

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

NUMBER: DIVISION:

DEAN COATES

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS, THROUGH  
LOUISIANA STATE POLICE

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PETITION WITH REQUEST FOR DECLARATORY RELIEF

The Petition of Dean Coates, a resident of the full age of majority of Ascension Parish, Louisiana, respectfully represents:

1.

Made defendant herein is the Louisiana Department of Public Safety & Corrections, through the Louisiana State Police, an Agency of the State of Louisiana domiciled in East Baton Rouge Parish, Louisiana, which is justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, all costs of these proceedings, legal interest thereon from the date of judicial demand until paid, and all such other relief to which Petitioner is entitled at law or in equity, including declaratory relief.

2.

Petitioner has been a law enforcement officer for twenty-eight (28) years, including his employment with defendant for approximately nineteen (19) years. He is presently a commissioned Master Trooper.

3.

As a commissioned employee with defendant, Petitioner's pay is set forth by Louisiana State Police Commission Rule 6, *et seq.* According to Commission Rule 6.4, Petitioner's rate of pay is established through a pay plan known as a "grid", based on rank and years of service.

4.

Beginning in 2015, defendant began the process of adopting a new pay "grid", providing an increase in salary for its commissioned employees, including Petitioner. This new "grid" included a three percent (3%) pay increase for troopers "for each year of service completed". In accordance with law, including the Louisiana Constitution Article 10, Section 48(C) and Commission Rule 19.5, this new pay "grid" was approved/adopted by the Louisiana State Police

Commission on October 9, 2014, and signed into law on February 5, 2015. As a result, this new pay "grid" carried with it the full force and effect of law.

5.

On November 12, 2015, Captain Jason Starnes, Louisiana State Trooper, presented General Circular 180 to the Louisiana State Police Commission, a proposed amendment to Commission Rule 6.14. This proposed amendment clarified that the three percent (3%) increase, known as longevity pay, is not merit based, but for all commissioned troopers, including Petitioner, pursuant to their rank and years of service as set forth by the new "grid"/pay plan.

6.

General Circular 180 and its changes to Commission Rule 6.14 was approved/adopted on November 12, 2015, by the Louisiana State Police Commission, and signed into law on October 12, 2016. As enacted, Commission Rule 6.14 provides, in pertinent part:

(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. . . . 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. . . .

Hence, effective October 12, 2016, defendant owed Petitioner longevity pay prospectively, a three percent (3%) increase in pay for each year of service completed.

7.

On June 19, 2017, Jason Hannaman, Executive Director of the Louisiana State Police Commission, confirmed that longevity pay and its three percent (3%) salary increase prospectively applied to Petitioner. Hannaman also confirmed October 12, 2016, as the effective date of the newly revised Commission Rule 6.14.

8.

However, Petitioner did not receive a three percent (3%) increase of longevity pay to his salary until September 9, 2017. As a result, Petitioner is owed unpaid, three percent (3%) longevity pay, retroactive to October 12, 2016.

9.

In March, 2018, Petitioner was transferred from road detail, Troop A, to Internal Affairs. Commission Rule 6.9 provides "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." In other words, Petitioner was entitled to a salary increase to his current, applicable "step" in the new pay "grid". To date, he has not received this pay.

10.

Petitioner made repeated demands for payment under Rule 6.9 and/or Rule 6.14, including on July 8, 2019, July 11, 2019, July 15, 2019, August 28, 2019, September 20, 2019, and October 3, 2019, to no avail. Rather, on October 8, 2019, defendant admitted failing to pay Petitioner his longevity pay under Rule 6.9 and "step" pay under Rule 6.14. Further, defendant has been providing pay increases to only a chosen number of commissioned troopers, excluding Petitioner and the majority of commissioned troopers.

11.

On September 20, 2019, pursuant to Louisiana State Police Commission Rule 2.9, Petitioner also requested that the Commission investigate defendant's violations of the Commission Rules and failure to pay longevity pay or step increase. On October 10, 2019, the Louisiana State Police Commission voted to order the Executive Director to "investigate" defendant's violations of Rule 6.9 and 6.14.

12.

To date, defendant has failed and refuses to pay his three percent (3%) longevity pay under Rule 6.14 and "step" increase under Rule 6.9.

13.

Petitioner seeks and is entitled to be paid longevity pay and applicable "step" increase as provided by law and all such other relief to which he is entitled at law or in equity associated with the failure to pay Petitioner his wages due.

14.

Petitioner also seeks declaratory relief regarding determining the rights and responsibilities of the parties herein, and specifically, that Louisiana State Police Commission Rules 6.9 and 6.14 apply to Petitioner and defendant requiring longevity pay and step pay.

15.

Petitioner seeks and is entitled to and all such other relief afforded to him at law or in equity.

WHEREFORE, Petitioner, Dean Coates, prays after due proceedings are had that there be Judgment herein in his favor and against Defendant, Louisiana Department of Public Safety & Corrections, through the Louisiana State Police, for all sums as are reasonable under the premises, all costs of these proceedings, legal interest thereon from the date of demand until paid, and all such other relief Petitioner is entitled to at law or in equity, including, as specifically requested herein, declaratory judgment declaring and determining the rights and responsibilities between the parties.

Respectfully submitted,

By:

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PLEASE SERVE:

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Office of State Police,  
Through Secretary James Leblanc  
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