

MINUTES OF FEBRUARY 12, 2020

A meeting of the Lafayette City-Parish Civil Service Board was held on Wednesday, February 12, 2020, at 5:30 p.m. in the Civil Service office.

PRESENT: Julie Broussard, Chair
Adrian Baudoin, Vice - Chair
RoxAnne Chaisson-Pitre
Germaine Breaux
Jim Ziler
George Armbruster III, Attorney of the Board

ABSENT: None

1. Public comments announcement

An announcement regarding public comment was read by Mr. Adrian Baudoin. No action was necessary, and there were no public comments.

Mr. Jim Ziler made a motion that items posted as numbers four (4) and five (5) be taken out of order and moved to second and third on the agenda, respectively. The motion was seconded by Ms. Germaine Breaux. There were no public comments and the motion carried unanimously.

2. Discussion: Legal update as it relates to Civil Service Rule IV.12 – Severance Pay

Mr. George Armbruster III, Attorney of the Board, at the request of Mr. Adam Marcantel, Civil Service Director, researched legal issues surrounding Civil Service Rule IV.12 – Severance Pay and presented the results of that research to the Board. Mr. Armbruster compared the language of the Rule with the language of the Louisiana Constitution of 1974, Article VII.14 – Donation, Loan, or Pledge of Public Credit. Mr. Armbruster provided a summary of *Crist vs. Parish of Jefferson*, in which the Louisiana 5th Circuit Court of Appeals ruled that a parish ordinance providing for “terminal leave compensation” was invalid in that “terminal leave compensation” was in violation of the Louisiana Constitution of 1974, Article VII.14 and the employee was therefore not entitled to such compensation. Six (6) Attorney General opinions that reached the same conclusion as the *Crist* decision were also cited by Mr. Armbruster.

Based on his research, Mr. Armbruster offered his opinion that because the severance pay provided for in Rule IV.12 is not payment for services previously rendered, it is in violation of the Louisiana Constitution of 1974, Article VII.14. He further recommended that the Board initiate the process to delete this section from the Rules and suggest to the Lafayette Consolidated Government administration that it not make any further severance payments until the Board has taken action on this matter.

Discussion among the Board members, Mr. Armbruster, and Mr. Marcantel confirmed that 1) payment for unused sick and/or annual leave were not prohibited, 2) the provision for severance pay has been in the Rules since at least 1983, and 3) any action taken at this meeting by the Board would not remove the section from the Rules, it would only start the process for possible removal. In response to a question posed by Ms. Breaux, Mr. Marcantel confirmed that the need for review of Rule IV.12 was prompted by media reports of severance payouts being given to unclassified employees and not payments that had been made to classified employees. Those reports, however, raised questions as to the appropriateness of any severance payouts, regardless of whether the recipients were classified or unclassified employees.

3. Possible Board action regarding Civil Rule IV.12 – Severance Pay

Following the discussion, the Board, through Ms. Julie Broussard, Chair, directed Mr. Marcantel to draft a rule change to remove Rule IV.12 – Severance Pay and to post that rule change for consideration by the Board at a later meeting date. The Board also directed Mr. Marcantel to draft a memorandum to the administration suggesting that no further severance payments be made in the interim.

Mr. Rick Zeno, Human Resources Manager, addressed the Board and informed them that his office had already suspended severance payments pending the outcome of the Board meeting. Responding to questions from Mr. Ziler, Mr. Zeno stated there were “3 or 4” classified employees who have recently retired and whose severance payments have not been paid. Mr. Zeno committed to the Board that he would inform those employees that they would likely not be receiving severance pay in accordance with the Board’s discussion.

4. Election of Officers

Ms. Broussard called for the election of officers for 2020. Mr. Baudoin nominated Ms. Broussard as Chair, and the nomination was seconded by Mr. Ziler. There were no other nominations. A vote on the nomination was called and Ms. Broussard was elected Chair unanimously.

Mr. Baudoin nominated Mr. Ziler as Vice-Chair and the nomination was seconded by Ms. Breaux. There were no other nominations. A vote on the nomination was called, and Mr. Ziler was elected Vice-Chair unanimously.


5. Approval of minutes of the December 2, 2019 meeting

Mr. Baudoin moved to approve the minutes and the motion was seconded by Mr. Ziler. There were no public comments, and the motion carried unanimously.

6. Public comments

There were no public comments.

Ms. RoxAnne Chaisson-Pitre made a motion to adjourn. Mr. Baudoin seconded the motion. There were no public comments, and the motion carried unanimously.



Chair

60420

Date



Adam Marcantel, Civil Service Director