Louisiana State Police Retirement System

March 26, 2019

Ms. Shelley Sebastian
8415 Quiet Creek Drive
Denham Springs, LA 70726

By email, with copy in certified mail to both
Counsel Tammeral Hills thehillslawfirm@gmail.com
and Shelley Sebastian shelleyaron@aol.com

Dear Ms. Sebastian:

On March 11, 2019 you were presented with a Notice of Proposed Action of termination and asked to respond by March 15, 2019. Through your counsel, Tammeral Hills, you requested and received an extension to respond to the Notice of Proposed Action. Due to the voluminous nature of the notice, you were granted an additional week and asked to respond by March 22, 2019. I received your response on March 22, 2019 at 8:00 a.m. During a review of your response, LSPRS discovered three typographical date errors in the body of the proposed disciplinary Notice and its Index listing of Exhibits. I notified you and your attorney on March 22, 2019 of the errors, which were highlighted, and asked that you respond as to these three corrected dated items by March 29, 2019. On March 22, 2019 you responded to the corrected notice.

I have received and reviewed your initial response and second follow up response. In your responses, you deny the charges, adding you do so 'in an abundance of caution' but you offered no alternate explanation or defense to any of the infractions identified or the documents in the Exhibits presented.

LSPRS is a very small Agency with minimal staff composed of two classified employees and two unclassified employees. Your failure to attend to your duties, your insubordination and disruptive behavior on the job, your misuse of the Agency email system and your failure to follow agency policy and directives in the drug policy has impacted this Agency's ability to complete its mandated tasks and efficiently perform in an orderly manner the duties required of LSPRS. The details addressing each of the infractions are outlined below, listing each of the witnesses who support the infraction occurred as well as the exhibits containing the documents addressing the issue identified.

I. **Failure to Attend to Your Job Duties** – As a staff of four people (and this includes both the Assistant Director Kimberly Gann and myself), it is imperative that each person perform their job duties. During your employment the other three staff members are routinely assisting you with your tasks. On a monthly basis you require help with payroll, preparing the board room for meetings, preparing board and committee minutes, and stocking supplies. You require continuous training on job duties that should be second nature to you by this time. This takes the other three employees away from their assigned duties in order to assist you which impedes the overall functionality of our agency. Your excessive talking and visiting rather than completing your tasks distracts the other employees from daily tasks. For your reference throughout this document please see Attached **Exhibit A**, LSPRS Office Policy and Procedure Manual along with a copy of Attached **Exhibit B**, Employee's Sworn Statement-Shelly Sebastian-3/12/12, signed by you on March 12, 2012 indicating that you read and will comply with the policies. Problems have persisted for several years, without improvement, as outlined below:

9224 JEFFERSON HWY. – BATON ROUGE, LOUISIANA 70809 – PHONE 225-295-8400 – FAX 225-295-8408 – 1-800-256-5210

a) On April 9, 2014 Kimberly Gann spoke with you regarding keeping up with the filing (See **Exhibit C**, April 2014 Calendar) (See **Exhibit D**, Supervisor Notes Kept on Sebastian). One of your primary job duties is filing, as seen on Attached **Exhibit E**, Administrative Assistant 4 Primary Job Duties. On the date of this conversation with your supervisor the filing was several weeks behind. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

b) On July 31, 2014 Kimberly Gann reminded you again of the need to keep up with the filing. She also spoke with you about excessive use of the computer for personal social media and shopping (See Attached **Exhibit F** July 2014 Calendar and **Exhibit D**, Supervisor Notes Kept on Sebastian) and provided you with a copy of the computer use policy, See **Exhibit A**, LSPRS Office Policy and Procedure Manual, Page 1, Personal Business; and Pages 41 through 43, Internet and Email policy-Attached. Witness: Irwin L. Felps, Jr., and Kimberly Gann

c) On November 3, 2014, you were given annual statements to be folded, stuffed, and mailed, a task that should take about 3 to 4 days (See Attached **Exhibit G**, November 2014 Calendar). On November 17, 2014 Kimberly Gann and Tausha Facundus divided the statements with you three ways in an effort to complete them timely. As of December 3rd (See Attached **Exhibit H**, December 2014 Calendar) you had not completed the statements assigned to you despite the fact that Ms. Gann and Ms. Facundus had completed their statements (See Attached **Exhibit D**, Supervisor Notes Kept on Sebastian). Your inability to complete your assignments impedes the effectiveness of this agency and causes the other employees to be taken away from their assigned duties. In an office of four people it is extremely important that each employee complete assignments independently. Witnesses: Irwin L. Felps, Jr., Kimberly Gann and Tausha Facundus

d) On December 16, 2014 you were asked to remove items from around the receptionist desk which is the first thing that people see when entering the office (See Attached **Exhibit I**, December 16, 2014 File Notes on Incident w/Employee). In yet another example of your disruption to the workflow of this small four- person agency, the Directors spent several hours meeting with you about this simple request. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

e) On February 27, 2015 Kimberly Gann spoke with you again regarding desk clutter (See Attached **Exhibit J**, February 2015 Calendar, and Exhibit D, Supervisor Notes Kept on Sebastian) emphasizing that this is the first thing people see when walking into the office. This has been an on-going problem. As of November, 2018 you continue to refuse to clear the front area of personal items that include several boxes of new shoes, a painting, and many other items (See Attached **Exhibit K**, Photo of personal items, desk clutter). Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

f) On September 18, 2015 Kimberly Gann was attempting to locate the system's actuarial report dated June 30, 2014 (See Attached **Exhibit L**, September 2015 Calendar). Ms. Gann located the reports in a stack of filing dating back almost one year. There were dozens of returned mail envelopes (See Attached **Exhibit M**, Samples of Envelopes) that were unopened. Some containing important time sensitive material (1099s). Witness: Kimberly Gann and Irwin L. Felps, Jr.

g) On December 15, 2017 a check was issued to purchase LAPERS conference DVDs. You were given this check and asked to pick up the DVDs and place them with DVDs from previous years (See Attached **Exhibit N**, LAPERS check). In November, 2018 the system accountant notified Kimberly Gann of this outstanding check. When asked, you stated you had no idea what happened. Upon investigation, it was discovered that you never picked up the DVDs. The check was voided (See Attached **Exhibit O**, November 2018 General Ledger Account showing void of uncashed LAPERS check). During your period of administrative leave (see attached **Exhibit P**, Administrative Leave Letter pursuant to Civil Service Rule 12.10).) with pay pending investigation period pursuant to

Civil Service Rule 12.10, we discovered this check in your desk under some of your personal belongings (See Attached **Exhibit Q**, Photo of Uncashed LAPERS Check). Again, this is a small office of four people. The constant need to check behind you to determine if you have actually completed requested tasks is time consuming and distracting. Witnesses: Kimberly Gann, Rachael Alvey, and Irwin L. Felps, Jr.

h) Kimberly Gann had to prepare the minutes from the October 24, 2018 Board Meeting (See Attached **Exhibit D**-Supervisor Notes Kept on Sebastian). This is your job duty and as of one week after the meeting the minutes were not prepared. The Legislative staff from both the House and Senate were requesting a copy of the system's 2019 schedule which could not be released until the minutes were completed and signed. Again, the Assistant Director was performing your job while her job duties go unattended. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

i) On November 14, 2018, you were placed on administrative leave (See Attached **Exhibit P**, Administrative Leave Letter pursuant to Civil Service Rule 12.10). During this investigative period Kimberly Gann and I reviewed your desk items in an attempt to determine if there were any work-related items that required immediate attention. We discovered numerous unfiled and unattended items located under a stack of letterhead under your printer (See Attached **Exhibit R**, Photo of Items Found and Location of Items). Witnesses: Irwin L. Felps, Jr. and Kimberly Gann. The items were:

   i) Copy of Trustee Education Certificate date June 28, 2017 (See Attached **Exhibit S**-Trustee Certification of Education Credits, Hackley Willis, Dated 6/28/17)
   ii) Copy of Trustee Education Certificate dated August 24, 2016 (See Attached **Exhibit T**-Trustee Certification of Education Credits, Thomas Enright, Dated 8/24/16))
   iii) Sworn Statement Trustee, from June 2017 (See Attached **Exhibit U**-Sworn Statement, Hackley Willis, Dated 6/18/17))
   iv) Retiree Mickey Guillory's 2017 1099 (See Attached **Exhibit V**-2017 1099, Mickey Guillory-redacted to remove private information).
   v) Board Meeting agenda April 2018 (See Attached **Exhibit W**-Board Agenda 4/25/18))
   vi) Executive Committee Minutes January 2018 Unsigned (See Attached **Exhibit X**-Unsigned Committee Minutes from 1/24/18)
   vii) September 2018 Correspondence from Retiree Eugene Casey (See Attached **Exhibit Y**-Eugene Casey Jr. Letter Dated 9/19/18)
   viii) September 26, 2018 Invoice from Prison Enterprises (never paid) (See Attached **Exhibit Z**-Unpaid Prison Enterprises Invoice, Dated 9/26/18; See attached **Exhibit AA**-Check Number 13204 Dated 11/16/18, Payment to Prison Enterprises for unpaid invoice)
   ix) Narcisse Registrar's Certificate from September 2018 (See Attached **Exhibit BB**-Registrar's Certification of Eligibility, Nia Narcisse, Dated 9/27/18)
   x) Email from Member Carolyn Cox August 2018 (See Attached **Exhibit CC**-Email from Carolyn Cox, Dated 8/14/18)
   xi) Original 2013 Actuarial report (See Attached **Exhibit DD**, Original Actuarial Report (copy of first page), Dated 4/25/13)
   xii) Return unopened envelopes dating back to January 2018 (See Attached **Exhibit EE**-Copy of Photo Showing Unopened Envelopes Dating back to January 2018).

II. **Disruptive Behavior** – At the end of 2014 and the beginning of 2015, Kimberly Gann and myself continued to notice increasing problems in your performance in the agency. Issues arose daily impacting the efficiency of the office and delaying completion of the tasks required. Both Ms. Gann and I are frequently required to be away from the office, attending the legislative session, meeting with actuaries, investment managers, representatives of the other retirement systems and meeting with legal counsels

along with other agency duties. Your performance, or the failure to perform, became a daily issue and we were required to try to schedule that one of us be present at all times to address those problems either to ensure the work was completed or refereeing disputes with the one other employee. Doing so meant the agency was not fully represented at the above meetings. Specific examples of your disruptive behavior over time follow:

a) On October 23, 2014 you entered into another employee's office and engaged in a loud and disruptive argument with this employee, Tausha Facundus, See Attached **Exhibit FF**-Notes On Counseling Meeting with Tausha Facundus and Shelley Sebastian. This particular incident lasted into the next week as the argument continued until the Executive Director, Irwin Felps, and the Assistant Director Kimberly Gann became involved in an effort to resolve the issue. This caused a disruption to the work flow and the efficiency of the agency as all four employees of this agency attempted to resolve the issue. This incident was so disturbing that we spoke with our general counsel, Denise Akers, who advised that we should document this incident in writing with both signatures. Witnesses: Tausha Facundus, Irwin L. Felps, Jr. and Kimberly Gann

b) On December 16, 2014 you disrupted the office for several hours when you became upset because Kimberly Gann, your supervisor, asked that you remove stacks of workpapers from the front desk area to the work area (See Attached **Exhibit I**, December 16, 2014 File Notes on Incident w/Employee, and See **Exhibit GG**, Page 3, SCS PES Planning & Evaluation Period FY2015.) Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

c) Due to your continued conflict with your supervisor, Kimberly Gann, and the other employee in the office, Tausha Facundus, we counseled you individually and jointly during your evaluation meeting on August 28, 2015 (See Attached **Exhibit HH**, SCS PES Planning & Evaluation PFY2016). You continued to assure us that these are your personal issues and you are working to resolve them. We jointly decided, in an effort to promote positivity, to give you a satisfactory rating in spite of the ongoing issues. We spoke with you (and noted) (See Attached **Exhibit HH**, Page 3, SCS PES Planning & Evaluation PFY2016) that perhaps you should seek counsel on issues from your supervisor in lieu of confrontations that take valuable time away from the efficient operation of this office. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

d) On July 28, 2016 you became extremely upset while preparing the Investment Committee Minutes from the July 20, 2016 meeting. I, Irwin Felps, red marked many corrections. Kimberly Gann marked one correction and placed a smiley face next to the mark in an effort to soften what she knew you would perceive as "personal" since it was coming from her. You approached me extremely upset about the minutes. Instead of approaching your supervisor to ask a simple question about the correction, you chose to once again complain to me that she had marked the paper and asked, "what's her problem". And I would like to inject at this point that you continue to bring the minutes to me when this is Kimberly Gann's responsibility to review. You refuse to give them to her, your supervisor, and continually circumvent her in the simplest of duties. This creates a burden on me as I must put aside my other tasks. After several hours of speaking with you, then Ms. Gann, then with you and Ms. Gann, you again cried and said this was your issue. You advised Ms. Gann that you do not respond to female supervisor due to personal issues. This disrupted the office for several hours over two days and necessarily impeded the proper functioning of our small office (See Attached **Exhibit II**, 7/29/16 Notes on Shelley Sebastian (corrected copy with TYPO)). Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

e) On August 29, 2016 in your evaluation session we again discussed your ongoing conflicts in the office. We asked that you attempt to address issues quickly so a resolution can be reached before valuable time is lost. See Attached **Exhibit JJ**, SCS PES Planning & Evaluation Form, FY2017, Page 3. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

f) On August 8, 2017 at your Initial Planning Session, we continued to counsel you on both positive and negative issues (See Attached **Exhibit KK**, SCS PES Planning & Evaluation Form FY2018). At this meeting we asked you to seek counsel on perceived issues, reminded you that issues should be resolved in a professional manner, and spoke with you about the need to constantly remind you about job duties that are well within your job description and your lack of focus at times (See Attached **Exhibit E**, Administrative Assistant 4 Primary Job Duties). At the follow-up meeting on August 29, 2018, Evaluation Session, you were given a copy of the dress code as were all employees. It should be noted that at this meeting YOU raised the issue of being late every day. This has been occurring since you moved your home location from Gonzales to Denham Springs. The Assistant Director documents items on her office calendar. In particular, in the absence of an office time clock, it is customary for her to keep up with tardiness, leave, doctor's appointments on these calendars. This has been a business practice since her employment in 1999 and, in fact, she has every calendar from that date forward. We viewed the calendars and pulled a sample of the months to show your tardiness (See **Exhibit ZZ** Copy of November 2017, March, June and August of 2018, SL=Shelley Late, along with the amount of time late, for instance SL15 for 15 minutes late). A quick calculation shows you late in November 2017 73.68% of the time, March 2018 71.43%, June 2018 33.33%, and August 2018 52.17% of the time for these four sample months alone. This tardiness causes the other three employees to be forced to perform your duties taking away time from performance of their duties. LSPRS is a small agency of only four employees. This constant need to perform your duties decreases workflow from the other employee and causes myself and Kimberly Gann to be distracted from their duties as the retirement administrators of the agency. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

g) On August 29, 2018, Kimberly Gann and I met with you for your Initial Planning Session (See Attached **Exhibit LL**, SCS PES Planning and Evaluation Form, FY2019) and noted the same on-going problems. We do recognize, and stated such, that there are areas where you are satisfactory. Since this meeting we have added notations about recent incidents that would have been discussed at the end of this evaluation session. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

h) In October 2018 Kimberly Gann prepared the minutes, your job duty. Your tardiness and inability to focus on your tasks continues to result in other employees, including the Assistant Director and myself, performing your tasks while taking valuable time away from their duties and creating a burden on the smooth operation of this agency which employs only four individuals. This occurred at the end of the month and the beginning of the next month, November 2018 and resulted in yet another incident that required the Assistant Director and me to devote all of our time to resolving the issue. This waste of state resources cannot continue. It is imperative that the agency function smoothly and efficiently with each person performing their duties and minimizing disruptions that impede the operation of the office. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

i) On November 5, 2018 you complained to me, Irwin Felps, about your position. On November 7, 2018 I spoke with you and Kimberly Gann regarding same. During this meeting you became agitated and defamatory toward Ms. Gann. You threatened a lawsuit, called Ms. Gann names, stated again your prejudice against females, and said you were bullied. You were asked if bullying is simply asking you to be on time and do your work. This disrupted the office and impeded the effectiveness of running this office for several hours. On November 8th and 9th you called in sick. (See Attached **Exhibit MM**, Counseling Session Notes, 11/7/18) Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

III. **Insubordination** – You exhibit no respect and a blatant disregard toward your immediate supervisor Kimberly A. Gann. Recently, when you perceived me, Irwin Felps, as not being your "friend", you showed disrespect toward me. You have willingly admitted to both Kimberly Gann and myself that due to personal reasons you do not have high regard for a female "in charge" and have shown your disregard by being insubordinate as follows:

a) On April 9, 2014 and the immediate days thereafter, after Kimberly Gann spoke with you regarding your work, see Failure to Attend to Duties I.(a) above, you would not speak with Ms. Gann. When transferring calls to her, you would not wait for her response but instead would hang up. You were short and disrespectful in your interactions with your supervisor, Ms. Gann (See **Exhibit C**, April 2014 Calendar) (See **Exhibit D**, Supervisor Notes Kept on Sebastian). Witness: Kimberly Gann and Irwin L. Felps, Jr.

b) On October 23, 2014 when myself and Kimberly Gann interviewed you and another employee about an incident, you became short and confrontational when interacting with Ms. Gann and myself (See Attached **Exhibit FF**, Notes On Counseling Meeting with Tausha Facundus and Shelley Sebastian). You were loud, angry and used inappropriate language in violation of LSPRS Office Policy (See Attached **Exhibit A**, LSPRS Office Policy and Procedure Manual, Page 37, Workplace Violence). Witnesses: Tausha Facundus, Irwin L. Felps, Jr., and Kimberly Gann

c) On December 16, 2014, you rolled your eyes at your supervisor, Ms. Gann. You came into Ms. Gann's office and attempted to engage Ms. Gann in a heated exchange about the request she had made to have you move work papers, (See Attached **Exhibit I**, December 16, 2014 File Notes on Incident w/ Employee). Ms. Gann asked you to remove yourself from her office and take a cool off period since you were so upset. Your parting words were "I guess I have to do what you say". Shortly thereafter you entered my office in an attempt to go around Ms. Gann's authority. I asked you to return to your desk to calm down. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

d) After Performance Evaluation Sessions on August 28, 2016, August 8, 2017, and August 29, 2018 (see Insubordination (e), (f), and (g) above) (See Attached **Exhibit JJ**-SCS PES Planning & Evaluation Form, FY2017 and **Exhibit KK**-SCS PES Planning & Evaluation Form, FY2018) (See Attached **Exhibit E**-Administrative Assistant 4-Primary Job Duties and **Exhibit LL**-SCS PES Planning & Evaluation Form, FY2019) you became antagonistic toward Kimberly Gann. You constantly rolled your eyes when asked to perform a task, were short with her on the telephone when transferring calls, and attempted to engage me, Irwin Felps, in derogatory conversations about Kimberly Gann. I counseled you on "managing your manager" in order to have a successful career in any field of work. We all have difficulty from time to time in our workplace, but it is how you handle those difficulties that define your success. This constant need to referee your interactions with the other employee and your supervisor takes valuable time away from my duties as the Appointing Authority of this small agency. Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

e) From September 14, 2017 through October 13, 2017 Ms. Kimberly Gann became very ill (See Attached **Exhibit NN**, Leave Slips Confirming Kimberly Gann's absence in September and October 2017). During this period of time you became extremely interested in Kimberly Gann's personal business. You approached me on numerous occasions inquiring into Ms. Gann's absence. After several attempts to divert you I warned you that this is a violation of Ms. Gann's privacy rights, and even perhaps privacy protection under HIPAA laws. I reminded you that it is not your concern regarding illnesses and absences from the office. You stated that you "would love to know what's really wrong" and you "don't believe she is sick". Witness: Irwin L. Felps, Jr.

f) On November 7, 2018 you became insubordinate and verbally abusive toward your supervisor, Kimberly Gann (See Attached **Exhibit MM**, Counseling Session Notes, 11/7/18). This was an extremely disturbing meeting since you questioned policies that were adopted in an effort to help you (See Attached **Exhibit OO**, Board Minutes 10/24/18, Page 4, Other Business), could not remember past documented incidents, and were very antagonistic toward Kimberly Gann. You then proceeded to become antagonistic toward me when you perceived that I was not "on your side" and stated "I thought you were my friend." Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

g) On November 13, 2018 you were asked to submit to a drug test (See Attached **Exhibit PP**, Letter to Shelley Sebastian Re: Drug Test, Dated 11/13/18; Includes Supplemental Letter changing test location) because you self-identified that were taking muscle relaxers and were acting erratically. Because of your conduct and self-identifying that you were taking medication, and there has been no list of medication reported by you along with a doctor's statement indicating that you can perform your job duties while taking the prescribed medication, our concern over agency liability grew tremendously. You are often required to run errands for this agency. Your violation of this policy has exposed this agency to liability should you harm yourself or someone else while performing this duty. (See attached **Exhibit A**, LSPRS Office Policy and Procedure Manual Page 3 and Pages 12 through 15, Section VI(A)), also See Violation of LSPRS Drug Policy V. below for details on the violation. This section will focus on insubordinate behavior. After receiving the letter noted in the above Exhibit NN requesting a drug test and while your supervisor, Ms. Gann, was out of the office at an appointment, you spoke directly to me in an effort to convince me that you should not be drug tested. You threatened lawsuits, grievances, and retaliation. Upon Ms. Gann's return, you were antagonistic and insubordinate and would not allow your supervisor, Ms. Gann, to finish answering your question regarding the reason for the drug testing. On the way out, you advised me that you were going to sue "her," presumably meaning Ms. Gann. You then went into Ms. Gann's office, positioned yourself in close proximity to Ms. Gann (in her face), and winked saying you were going for your little test, then said, as you were leaving, that "you will be sorry" (See Attached **Exhibit QQ**, Incident Report Dated 11/13/18) While we understand that this is an emotional period for all parties, this reaction toward your supervisor is of great concern as we do not take the threat of workplace violence lightly (See Attached **Exhibit A,** LSPRS Office Policy and Procedure Manual, Page 37, Workplace Violence and Exhibit B, Employee's Sworn Statement). Witnesses: Irwin L. Felps, Jr. and Kimberly Gann

IV. **Misuse of Email** – The Email policy provides work email should not be used for personal business. While it is recognized work email might be occasionally used briefly for personal matters, your continuous and massive use of the work email for nonwork is deeply concerning (See **Exhibit YY**, Screenshots showing the massive amount of emails along with email folders of a personal nature thereby showing your ongoing use of state police email for personal matters). The magnitude of that abuse was discovered when you were placed on administrative leave and your work email was forwarded to an email box to cover urgent work matters. There were 20-30 emails daily of a personal nature. Further, you used this account for your husband's private business which he began in 2017 during your work hours in violation of the LSPRS Policy. **Exhibit A**, LSPRS Office Policy and Procedure Manual, Page 1 & pp. 41-43. When you were hired you noted you have a personal email account which should have been used for this and done outside work hours (See Attached **Exhibit RR**, Copy of 1st page of Sebastian original application showing personal email account). This is a blatant misuse of State resources, a violation of agency policy and clearly the volume and extended time of these emails would detract from the time necessary to complete your work tasks timely, possibly contributing to your inability to timely complete your assigned tasks and requiring others to complete the assignments.

a) Private Business, Sebastian Painting Contractors, LLC (See Attached **Exhibit SS**, Private Business Emails, Sebastian Painting Contractors, LLC)

Exhibit SS1, Copy of Emails from 1/17/17-2/21/17-for Sebastian Painting Contractors, LLC including quotes, inquiries, insurance for private business – From January 17, 2017 to February 21, 2017, 11 emails seeking quotes, asking questions, and establishing insurance for Sebastian Painting Contractors, LLC. Communications about quotes with both Juban Insurance Group and Tyner Jeter Agency were had during this time at various hours during the work day, not at scheduled lunch periods. During these communications you used your work credentials as a signature giving the impression to the reader that this is an official communication. In addition, the work scanner was used to send in hand written application to Tyner Jeter Insurance Agency.

Exhibit SS2, Copy of emails from 1/30/17-10/26/18-for Sebastian Painting Contractors, LLC, including estimates, quotes, invoices, change orders, info sheets, etc. – From January 30, 2017 to October 26, 2018, 16 emails, sending estimates, quotes, invoices, change orders, product and data information sheets, and submittals to companies on behalf of Sebastian Painting Contractors, LCC. The projects in which you represented Sebastian Painting Contractors, LLC by sending estimates, quotes, invoices, change orders, product and data information sheets, and submittals include: Alex Box Stadium, Marathon Zachary, DOW St. Charles, Westlake MCC building, Shintech, and a Substation Building Extension in Carville, Louisiana. During these communications you used your work credentials as a signature giving the impression to the reader that this is an official communication from LSPRS. These emails were sent at various times during the work day and not during a scheduled lunch period.

Exhibit SS3, Copy of email sending 28 attachments to shelleyaron@aol.com on 11/14/18 - On November 14, 2018, at 2:55 pm, you forwarded twenty-eight attachments of emails pertaining to Sebastian Painting Contractors, LCC to yourself at shelleyaron@aol.com. Many of the emails and attachments were deleted from your inbox and sent folders but were attached to the November 14, 2018 email to yourself. You used agency resources to send this communication not to mention this was not during a scheduled lunch period.

b) Personal Shopping/Other Personal Business (See Attached **Exhibit TT**, Personal Shopping)

Exhibit TT1, Emails from 4/15/16-5/3/15 shopping for an English Bulldog - On dates ranging from April 15, 2016, to May 3, 2016, you shopped for English bull dogs but ultimately decided to purchase a French bull dog, Bubbles. On May 3, 2016 at 8:21 am, you updated the seller on the status of Bubbles and further explained Bubbles was at work with you on this morning. During these communications you used your work credentials as a signature giving the impression to the reader that this is an official communication from LSPRS. These communications were during your work day at various times, and not a scheduled lunch period, using system resources.

Exhibit TT2, Proof of Amazon Prime Account listing State Police as your address-5/19/15 - On May 19, 2015 at 8:16 am (just after your arrival for work, not during a schedule break), you set up an Amazon Prime account. On or around July 31, 2017, you began shipping packages from Amazon to: "Shelley Sebastian LA STATE POLICE RETIREMENT SYSTEM" at the LA State Police Retirement System address rather than to your home address. While the occasional delivery is acceptable, you began to receive packages almost daily and to store them in the office. The storage of numerous personal items at your

desk became a constant source of friction as Kimberly Gann would ask you to move them and take them home.

Exhibit TT3, Copy of Emails re: shopping from various retailers from 5/19/15-10/3/18 - On dates ranging from May 19, 2015 to October 3, 2018, you made various purchases from retailers who sent confirmations to your work email address. These confirmations were sent during work hours and not at scheduled lunch periods leaving us to assume you were shopping during these periods since retailers typically send the confirmations within minutes of the purchase. From March 27, 2017 to February 18, 2018 you also received communications regarding returning or disputing the above purchases. These communications were during your work day at various times, and not a scheduled lunch period, using system resources.

Exhibit TT4, Appointment confirmations and requests, 8/2/17, 4/24/18, 5/7/17, 4/13/17, and 9/27/18 - You made appointments and/or confirmed appointments for personal business using your work email address. On August 2, 2017, at 9:28 am, you received a Gastric Balloon appointment confirmation. On April 24, 2018, at 3:01 pm you forwarded a reservation confirmation for a condo booked in Alabama to your work email. On May 7, 2017, you forwarded the condo reservation confirmation from your work email to a Ms. Cindy. On September 27, 2018, you received appointment confirmations from Le Salon to your personal email. On April 13, 2017 you used your work email to complete a vehicle registration. These communications were during your work day at various times, and not a scheduled lunch period, using system resources.

Exhibit TT5, Emails arguing with retailers over personal purchases: 5/19/16, 8/31/16, 7/26/17, and 12/1/17 - On many occasions you argued with retailers using your work email address. On May 19, 2016, August 31, 2016, July 26, 2017, and December 1, 2017, you argued about methods and lengths of time in which your packages would arrive. These communications were during your work day at various times, and not a scheduled lunch period, using system resources, and were signed with your state police credentials using LSPRS' address and telephone number implying that this is official business.

c) Bills/Personal Finances (See Attached **Exhibit UU**, Bills/Personal/Finance)

Exhibit UU1, Emails from 1/26/15-11/14/16 re: car payments, estimates, rental property, purchase inquiries, mortgage inquiries, inspections, closing on a mortgage, etc. - On January 26, 2015, you sent emails about setting up Cox at a new rental property. On January 27, 2015, you sent an email with the signed rental application. On June 22, 2016, you emailed a car estimate to your husband. On dates ranging from July 27, 2016 to November 14, 2016, you used your work email to make inquiries into the purchase of a lot and home, obtain a mortgage, contact a buyer's agent, contact a residential contractor, confirm an inspection, and converse with Supreme Lending about requested documents. These communications were during your work day at various times, and not a scheduled lunch period, using system resources. During these communications you used your work credentials as a signature giving the impression to the reader that this is an official communication from LSPRS

Exhibit UU2, Emails from March 2017 to February 2018 showing that LSPRS email is used for your personal automatic confirmation of bill payments – From March 10, 2017 through February 23, 2018 you received automatic confirmations of bill payments to your LSPRS email account. This calls attention to the fact that you have entered this email address as your point of contact for your various personal bills. These communications were during your work day at various times, and not a scheduled lunch period, using system resources.

d) Making Threats/Paying Spouse's Court Fees/Soliciting Contract Work

See Attached **Exhibit VV**, Copies of emails arguing with Retailers/Paying Spouse's Court Fees/Soliciting Contract Work – Email dated 5/23/17, 6/8/17, 7/11/17 and 11/14/16 showing the use of LSPRS email, with signature credentials included, arguing with vendors, soliciting personal business, and discussing a personal injury claim.) - On May 23, 2017 you chose to use your LSPRS email account to warn and threaten a personal vendor, leaving your LSPRS credentials as your signature implying that this is an official communication; On June 8, 2017 you used LSPRS email to receive notices regarding payment of your spouse' vehicle citation; On July 11, 2017 you received communications regarding your willingness to provide contract labor services to European Wax Center; On November, 14, 2016 you used LSPRS email to communicate with your personal injury attorney regarding a car accident settlement leaving your LSPRS credentials as your signature.

e) Purchase of Your Home (See Attached **Exhibit WW**, Purchase of Your Home)

See **Exhibit WW1**, September 2016 through June 2017 emails regarding the purchase of your home, includes lending and closing documents - From September 27, 2016 through June 29, 2017 you used your personal email address to communicate with realtors, contractors, exchange documents needed for closing on a mortgage, and submit loan application documents. These communications were during your work day at various times, and not a scheduled lunch period, using system resources. During these communications you used your work credentials as a signature giving the impression to the reader that this is an official communication from LSPRS

See **Exhibit WW2**, Emails from November 2nd, 28th, and December 2, 2016 showing that you used the office scanner and your office email account to send large documents - On November 2, 2016 you sent 5 personal emails, and one each on November 28 and December 2, 2016 containing a total of 55 pages attached, scanned from the LSPRS scanner.

V. **Failure to Comply with LSPRS Drug Policy** – On November 2, 2018 you verbally told your supervisor, Kimberly Gann, that you had taken a muscle relaxer. On November 7, 2018 you were verbally abusive to your supervisor and could not remember past transgressions that are clearly documented in your file. Because of your behavior, we asked that you submit to a drug screening (See Attached **Exhibit PP**, Letter to Shelley Sebastian Re: Drug Test, Dated 11/13/18; Includes Supplemental Letter changing test location) since we suspected that you may be in violation of LSPRS Drug Policy (See Attached **Exhibit A**, LSPRS Office Policy and Procedure, Pages 12 through 15). You were informed via said letter and verbally "If you have been prescribed "controlled dangerous substances" and have failed to provide to us notification of these medicines and a doctor's note assuring us that you could still carry on the duties of your position, this is a direct violation of the policy...". You were given a copy of the policy with the letter asking you to report for a drug screening. LSPRS received the results of your screening (See Attached **Exhibit XX**, ExperTox Results, Two Pages) indicating you tested positive for substances you have not reported to us. You are required to run errands weekly for this office. Failing to provide the list of medications along with the letter from your doctor violates the drug policy and exposes LSPRS to liability should you be involved in a motor vehicle accident while under the influence of drugs. We have no way to determine if you can or cannot perform your duties while on these drugs since you have refused to comply with the policy.

Your repeated failure to complete your job duties and assignments requires others in our very small office to take on extra duties to complete required jobs. Your disruptive behavior at work strains the small office effectiveness to complete required tasks. Your insubordination both with your immediate supervisor and myself cannot be tolerated any further. Your violations of our office policies, including abuse of the internet policy, email directives and the workplace drug policy as well as your recent drug results support termination of your position.

The efficiency of this agency is critical. It is one of the smallest, if not the smallest, agencies in the State of Louisiana. It has only four employees charged with operating a $900M retirement system for its 3,000 members. Each employee must perform assigned duties and there must be a minimum of disruption and/or distraction to operate in a timely and efficient manner. One person's inability, or unwillingness to perform assigned duties in such timely manner or exhibiting disruptive behavior regularly impedes that completion of work and is a detriment to the agency as a whole.

Therefore, you are terminated effective close of business on March 27th, 2019

Pursuant to your request, you and your attorney are notified of this termination today, March 26, 2019 by Email with a hard copy placed into certified mail to you both.

You have the right to appeal this action to the State Civil Service Commission within thirty (30) calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of Civil Service or this office. It is also available online at https://www.civilservice.louisiana.gov/HRProfessionals/HRHandbook/Chapter13.aspx.

Sincerely,

Irwin L. Felps, Jr.

Irwin L. Felps, Jr., Executive Director
Louisiana State Police Retirement System

Attachments:
Exhibit List
Exhibits A through ZZ as indicated on the Exhibit List

cc: Tammeral Hills via email at thehillslawfirm@gmail.com with copy certified mail