

# State Police Commission



Post Office Box 66555  
Baton Rouge, La. 70896-6555  
Phone (504) 925-7057  
Fax (504) 925-7058

November 29, 1994

General Circular No. 39

To: State Police Commission Members, Colonel Paul Fortenot,  
Russell Culotta, Foye Lowe, Walt Smith, William Spencer,  
Baxter Welch and LSTA Affiliate Presidents

Subject: State Police Commission Rule 12.2(b)

The State Police Commission will hold a public hearing on Monday, January 23, 1995, at 9:00 a.m. to consider amendment of State Police Commission Rule 12.2(b). The public hearing will be held in Classroom No. 4, Administration Building, State Police Training Academy, 7901 Independence Boulevard in Baton Rouge, Louisiana.

CHAPTER 12  
DISCIPLINARY ACTIONS AND SEPARATIONS

12.2 Suspensions.

(b) No suspension shall exceed ninety (90) work days without approval of the Commission.

Please review this revision and furnish, as soon as possible, any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. Please notify Gilda Russ by January 12, 1995 of your intention to address the Commission in order to be placed on the agenda.

Please post this General Circular prominently so that all employees will receive notice of this hearing.

If any special accommodations are needed, please notify us prior to the hearing date.

Sincerely,

A handwritten signature in blue ink that reads "Debra Johnson".

Debra L. Johnson  
Director



**STATE OF LOUISIANA**  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

PUBLIC SAFETY SERVICES

November 28, 1994

HQ-1-2156



EDWIN W. EDWARDS  
GOVERNOR

COL. PAUL W. FONTENOT  
SUPERINTENDENT

Ms Debra Johnson, Executive Director  
State Police Commission  
Post Office Box 66555  
Baton Rouge, Louisiana 70896-6555

Dear Ms. Johnson:

Reference your letter of October 20, 1994, in response to our letter to members of the State Police Commission, dated October 14, requesting amendment of State Police Commission Rule 12.2 (b). In accordance with your request, we propose the following language for this rule:

"No suspension shall exceed ninety (90) work days without the approval of the Commission."

I am hereby requesting that this proposed amendment to Rule 12.2 (b) be placed on the General Business Agenda of the Commission for Monday, January 23, 1995.

Sincerely,

Paul W. Fontenot, Colonel  
Superintendent  
Louisiana State Police

RJC:ck

COURTESY • LOYALTY • SERVICE

OFFICE OF STATE POLICE, P.O. BOX 66614, BATON ROUGE, LA. 70896-6614

GC-39



# LOUISIANA STATE TROOPERS ASSOCIATION

MEMBER NATIONAL TROOPERS COALITION

WILLIAM F. SPENCER  
EXECUTIVE DIRECTOR



BAXTER W. WELCH  
PRESIDENT

December 21, 1994  
WFS4/WFS/026

KERMIT W. SMITH, JR.  
TREASURER

Ms. Debra L. Johnson  
Director  
State Police Commission  
Post Office Box 66555  
Baton Rouge, LA 70896-6555



Dear Ms. Johnson,

Regarding the amendment of State Police Commission Rule 12.2(b), please consider the thoughts of the Troopers Association in this matter.

Contrary to Mr. Fontenot's assertion in his October 14th letter, the regular work day is **not** eight hours. The State Police currently utilize three different work days, the eight, ten and twelve hour day. The employee accumulates the required 80 hours per work period, however, the number of actual "work days" vary in the pay period.

It is unknown to us why Mr. Fontenot would desire this action. Considering that every facet of our work time is computed in hours, it seems cumbersome to consider discipline in terms of "days". Further, if one accepts his assertion that a work day is eight hours, if given time off, that would equate to 720 hours off of work. However, for a trooper assigned to troop operations (12-hour days), 90 work days would equate to 1080 hours. This figure would be reduced to 976 hours if one subtracted the required "8-hour day". For a trooper assigned to TESS (10-hour days) the same 90 day action would result in 900 hours of suspension.

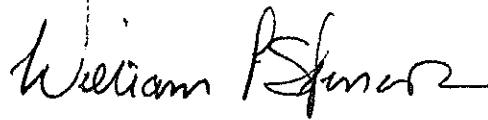
Viewing this from the standpoint of time away from the duty station, the 8-hour day worker would be off of work 18 weeks; the 10-hour day worker 22.5 weeks; and the 12 hour day worker 24.5 weeks. The latter reflecting almost six (6) months off of work.

You can easily see that this does not, in Mr. Fontenot's words, "... clarify a confusing situation." If anything, it further confuses an already confusing situation. Would it not make more sense and bring about clarity if we simply employed "hours" for suspension and did away with "days" completely? If Mr. Fontenot feels the need to suspend an individual for 90 days, the only fair way to accomplish that under the existing system is to suspend for 720 hours - not 90 work days.

Page 2  
Ms. Johnson  
December 21, 1994

I trust that you will see the logic of this argument. Both our attorney and I will be present at the January State Police Commission meeting to discuss this issue in particular and why Mr. Fontenot should be allowed to have this much authority absent Commission approval.

Sincerely,



William F. Spencer  
Executive Director

WFS/cl

cc: Baxter Welch  
Board Members

GC-39

# GUNN, SMITH & KASTER, R.L.L.P.

ATTORNEYS & COUNSELORS AT LAW

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DAVID S. GUNN (CERTIFIED TAX ATTORNEY)  
WALTER L. SMITH, III  
CRAIG L. KASTER  
STEVEN E. SANDERS

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*Construction Law and Taxation*

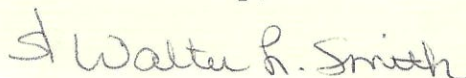
October 27, 1994

Director of State Police Commission  
Ms. Debra Johnson  
P.O. Box 66555  
Baton Rouge, LA 70896-6555

Dear Ms. Johnson:

I have been advised that Col. Fontenot has requested an amendment to Rule 12.2(b) to specify that the ninety (90) day suspension, without approval of the commission, would be for ninety (90) work days. Please be advised that the Troopers Association will oppose this proposed Rule as the effect would be to allow the current administration to suspend employees for one half (½) year, without the prior approval of the Commission. When the Commission considers this proposed amendment we will more specifically address the problems which would result from this. I would appreciate you advising the members of the Commission that we will appear in opposition to this proposed rule change. With best wishes, I remain,

Sincerely,



Walter L. Smith, III

WLS, III/sd



January 3, 1995

Ms. Debra L. Johnson  
Director  
State Police Commission  
Post Office Box 66555  
Baton Rouge, LA 70896-6555

RE: General Circular No. 39

Dear Ms. Johnson,

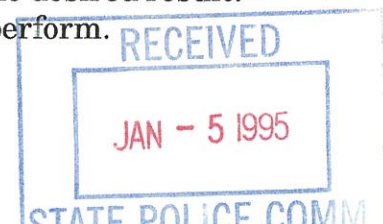
I am in receipt of your General Circular No. 39 regarding the revision of Chapter 12, Rule 12.2(b), Disciplinary Action and Suspensions, of the State Police Commission Rules.

In response to the request for revision of Chapter 12, Rule 12.2(b), I formally submit this letter of opposition to the State Police Commission for its consideration. As an employee of state police who has been adversely effected financially and mentally by the unrestricted use of disciplinary action, and one who today is laboring under the residual effect of those unproven charges, I submit that pre-disciplinary involvement by the commission is absolutely essential.

My response reflects both my personal experience and my grave concern for any employee meted financial punishment based only on the accusation of committing an infraction of departmental rules. This concern led me to actively research the possibility of several rules changes, including Rule 12.2. I am alarmed that state police now seeks to further increase the time an employee can be suspended without commission oversight. Therefore, the timing of the department's request for revision of Rule 12.2 causes my involvement at this time.

I believe that our ultimate goal should be to develop and maintain professionalism in each state police officer. According to the *American Heritage Dictionary*, discipline is defined as "...training that is expected to produce a specific character or pattern of behavior, especially that which is expected to produce moral or mental improvement." Therefore, I contend that disciplinary action should be implemented as a training tool to correct a performance problem.

Time and time again I have learned through my own management training and during my tenure at the State Police Training Academy that positive discipline achieved through training, rather than negative discipline, attains the desired result: the development of a competent police officer who is motivated to perform.



In conclusion, my opposition to the request for revision of Rule 12.2, and the current rules, outside my fundamental belief regarding financial punishment, is based upon the following concerns:

1) The proposed rule change has a built-in inequity between a straight day employee and a shift employee in the number of hours suspended when suspended by days.

- A) A straight day employee would be suspended for approximately 4 months, or 720 hours.
- B) A shift worker would be suspended for approximately 6 months, or 1032 hours.

2) The same inequity equates to the inequity in financial penalty: {Ex. 5-yr. Trooper salary @ \$11.31/hr}

- A)  $720 \text{ hours} \times 11.31 = \$8,143.00$
- B)  $1032 \text{ hours} \times 11.31 = \$11,671.92$

3) Lastly, and most importantly, the employee is punished financially without the benefit of a hearing. As a result, the employee and his or her family can suffer several months of financial hardship and mental anguish before an appeal is heard.

Thank you for the opportunity to express my opposition to the existing Rule 12.2(b) and its proposed revision. I will be present at the January 23, 1995 meeting to address the commission on this issue.

Sincerely,

*Kermit W. Smith, Jr./cs*

Kermit W. Smith, Jr.

KWS



# State Police Commission



Post Office Box 66555  
Baton Rouge, La. 70896-6555  
Phone (504) 925-7057  
Fax (504) 925-7058

December 12, 1994

General Circular No. 39

To: State Police Commission Members, Colonel Paul Fontenot,  
Russell Culotta, Foye Lowe, Walt Smith, William Spencer,  
Baxter Welch and LSTA Affiliate Presidents

Subject: State Police Commission Rule 12.2(b)

## CORRECTED NOTICE

The State Police Commission will hold a public hearing on Monday, January 23, 1995, at 9:00 a.m. to consider amendment of State Police Commission Rule 12.2(b). The public hearing will be held in the CONFERENCE ROOM, ELEVENTH FLOOR, WOODDALE TOWERS BUILDING, 1885 WOODDALE BOULEVARD, BATON ROUGE, LOUISIANA.

### CHAPTER 12 DISCIPLINARY ACTIONS AND SEPARATIONS

#### 12.2 Suspensions.

- (b) No suspension shall exceed ninety (90) work days without approval of the Commission.

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Sincerely,

Debra L. Johnson  
Director