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VIA: Electronic Mail (only): Jason.Hannaman@la.gov

Louisiana State Police Commission
Jason Hannaman, Director
Post Office Box 66555
Baton Rouge, LA 70896-6555

RECEIVED
SEP 20 2019
State Police Commission

Re: LSPC Rule 6.4 Rates of Pay
LSPC Rule 6.7 Pay Upon Promotion
LSPC Rule 6.9 Pay Upon Reassignment
LSPC Rule 6.14 Longevity Step Rate Increase and Performance Adjustments
LSPC Rule 19.3 Pay Upon Movement of Jobs to New Structure Grades.
LSPC Rule 19.5 Implementation

Dear Mr. Hannaman,

This letter serves as a formal request for an investigation, pursuant to Louisiana State Police Commission (LSPC) Rule 16.2(a), concerning alleged violations of State Police Commission Rules: 6.4, 6.9, 6.14(a), 6.14(b), 19.3(a), and 19.5 by the Department of Public Safety, Office of State Police.

According to documents I have received, in accordance with the provisions of Article X: Part IV, §48 of the Louisiana State Constitution, LSPC Rules have the effect of law.

Here are the LSPC Rules that are the subject of this grievance.

LSPC Rule 6.4 provides:

6.4 Rates of Pay

The pay range for each grade shall consist of a range minimum and maximum.

- (1) The pay range for each grade shall consist of designated salary rates representing the following career achievements:
 - (a) *representing the entrance salary or hire rate,
 - (b) **representing a promotional step at the attainment of Police Officer Standards and Training (POST) certification and graduation from the State Police Training Academy,
 - (c) ***representing a promotional step at the successful

completion of the Field Training Officer(FTO)Program,

(d) Twenty-two consecutive longevity step rate increases to an employee who is in active status.

- (2) Subject to the provisions of Rules 6.11, 6.15, and 6.16 each employee shall be paid at the rate representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, in accordance with the provisions of Rule 6.16.

LSPC Rule 6.7 provides:

6.7 Rate of Pay upon Promotion

- (a) When an employee is promoted to a position in a higher grade, their pay shall be established for the corresponding salary rate representing their service tenure as applicable for the pay level assigned to the higher grade, along with all performance adjustments accrued prior to promotion.
- (b) When an employee has been detailed with pay to a higher grade and is promoted to that same grade directly from the detail, their pay eligibility on promotion shall not be less than they received on detail.

LSPC Rule 6.9 provides:

6.9 Pay upon Reassignment

When an employee is reassigned to another position, the rate of pay shall be set representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, along with all performance adjustments accrued.

LSPC Rule 6.14 provides:

6.14 Longevity Step Rate Increases and Performance Adjustments

- (a) An employee who is in active status, and who has achieved the rank of State Police Trooper or higher, will receive a longevity step rate increase in accordance with the approved pay plan. The employee is also eligible for and may be granted a performance adjustment of 1% above the employee's rate within the approved pay plan, provided that the appointing authority has determined his performance merits a performance adjustment and funding for the performance adjustment is available. A longevity step rate increase shall be granted to employees each year.
- (b) When applying the longevity step rate increase, the employee's current pay increases to the rate of pay established for the higher salary rate immediately following the employee's current rate in accordance with the approved pay plan within the pay range for which the employee's job title is assigned.

LSPC Rule 19.3 provides:

19.3 Pay Upon Movement of Jobs to New Structure Grades.

- (a) Each officers individual pay rate shall become the rate of pay assigned to the Salary Rate column representing his/her service tenure as applicable for the pay level assigned to the job for which his/her position is allocated, except as provided in accordance with 19.3 (b).

LSPC Rule 19.5 provides:

19.5 Implementation

The new pay plan shall be implemented in its entirety as the first action to occur on the effective date set by the governor. Any other action(s) occurring on the same date must take place following implementation.

According to the Louisiana Constitution, and the LSPC Rules, the Department is obligated to pay troopers according the rules agreed upon by the LSPC, the Department, and signed by Governor John Bel Edwards in October of 2016.

After neglecting to follow the LSPC rules, the Department decided in 2018 to implement LSPC Rule 6.7 Pay upon Promotion, for select employees, while ignoring the other LSPC rules regarding pay for troopers who were not promoted. The Department restored select individuals to his/her current service tenure, back paid in salary and overtime, back paid their retirement contributions back to the date of their promotion. This was not for all who were formerly promoted, instead, only for select individuals chosen by the Command Staff. The Department implemented this rule for the troopers promoted while neglecting to pay other troopers as the LSPC rules (LSPC Rule 6.4, 6.9, 6.14(a), 6.14 (b), 19.3, and 19.4) demand. Even Sergeants and Lieutenants promoted prior to October 2016, did not receive the benefit of being paid according to the LSPC Rule 6.7. This resulted in 10 year Sergeants and Lieutenants being paid less than their academy classmates who had been promoted for less than a year. The Department does not have the authority to cherry pick, which LSPC rules it would like to implement and discard the rest. This means the Department was is in violation of the law and this should be immediately remedied.

On July 8, 2019, I sent an email to you, Mr. Hannaman, asking how to remedy my pay deficiency. On July 9, 2019, I spoke to you on the phone, and you stated the rules should be followed because they have the weight of the law. You instructed me to follow up with the Department for an answer as to why I was not being paid correctly. Sir, you stated after I received answers from the Department, I should contact you again for further information regarding actions that may be taken.

On July 8, 2019, I sent Ms. Ginger Kreig, DPS Human Resource Director, an email seeking answers to my pay deficiency, but I did not receive a reply. Again, on July 10, 2019, I sent another email and did not receive a reply. On July 11, 2019, I went to Human Resources and finally caught up with Ms. Kreig. She politely said she was just reading my email and was about to respond. Ms. Kreig agreed to speak with

me. Ms. Kreig stated the Department did not have the money to pay everyone so they chose to pay the officers that were promoted (LSPC Rule 6.7). She said if the Department paid everyone they would have to furlough troopers and the mission (State Police Mission) would not be accomplished. When I asked her who has the authority to decide which LSPC rules should be followed and which one should be ignored, She advised me, she had bosses too. She stated I should seek my answers through Col. Kevin Reeves, Chief of Staff Mike Noel, and Lt. Col. Jason Starnes because they make those decisions.

On July 15, 2019, I notified my chain of command that I was requesting a meeting to speak to Colonel Reeves and the Chief of Staff Noel. My captain returned to the office after speaking to the chief and informed me the chief related that the Department did not have the funds and were currently looking for ways to cut spending to pay the troopers. The captain continued, when they can find the funds they will try to fix the pay.

The next day, July 16, 2019, an LSTA meeting was scheduled at LSP HQ. Colonel Reeves was present, along with the Chief of Staff Noel, to speak to those in attendance. Colonel Reeves spoke about how he had extra money and decided to pay LSPC Rule 6.7 Pay upon Promotion. He claimed to try to implement LSPC Rule 6.9 next (LSPC 6.9 Pay upon Reassignment) if he can cut something to find the extra funds. Colonel Reeves never mentioned LSP Rule 6.14 Longevity Pay Grid to implement any action for this rule. It should be noted that during the conversation, Chief Noel stated when the money is available those that were transferred (LSPC Rule 6.9) would be made right, retrospectively from the date of transfer. Chief Noel also stated the money would be paid retrospectively into the LSP Retirement System to cover those who retire prior to the implementation of any other LSPC rules, so their retirements would not be affected.

On August 28, 2019, I met with Chief of Staff Mike Noel in his office; he explained, Col. Reeves could not attend the meeting due to another obligation. The chief stated they are aware of the pay deficiency and they are working to correct the issue but it may be the end of the FY 2019 -2020 before they anticipate being able to fix the issue. He also stated the retirement would be back paid, if they can, to fix the retirement issue. He stated the Department just does not have the money to fix it yet. He said they had already fixed the promotional rule (LSPC Rule 6.7). Although Chief Noel stated they do not have the money to fix the issue, the Department continues to find money for other Department projects. The Governor proclaims that the state has a \$300,000,000.00 surplus at the end of the last fiscal year.

I respectfully request the Louisiana State Police Commission to investigate the aforementioned allegations and conduct a thorough investigation into this matter. Identify the parties within the Office of State Police responsible for the alleged violations of LSPC Rule 6.4 Rates of Pay, LSPC Rule 6.9 Pay Upon Reassignment, LSPC Rule 6.14 Longevity Step Rate Increase and Performance Adjustments, LSPC Rule 19.3 Pay Upon Movement of Jobs to New Structure Grades and LSPC Rule 19.5 Implementation. Also, investigate thoroughly how LSPC Rule 6.7 Pay upon Promotion was funded.

In conclusion, I have over 28 years of total state service at this time and I am ready to retire and begin the next chapter of my life. However, I am being adversely affected because my pay is not where it should be in accordance with my years of service with the state police pay grid adopted on October 12, 2016. The Department owes me my pay according to the pay grid, back pay, and retirement benefits to

be paid according to the pay grid. This will drastically affect my income for the remainder of my life. It is my understanding that we (as a Department) cannot cherry pick, which LSPC rules we decide to implement, and which ones we choose to ignore. This process will only benefit certain individuals. I believe everyone has a right to receive his or her fair wage for a day's work and years of service as indicated in the LSPC 6.14 Longevity Step Rate Increases and Performance Adjustments. It is not fair to benefit one group while disadvantaging another group within the same Department and doing the same job. This is not consistent with the State Police Core Values we strive to uphold. I have provided my Department every opportunity to correct this unfair and selective disbursement of funds and dishonorable act of deciding which rules to follow and which rule to ignore. We as troopers would not allow the public the ignore laws in this way. I have been denied the benefits owed to me, I hope the leadership of my Department will understand that I am doing what I have to do for my family and myself to be paid the salary that I am owed.

Thank you in advance for conducting a thorough and comprehensive investigation into this blatant disregard for the LSPC rules and the authority of the commission. I will be patiently awaiting the results of your investigation.

Respectfully Submitted,

M/T Dean C. Coates 1992

Dean Coates

Master Trooper 1992

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SEP 23 2019

the Police Commission