issues, and asked that the appeal be scheduled for hearing in August 1996 if appropriate, pending the outcome of the Order to Show Cause previously issued in the matter.

On motion duly made and seconded, by unanimous vote of the members present, the Commission approved the Minutes of the May 20, 1996 meeting.

The Commission received comments from Russell Culotta, Dave Hunter, Debra Johnson and Members May and Newman relative to the establishment of one (1) new position of State Police Technical Support Officer, at the SPS-19 level. Pursuant to the provisions of State Police Commission Rule 3.1(n), interim approval of the Director was granted effective May 10, 1996. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to grant approval of the establishment of the position, with the submission of the matter to the Governor for his approval, inasmuch as it is a new position to be added to the Pay Plan.

Also, on the Commission's General Business Agenda were amendments to Chapters 1 and 12 of the State Police Commission Rules. There were no individuals present to address the changes. Pursuant to the request of Norman Ershler, it was requested that the matter be removed from this month's agenda, and rescheduled for a future meeting.

The public hearing of the appeal of Thomas A. Lott, Docket No. 95-76-T was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as the Referee for the taking of testimony in this matter. After receiving testimony, exhibits, stipulations and evidence, due to the lateness of the hour and not having completed taking testimony from all witnesses, the Commission continued the matter until Monday, August 17, 1996.

At the conclusion of the Lott hearing, on motion duly made and seconded, by unanimous vote of the members present, the Commission entered into an executive session. At the conclusion of the executive session, the Commission reentered into its public session. There being no further business, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 5:00 p.m. until Monday, August 19, 1996.

Respectfully submitted:

  
Helen O. Mendell, Chairman

  
Debra L. Johnson, Director

MINUTES  
STATE POLICE COMMISSION  
AUGUST 19, 1996

The State Police Commission convened its monthly meeting at 9:40 a.m., on Monday, August 19, 1996, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Helen Mendell, Vice-Chairman Lori Ann Landry and Members Gary Clark, Michael Johnson, Genevieve May and Theodore Newnam. Member Richard Kinsey was absent.

At the employees' opportunity to address the Commission, the Commission received comments from Baxter Welch, President of the State Troopers' Association, relative to the administrative staff of the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission entered into an executive session to discuss the investigation by the United States Department of Justice and other personnel matters. At the conclusion of the executive session, the Commission reentered into its public session. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt the suggested Resolutions for Action by the State Police Commission, submitted by counsel representing the Commission, as related to the Department of Justice investigation.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Minutes of the July 15, 1996 meeting.

On motion duly made and seconded, by majority vote of the members present, the

Commission, on an emergency basis, voted to amend State Police Commission Rule 9.1(a), effective the same date. The amended portion reads as follows:

9.1 Probationary Period.

...

- (a) . . . This shall not be effective as to any person noncompetitively reemployed on or before March 18, 1996.

...

The public hearing of the appeal of **THOMAS A. LOTT**, Docket No. 95-76-T was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as the Referee for the taking of testimony in this matter. After receiving testimony, exhibits, and evidence, at 3:15 p.m., the Commission continued the matter until Monday, September 16, 1996 and Monday, October 21, 1996.

At the conclusion of the scheduled agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session. At the conclusion of the executive session, the Commission reentered its public session. There being no further business, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 5:30 p.m. until Monday, September 16, 1996.

Respectfully submitted:

  
Helen O. Mendell, Chairman

  
Debra L. Johnson, Director

MINUTES

STATE POLICE COMMISSION

SEPTEMBER 16, 1996

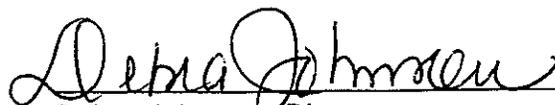
The State Police Commission convened its monthly meeting at 9:15 a.m. on Monday, September 16, 1996, in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Members Richard Kinsey, Gary Clark and Theodore Newnam. Chairman Helen Mendell, Vice-Chairman Lori Ann Landry and Members Michael Johnson and Genevieve May were absent.

A quorum of Commission members failed to appear at the meeting, and no official Commission business could therefore be conducted. In the absence of a quorum, the three Commission members present received employee comments into the record from Dale Hall, Brian Wynne and Wanda Raber concerning the proposed adoption of State Police Commission Rule 8.16(d)3. and 4. (See General Circular No. 60.) No comments were received on the rule proposals from General Circular No. 61.

Norman W. Ershler, having previously been appointed Referee in the appeal of **THOMAS A. LOTT**, Docket No. 95-76-T, called that matter for hearing. At the conclusion of the Lott testimony, the record was held open for receipt of further evidence and the Referee adjourned the hearing until Monday, October 21, 1996.

Respectfully submitted:

  
Richard Kinsey, Acting Chairman

  
Debra Johnson, Director



MINUTES

STATE POLICE COMMISSION

OCTOBER 21, 1996

The State Police Commission convened its monthly meeting at 9:10 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Helen O. Mendell; Vice-Chairman Lori A. Landry; and Members Michael T. Johnson, Richard N. Kinsey, Genevieve L. May and Theodore J. Newnam. Member Gary M. Clark arrived at 9:15 a.m. Member Michael T. Johnson departed the meeting at 2:30 p.m.

At the employees' opportunity to address the Commission, the Commission received comments from Baxter Welch updating his August 19, 1996 statements regarding the administrative staff of the State Police Commission, LSTA's removal from the Commission's mailing list and the dates for election of the classified member on the State Police Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt the minutes from the August 19, 1996 meeting and the September 16, 1996 meeting.

The Commission received a presentation from Norman Ershler concerning the Order to Show Cause filed in the matter of Johnell Temple vs. Department of Public Safety and Corrections, Office of State Police, Docket No. 95-73-T. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to dismiss the appeal to the Court of Appeal, First Circuit for nonpayment of estimated costs.

The Commission received comments from the Commission members concerning the revision and renumbering of rules in Chapters 1, 2 and 3 of the State Police Commission Rules. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the Rules. [See State Police Commission Rules 1.3, 2.9(e), (f), (g), (h), (i), 1.4, 1.5, 1.5.01, 1.5.1, 1.8, 1.9.01, 1.14.1, 1.18, 1.19, 1.20, 1.24.1, 1.29, 1.36, 1.38, 1.39.1, 1.40, 3.1(a), (c), (d), (e), (f), (g), (h), (i) and (j)]

The Commission received comments from Sergeant Brian Wynne concerning the request from Thomas Normile for an extension of leave of absence for Trooper Harold G. Brady, from January 21, 1996 to September 15, 1996 (1,312 hours). On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the request.

The public hearing of the appeal of **THOMAS A. LOTT**, Docket No. 95-76-T, was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as the Referee for the taking of testimony in this matter. The Commission received testimony, exhibits and evidence in this matter. Due to the lateness of the hour, the matter is rescheduled for Monday, December 02, 1996.

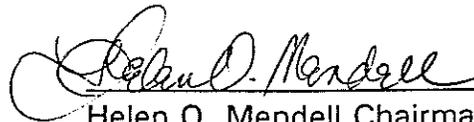
On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to assign the following cases to Norman Ershler:

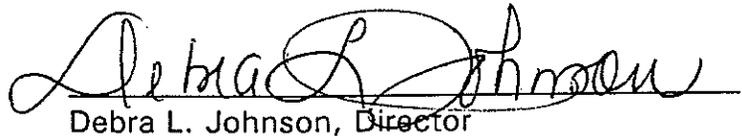
- 1. Appeal of Thomas A. Lott, Docket No. 95-76-T;
- 2. Appeal of Joseph Lentini, Docket No. 96-77-O;
- 3. Appeal of Troy Harrison, Docket No. 96-78-PT; and
- 4. Appeal of Clennard Ross, Docket No. 96-79-O.

At the conclusion of the scheduled agenda, on motion duly made and

seconded, by unanimous vote of the members present, the Commission voted to enter into an executive session. At the conclusion of the executive session, the Commission reentered its public session. Due to a scheduling conflict, the Commission's November 18, 1996 meeting was canceled and an additional meeting for Monday, December 02, 1996 was scheduled. There being no further business, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn at 4:30 p.m., until Monday, December 02, 1996.

Respectfully submitted:

  
Helen O. Mendell Chairman

  
Debra L. Johnson, Director



MINUTES  
STATE POLICE COMMISSION  
NOVEMBER 18, 1996

The November 18, 1996 meeting of the State Police Commission was canceled and rescheduled for December 02, 1996.



2



MINUTES  
STATE POLICE COMMISSION  
DECEMBER 02, 1996

The State Police Commission convened its monthly meeting at 9:15 a.m. on Monday, December 02, 1996 in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Present were Chairman Helen O. Mendell and Members Gary M. Clark, Michael T. Johnson, Richard N. Kinsey, Genevieve L. May and Theodore J. Newnam. Vice-Chairman Lori A. Landry was absent.

There were no employees present to address the Commission.

On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adopt the minutes from the October 21, 1996 meeting.

The Commission received a presentation from Captain Dave Hunter concerning the amendment to the Pay Plan to include the position of State Police Financial Investigator, at the level of SPS-20. On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to approve the inclusion of the position in the pay plan.

The Commission received comments from Brian Wynne, Genevieve May, Debra Johnson, Bill Spencer and Wanda Raber concerning the amendment of State Police Commission Rule 8.16 (d) and (e). On motion duly made and seconded, by unanimous vote of the members present, the Commission voted to amend the rule as outlined in General Circular No. 65, with the addition of the word "title" in the last

sentence of 8.16(e)1.

Chairman Mendell announced the creation and composition of two newly created committees of the Commission. These appointments are as follows:

**Rules/Policies:**

Gary Clark, Chairman  
Genevieve May and Lori Landry, Members

**Operations/Audit:**

Mike Johnson, Chairman  
Richard Kinsey and Theodore Newnam, Members

Chairman Mendell will serve as an ex-officio member of both committees.

The continuation of the public hearing of the appeal of **Thomas A. Lott**, Docket No. 95-76-T was called. By unanimous vote of the members present, the Commission voted to appoint Norman Ershler as the Referee for the taking of testimony in this matter. Upon the completion of testimony, exhibits and arguments, the Commission took the matter under advisement, with a written decision to be forthcoming.

At the conclusion of the scheduled agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission adjourned its meeting at 2:15 p.m., until Monday, December 16, 1996,

Respectfully submitted:

  
Debra L. Johnson, Director

  
Helen O. Mendell, Chairman