

Louisiana State Police Retirement System  
9224 Jefferson Hwy.  
Baton Rouge, LA 70809

December 28, 2018

**Via U.S. Mail**

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

Dear Ms. Sebastian:

You will be terminated from your position at LSPRS effective at 4:30 PM on Monday January 7, 2019 for the following reasons:

- 1) Failure to attend to your job duties timely despite numerous requests.<sup>i</sup>
- 2) The insubordination that you have exhibited throughout your employment, which grew worse, despite repeated counseling.<sup>ii</sup>
- 3) Disruptive behavior that you have exhibited throughout your employment, which grew worse, despite repeated counseling.<sup>iii</sup>
- 4) Misuse of your work email throughout your employment, in violation of the LSPRS Email Policy.<sup>iv</sup>

Please see the below end-notes to give the precise facts that support this termination and the reasons stated above.

After a review of your response to the Notice of Proposed Action, LSPRS responds as follows:

- 1) We requested that you undergo a drug test after your consistent erratic behavior at the office. It was requested in compliance with both the LSPRS drug policy and Louisiana law. Testing is permitted even for prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed. You admitted to your supervisor that you were using a prescription drug that might be impacting your behavior. We reminded you that LSPRS drug policy required you to produce evidence of any prescription drugs you were taking that could affect your job performance, and to provide to us a letter from your doctor assuring us that the prescription would not impact

- the performance of your job. You produced to us no evidence of such prescriptions. We conducted the drug test in full compliance with your attorney's instructions.
- 2) Your use of your work email for personal use and your husband's business was only discovered after we suspended you with pay and began our investigation. Your use violates LSPRS policy.
  - 3) The chain of command in our work environment is very important. You blatantly violated that chain of command by failure to follow instructions from the Assistant Director of this organization, Ms. Kim Gann. In her position as Assistant Director, she is empowered with full authority and supervision over you. Despite your comment that I refused you an open door policy (which I am not legally obligated to do), I did often listen to your complaints and attempt to redirect you in the hope that you would become a valuable member of our staff. You ignored my advice. The very text you attached to your response to me is another example of your insubordinate attitude towards Ms. Gann.
  - 4) Your performance reviews were generally good. As stated in my Notice, Ms. Gann and I took extraordinary efforts to attempt to move you onto the proper track as an employee. We could give you raises only if you received good performance reviews. These reviews assessed your performance of job skills, not your behavior in the office. You were very capable, Ms. Sebastian, and intelligent and able to learn and perform well when you wanted to do so. This past year in particular, however, evidenced even more your unwillingness to perform well consistently. More important, your behavior has become intolerable. While you have the job skills necessary for this position, you only exercise those skills erratically, and cause much commotion in the office which has taken valuable time away from the job duties of the rest of us in dealing with your unacceptable behavior. Another example of poor performance just discovered during our investigation is the discovery of the documents attached as Exhibit A, which were all found under your printer. These should have been properly filed long ago.
  - 5) If the personnel file pages are out of order, it is because we had problems with our copier at the time your attorney requested a complete copy of your file. Note that it is over 500 pages. We did ensure that all pages were copied.
  - 6) Your personal items are pictures in boxes because both Ms. Gann and myself, together, boxed up all of your personal items left around your desk area. Please contact our attorney to arrange to get your items now.

The evidence I have to support these charges is the following:

- 1) Exhibit A, previously referenced above, the documents discovered under your printer after your leave with pay.
- 2) Exhibit B, your entire personnel file together with all documents previously attached to the Notice of Proposed Action.



- 3) Exhibit C, a copy of the LAPERS check that was found in your desk after we suspended you with pay. This is the check we asked be delivered by you long ago for a tape of the LAPERS conference.
- 4) Exhibit D, the copy of the text you attached to your response.

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 State Civil Service or your Human Resource office. It is also available online at <https://www.civilservice.louisiana.gov/HRProfessionals/HRHandbook/Chapter13.aspx>.

Sincerely,

  
Irwin Felps, Executive Director  
Louisiana State Police Retirement System

Cc: Ms. Tammerral Hills (via email: [thehillslawfirm@gmail.com](mailto:thehillslawfirm@gmail.com))

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**Endnote i**

- a) <sup>i</sup> In April of 2014, we spoke with you regarding keeping up with your work. You always seem to be behind, particularly with the filing, which at this point was a couple of months behind.
- b) In July of 2014, Kim Gann had to speak to you again about keeping up with your workload. You were on the computer on social networks and shopping during work hours.
- c) In November of 2014, you were assigned annual statements that needed attention. As of December 3<sup>rd</sup>, you were still working on your statements, despite the fact that Ms. Kim Gann and Ms. Tausha Facundus had completed theirs the first week. Even a month after Ms. Gann and Ms. Facundus had completed theirs, yours still were not completed.
- d) In the year 2015, you continuously failed to keep up with your work load. You talked excessively and caused friction in the office, taking valuable time away from others' job tasks as well.
- e) In 2017, you began arriving at work late and taking a lot of leave. You progressed into arriving late EVERY day. In your evaluation session that year, you even brought this up and said you needed to start getting to work on time. Yet, by the end of the year, this had not happened and had actually gotten worse.
- f) In 2018, you continued to arrive late EVERY day. Your tardiness was anywhere between 5 to 30 minutes.
- g) For the October 2018 meeting minutes, your job task, Ms. Gann prepared them because you were out sick. You were missing a lot of work and late every day.
- h) For the meeting minutes due for the October 24<sup>th</sup> board meeting, you lied when asked whether they were done. You stated that you had only a little more to do. When we checked online, we saw the minutes were not even started. This is one of your main job duties each month, to get the minutes typed up and ready for board review.
- i) You fail to do your basic job duties unless constantly reminded. For instance, you are responsible for preparing the board paperwork, but this does not get done unless and until you are reminded numerous times. The supplies are never put away. Most of the time either Kim Gann or myself must get the



Board room ready before a meeting and help break it down after the meeting, even though this is another of your responsibilities.

- j) You are required to keep your desk area clean and neat and remove the clutter of personal items under your desk. Despite repeated requests throughout 2018 and before, you still had not done this as of your date of suspension with paid leave.
- k) You are required to make sure all meeting minutes are signed, and you failed to follow through on that responsibility, including, but not limited to, for the January 2018 meeting minutes.

**Endnote ii**

- a) " In April of 2014, we spoke with you regarding keeping up with your work. You always seem to be behind, particularly with the filing, which at this point was a couple of months behind. You become angry when asked to perform your duties, and did so at this time too. We asked you to keep the desk area clear and place your personal items out of sight. You stopped speaking to Kim Gann as a result of the above, and became short when interacting with her, your supervisor.
- b) In July of 2014, Kim Gann had to speak to you again about keeping up with your workload. You were on the computer on social networks and shopping during work hours.
- c) On October 23, 2014, you were engaged in an argument in the LSPRS office with Tausha Facundus for over fifteen minutes, escalating with raised voices. On October 27, 2014, both Ms. Gann and I met with you to inform you this type behavior is unacceptable. Instead of accepting this redirection, you became argumentative and confrontational. At that time, you whispered to me that you needed to talk to me alone. I instructed you that Ms. Gann is your supervisor and you needed to speak directly to her, that I had not known anyone who could not speak to Ms. Gann.
- d) On December 16, 2014, Kim Gann made a simple request for you to move your work materials from the front desk to the back-work area. You rolled your eyes, then came into Ms. Gann's office and continued to argue with her about this request. Ms. Gann told you that you were riding a thin line of insubordination and should return to your desk to cool off. You stated, "so I guess I just have to do what you tell me to do!" The obvious response to that statement would be yes, as Ms. Gann is your supervisor. Shortly thereafter, you went my office to attempt to go around Ms. Gann's authority.
- e) Throughout the years 2015 through 2018, Ms. Kim Gann, your supervisor, asked you numerous times to keep your desk area clear and free of clutter. Even as of the date you were placed on paid leave for the current investigation, you had not cleared your desk nor decluttered your work area.
- f) In September of 2017, Ms. Gann was very ill. You constantly inquired to me about what was wrong. This was a direct violation of Ms. Gann's privacy rights. In addition, she was your direct supervisor. You told me that you didn't believe that Ms. Gann was sick and would love to know what was really wrong. I advised you that you were not in a position to make such remarks and should not be digging into Ms. Gann's medical issue.
- g) In December of 2017 the system accountant wrote a check to LAPERS to purchase a set of education DVDs. You were asked and reminded twice more to pick up the DVDs and drop off the check. Several months later the system accountant made the Assistant Director aware that the check has not cleared. Upon investigation the Assistant Director discovered that the check was never delivered, and the DVDs were not purchased. Upon questioning you made many excuses as to what happened. The check was voided since it could not be located. In December of 2018 when the Director and Assistant Director were going through your desk in an effort to determine what work-related issues needed addressing in your absence, we found the check for the 2017 LAPERS DVDs in a drawer with your personal items.
- h) For the meeting minutes due for the October 24<sup>th</sup> board meeting, you lied when asked whether they were done. You stated that you had only a little more to do. When we checked online, we saw the minutes were not even started. This is one of your main job duties each month, to get the minutes typed up and ready for board review.
- i) In addition, you lied when asked about the guests in the October 24 board meeting. It is one of your obligations to take down each of their names. You were reminded at the beginning of the meeting to get their names, but you failed to do so. You lied to Ms. Gann when she asked if you had gotten the



names, saying that they left in the middle of the meeting. In fact, they left at the end. Ms. Gann spoke to them to verify.

- j) As recently as November 7, 2018, Ms. Gann and I met with you jointly on several issues. Throughout that meeting, at least three times, I had to tell you that you must follow proper protocol, communicating with your supervisor directly (Ms. Gann) instead of circumventing her by reporting to me. You insulted Ms. Gann and made personal remarks about her at this meeting.
- k) On November 13, 2018, you were asked to take an employment drug test. While your supervisor, Ms. Gann, was out of the office at an appointment, you spoke directly to me to convince me that you should not be drug tested. You threatened lawsuits, grievances, etc. 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 by Ms. Gann's office and winked, saying you were going for your little test, then said, as you were leaving, that "you will be sorry."

#### Endnote iii

- a) <sup>iii</sup> On October 23, 2014, you and another employee got into an argument and were loud, using inappropriate language. You were counseled and warned.
- b) On December 16, 2014 around 9:30 am, you were using loud and inappropriate language in the office when you were asked to move work material from the front work desk to the back-work area. You rolled your eyes at your supervisors, yelled, used foul language, and cried. Administrative staff was still dealing with this issue three hours later, resulting in lost time at the office. In addition, a visitor was in the office. You were counseled by both the Director and Assistant Director, told this was unacceptable conduct, and would not be tolerated in the future.
- c) After the July 2016 meeting, you prepared the minutes from that meeting. I marked the minutes with many red marks. Ms. Gann made one red mark. You caused a scene in the office that lasted for several hours and ended with me, Ms. Gann, and you meeting. You again cried and admitted you were wrong. This is a disruption to the office as a whole. We told you it was becoming intolerable. You confided in us that these were your personal issues and you just have a problem with female supervisors as a whole. We expressed to you that this cannot continue. We gave you satisfactory ratings in an effort to help you and for you to receive the increases in salary. But, we told you that you must work on fixing this behavior.
- d) On November 13, 2018, you were given a letter regarding drug testing. After expressing concern over the onsite testing and the first off-site location, we gave you a second off-site location to remedy your concerns. On your way out to be drug tested you proceeded to tell Ms. Gann, "you will be sorry." You had been consistently warned about this type of behavior.

#### Endnote iv

- a) <sup>iv</sup> Private Business, Sebastian Painting Contractors, LCC
  - a. On dates ranging from January 17, 2017 to February 21, 2017, you used your work email to seek quotes, ask questions, and establish insurance for Sebastian Painting Contractors, LLC. In depth communications about quotes with both Juban Insurance Group and Tyner Jeter Agency were had during this time. In addition, the work scanner was used to send in hand written application to Tyner Jeter Insurance Agency.
  - b. On dates ranging from April 24, 2018 to October 26, 2018, you sent 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.

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- c. 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](mailto: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.
  - b) Personal Shopping
    - a. 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.
    - b. On May 19, 2015 at 8:16 am, 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. On or around October 3, 2018, you sent your last package to the LA State Police Retirement System building.
    - c. On dates ranging from August 31, 2016 to February 20, 2018, you made various purchases from retailers who sent confirmations to your work email address. The retailers include: Jen's Pirate Booty, French Bulldog World, Macy's, Free People, and Old Navy. The confirmations occur during work hours.
    - d. 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 Ballon 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 5, 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.
    - e. On many occasions you argued with retailers using your work email address. On May 19, 2016, August 31, 2016, October 24, 2016, July 26, 2017, and December 1, 2017, you argued about methods and lengths of time in which your packages would arrive.
  - c) Bills
    - a. On May 2, 2017, at 2:34 pm, you began scheduling car payments with Ally Auto Online Services.
  - d) Additional Non-Work Emails
    - a. 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
    - b. On June 22, 2016, you emailed a car estimate to your husband.
    - c. 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.