

## ACTION/MINUTES



LOUISIANA STATE POLICE COMMISSION  
GENERAL BUSINESS MEETING  
THURSDAY, MARCH 12, 2020  
10:00 A.M.

John Bel Edwards  
Governor

Jason Hannaman  
Executive Director

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*STATE POLICE COMMISSION, VETERANS MEMORIAL AUDITORIUM, SUITE 1247,  
DEPT. OF AGRICULTURE & FORESTRY BLDG., 5825 FLORIDA BLVD., BATON ROUGE, LA 70806*

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- I. Call to Order  
The State Police Commission convened its monthly general business meeting at 10:12 A.M. on Thursday, March 12, 2020.
- II. Roll Call  
Present were Chairman Eulis Simien, Jr., Vice-Chairman Brian Crawford; Commissioners Leonard Knapp, Jr., Jared Caruso-Riecke, and Robert Mire. There was a quorum. Absent were Commissioners Nelson Cantrelle, Jr. and Harold Pierite, Sr. Additionally, Commission Referee Lenore Feeney and Executive Director Jason Hannaman were present.
- III. Moment of Silence  
A moment of silence was observed.
- IV. Pledge of Allegiance  
Chairman Eulis Simien, Jr. led the Pledge of Allegiance.
- V. Opportunity to Address the Commission by employees or others concerning items on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)  
Several requests were received and were deferred, without objection, to be heard during discussions of business items #2, 3, and 4.

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- VI. Business
    1. Consideration of the February 13, 2020 minutes.  
On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission voted to approve the minutes from the February 13, 2020 meeting.
    2. Request from the Department of Public Safety and Corrections, Office of State Police, for retroactive approval of the layoff avoidance measure taken in Fiscal Year 2016-17 to withhold performance adjustments. (Representative of the Agency to be available to answer any question of the Commission).  
Executive Director Hannaman provided background information for the retroactive approval of the layoff avoidance measure taken by DPS/Office of State Police in Fiscal Year 2016-17. For Fiscal Year 2016-17, large budget deficits were projected by the governor's office and legislature which necessitated multiple special sessions. The State Civil Service Commission suspend all classified performance increases for nearly 30,000 unclassified state employees and the governor passed an executive order suspending merit increases/performance

adjustments for approximately 20,000 unclassified employees. A request was not made of the State Police Commission to enact a special rule or approve a layoff avoidance request; however, DPS/OSP withheld the performance increase for the state police service based on their understanding that increases were to not be granted for Fiscal Year 2016-17.

Lt. Colonel Jason Starnes appeared as the agency representative and offered comments in support of the request. He concurred with the summary of the Executive Director and advised that during the fiscal year the department sustained two mid-year budget cuts. His appeared before the Commission with the hope of remedying the technical deficiency of the department not receiving formal approval from the Commission for the implementation of the layoff avoidance measure.

Commissioner Mire expressed concern that the window for restoration of a withheld performance adjustment is 3 years and that this would be the last fiscal year for restoration of an adjustment withheld in Fiscal Year 2016-17.

Commissioner Knapp and Vice-Chairman Crawford inquired about the possible costs associated with the agency implementing the option of restoring the 3% adjustment for those that are still missing the increase. Lt. Col. Starnes provided details regarding the current year implementation and annualizing the cost for future years.

Attorney Brett Conrad appeared and offered comments on behalf of Master Trooper Dean Coates and expressed opposition to the request.

Vice-Chairman Crawford questioned Mr. Conrad regarding an amount or calculation they are seeking to make Mr. Coates "whole." Mr. Conrad did not have a calculation at this time; however, he stated his belief is that it would be significant.

A motion was duly made by Vice-Chairman Crawford, seconded, and passed; the Commission requested that both parties, Office of State Police and representative for Mr. Coates, submit written briefs to the Commission within the next two weeks so that the Commission would have time to review the positions in more detail prior to the next Commission meeting.

3. In the matter of Eric Curlee (Department of Public Safety and Corrections, Office of State Police), Dockets No. 18-239 and 18-243-S.
  - a.) Discussion of proposed settlement agreement and presentation by the parties. Attorney Michelle Giror on behalf of the Office of State Police and Attorney Donovan Livaccari appeared on behalf of Mr. Curlee; both offered comments regarding Docket No. 18-239 and 18-243-S.
  - b.) Executive Session to discuss investigative proceedings regarding allegations of misconduct.  
On motion duly made by Chairman Simien, seconded, unanimously passed; the Commission voted to go into Executive Session at 10:41 A.M.

**Roll Call Vote:**

In Favor: Jared Caruso-Riecke, Vice-Chairman Brian Crawford, Leonard Knapp Jr., Robert Mire, and Chairman Eulis Simien, Jr.

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to end Executive Session at 10:58 A.M.

In Favor: Jared Caruso-Riecke, Vice-Chairman Brian Crawford, Leonard Knapp Jr., Robert Mire, and Chairman Eulis Simien, Jr.

Opposed: None

Consideration and vote on whether to accept the proposed settlement agreement.

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to accept the settlement agreement made by the attorneys for Docket No. 18-243-S.

4. Public Hearing to Consider Proposed Changes to Chapter 11 of the State Police Commission Rules. (Details contained in General Circular No. 203.)

The Commission conducted a public hearing to consider adopting proposed changes to Chapter 11 of the State Police Commission rules as detailed in General Circular No. 203.

a) Public Comments

Lt. Colonel Mike Noel and DPS Attorney Michelle Giroir appeared and offered comments on behalf of the Office of State Police regarding the proposed changes. Attorney Mary Ann White and LSTA president Mark Oxley appeared on behalf of the LSTA to offer comments regarding the proposed changes.

b) Consideration of Proposed Changes

On motion duly made by Chairman Simien, seconded, and unanimously passed; the Commission voted to approve amendments to Rule 11.9(b) as published in General Circular No. 203.

In Favor: All

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to recommit to rewording to achieve agreeance with both parties for proposed new Rule 11.9(c).

In Favor: All

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to approve amendments to Rules 11.10 (a, b, c, d, f, and g) as published in General Circular No. 203.

In Favor: All

Opposed: None

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to approve amendments to Rule 11.10(e) as published in General Circular No. 203

In Favor: All

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission voted to approve adoption of SPC Rule 11.13.1 as published in General Circular No. 203.

In Favor: Jared Caruso-Riecke, Vice-Chairman Brian Crawford, Leonard Knapp Jr.

Opposed: Robert Mire

On motion made by Commissioner Riecke, seconded, and passed; the Commission voted to table Rule 11.19 for a later discussion.

In Favor: Jared Caruso-Riecke, Vice-Chairman Brian Crawford, and Robert Mire

Opposed: Leonard Knapp Jr.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to table proposed changes to Rule 11.29.

In Favor: All

Opposed: None

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- VII. Opportunity to Address the Commission by employees or others on matters not on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)

No Request.

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- VIII. Director's Report

The attention of the Commission was directed to the Commission's Monthly Expenditure Report that had been provided for its review. There were no questions or comments about the Report.

The State Police Commission's Chairman and Executive Director were introduced to the 14 new members of the House and Governmental Affairs Committee on March 11<sup>th</sup>. Several members advised support of the SPC's progress with online cadet testing. The House Appropriations Committee's review of the FY20/21 budget request is set for March 23, 2020.

Lastly, the Executive Director updated the Commission on the progress to encourage applicants to embrace online testing; 100 percent of cadet applicants for February registered to take the cadet exam electronically with a total of 53 actually taking the exam.

IX. Adjourn

There being no further business, on a motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to adjourn at 11:49 A.M. on Thursday, March 12, 2020.

Respectfully Submitted,

  
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Jason Hannaman, Executive Director

  
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Eulis Simien, Jr., Chairman



ACTION/MINUTES  
LOUISIANA STATE POLICE COMMISSION  
EMERGENCY BUSINESS MEETING  
TUESDAY, MARCH 24, 2020  
11:00 A.M.

John Bel Edwards  
Governor

Jason Hannaman  
Executive Director

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*STATE POLICE COMMISSION,  
DEPT. OF AGRICULTURE & FORESTRY BLDG., 5825 FLORIDA BLVD., BATON ROUGE, LA 70806*

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- I. Call to Order  
The State Police Commission convened an emergency business meeting at 11:21 A.M. on Tuesday, March 24, 2020.
- II. Roll Call  
Present were Chairman Eulis Simien, Jr., Vice-Chairman Brian Crawford; Commissioners Leonard Knapp, Jr., Robert Mire, Harold Pierite, Sr., and Jared Caruso-Riecke. There was a quorum. Absent was Commissioner Nelson Cantrelle, Jr. Additionally, Commission Referee Lenore Feeny and Executive Director Jason Hannaman were present.
- III. Moment of Silence  
A moment of silence was observed.
- IV. Pledge of Allegiance  
Chairman Eulis Simien, Jr. led the Pledge of Allegiance.
- V. Opportunity to Address the Commission by employees or others concerning items on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)  
Mr. Floyd Falcon and Mr. Mark Oxley appeared on behalf of the LSTA in response to emergency rules considered under SPC Rule 2.10(b) as a result of the COVID-19 pandemic. Lt. Col. Mike Noel and Lt. Col. Jason Starnes also appeared before the Commission on behalf of the Office of State Police to address the need for special rules and provisions as a result of the COVID-19 pandemic.

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VI. Business

1. Consideration of special rules and provisions in response to the COVID-19 virus.  
Chairman Simien advised that the Commission would address each section separately.

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission approved the adoption of emergency rule 21.1:

**21.1 Sick Leave Expansion**

The appointing authority may grant sick leave for the following reasons:

- a) To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
- b) To care for a dependent child residing in his household due to a school closure related to COVID-19; or
- c) To an employee with high-risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

Chairman Simien recommended skipping proposed emergency rule 21.2, Special Paid Leave, and reviewing it after the other proposed rules.

On motion made by Commissioner Knapp, seconded, and passed; the Commission approved the adoption of emergency rule 21.3:

**21.3 Required Sick Leave**

The appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave but presents for duty displaying symptoms associated with COVID-19 including fever, cough and/or shortness of breath or was potentially exposed to COVID-19 even though the employee has not been presumptively or positively diagnosed with the coronavirus. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after personally examining the employee, certifies that he is capable of performing the essential functions of his position without posing a risk of harm to himself or others. If the employee is diagnosed with COVID-19, the provisions of Rule 21.2(a)3 apply; otherwise, regular sick leave rules under Chapter 11 shall apply.

On motion made by Vice-Chairman Crawford, seconded, and passed; the Commission approved and adoption of emergency rule 21.4:

**21.4 Limitation of State Police Commission Rule 12.10**

For the effective period of this emergency rule of this Chapter, the appointing authority shall not non-disciplinarily remove an employee for exhaustion of sick leave related to COVID-19.

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission approved the adoption of emergency rule 21.5:

**21.5 Overtime Pay Expansion**

For the duration of this Chapter, state overtime performed by both exempt and non-exempt employees related to the COVID-19 pandemic may be paid at the time and one-half rate.

On motion duly made by Commissioner Knapp, seconded, and passed; the Commission approved the adoption of emergency rule 21.6:

**21.6 Delegation of Authority to Director**

a) Because guidance from healthcare authorities and government officials is constantly changing due to the fluidity of the COVID-19 situation, the authority granted to the Executive Director in State Police Commission Rule 3.1(k) is expanded to allow the Executive Director to act between meetings on non-routine matters requiring Commission approval including, but not limited to, work schedules, leave, compensation and staffing matters of an urgent nature related to COVID-19. Such authority includes, but is not limited to, authority to promulgate emergency rules to address these matters.

b) In the event the Executive Director acts under this authority, the Executive Director shall notify commissioners of his action electronically. The action shall be reviewed at the next meeting of the Commission.

On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission approved the adoption of emergency rule 21.7:

**21.7 Suspension of Deadlines**

All deadlines imposed by the State Police Commission Rules are suspended for forty-five calendar days effective retroactively to March 13, 2020, unless such suspension is extended by the Commission or the Executive Director. This provision does not apply to deadlines imposed by the Constitution, including the 30-day period for appealing the Commission's decision to the Court of Appeal.

On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission approved the adoption of emergency rule 21.8:

**21.8 Special Meeting Rules**

During the COVID-19 pandemic declaration of emergency in the State of Louisiana and in the absence of ability to otherwise establish a quorum, as certified and posted with the meeting agenda, Commission members who are unable to attend a meeting of the State Police Commission in person due to conditions closely and directly related to the pandemic may attend and participate in the meeting via electronic means. Except for executive session, deliberations involving Commission members participating electronically must be conducted in such a manner that all members and the public can hear.

On motion duly made by Commissioner Knapp, seconded, and passed; the Commission approved the adoption of emergency rule 21.9:

**21.9 Supporting Documentation**

The Appointing Authority may require appropriate documentation to establish a need for leave as set forth in Rules 21.1 and 21.2.

On motion duly made by Commissioner Pierite, seconded, and passed; the Commission approved the adoption of emergency rule 21.10, effective retroactively to March 13, 2020.

**21.10 Duration of Chapter**

This Chapter is effective retroactively from March 13, 2020. The provisions of Rule 21.1(b) and 21.2(a)2 shall expire at 12:01 a.m. on April 13, 2020 unless extended by the Commission or the Director. The remaining provisions of this Chapter expire upon Order of the Commission or in 120 days, whichever comes first.

On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission approved the adoption of rule 21.2:

**21.2 Special Paid Leave**

- a) After an employee has exhausted all sick, compensatory and annual leave, the appointing authority may grant the employee special leave under Rule 11.23(d) for the following reasons:
  - 1. To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;

2. To care for a dependent child residing in his household due to a school closure related to COVID-19;
  3. To care for himself due to a positive diagnosis of COVID-19; or
  4. To allow for an employee with high risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.
- b) The appointing authority is authorized to grant special leave out of an abundance of caution and in the best interest of the agency for situations related to COVID-19 not otherwise addressed herein.

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VI. Adjourn

There being no further business, on a motion duly made by Commissioner Riecke, seconded, and unanimously passed, the Commission voted to adjourn at 12:25 P.M. on Tuesday, March 24, 2020.

Respectfully Submitted,



Jason Hannaman, Executive Director



Eulis Simmen, Jr., Chairman