

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE INFORMATIONAL MEETING
HELD ON FEBRUARY 8, 2024**

PRESENT: Thomas G. Fierke, Chair
Clay Cosse, President, Ex Officio Member

Due to the lack of a quorum, the Operations Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) held an informational meeting at 10:05 a.m., on February 8, 2024, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, La.

Opening Comments: Mr. Fierke advised that he had a number of comments on the Human Resource (HR) Handbook and that it would not be placed on the February Board agenda for discussion and approval.

Public Comments: None.

Report of Director of Engineering:

Chris Humphreys, Director of Engineering, provided the following report:

- Mississippi River – As of February 7th the River was at 9.5 feet at the Carrollton gage. It was anticipated to rise almost to 11 feet by mid-February and then fall to seven feet by March. Stage One Flood Fight is triggered at 11 feet at which time periodic inspections would begin.
- LPV-146 Leaning Monoliths Update – The U.S. Army Corps of Engineers (USACE) awarded a \$4.5 million contract to Quality First Marine for the replacement of Monoliths T6 and T7. As of January 9th, the wall was demolished, the existing piles exposed and dynamic testing performed on the newly installed piles. Dynamic testing determines the capacity of the pile and other parameters. As of February 8th, 40 new piles were being driven. The piles are 150-ft. long, two piece H-piles that are spliced.
- International Center for Storm Surge Barrier, Research, Public Education and Satellite Maintenance Facility Update:
 - Meetings were held with all FPA stakeholders, including Maintenance, Operations, Public Information and Governmental Affairs. Input was received on needs, opportunities, square footage requirements and other parameters, which can be included in a Request for Qualifications (RFQ) for architectural services.
 - On February 7th an update was received from the consulting engineer on unit costs so that estimates on facility size and costs could be determined.

- The Grant Consultant (Hunt, Guillot and Associates) was engaged to seek grant opportunities and was tasked with the review of the draft RFQ to ensure the FPA is able to take advantage of all available grant opportunities.
- A rough estimate of square footage, costs and a general design will be determined and brought to the Board as staff's recommendation. After Board approval, the RFQ for architectural services will be developed for advertisement. The intention is to have a facility designed for phased construction. Various components would be included in the first phase and other components could be added as funding is received.

Mr. Fierke advised that Kelli Chandler, Regional Director, was participating in the meeting via teleconference and asked for her comments. Ms. Chandler had no comments.

A. Discussion of the proposed award of a contract to the lowest responsible and responsive bidder for the Mitigation of Outfall Canal Erosion – 17th Street Canal Veterans Boulevard to Old Hammond Highway (East Side) Project.

Mr. Humphreys advised that bids were opened on February 6th for the 17th Street Canal Veterans Boulevard to Old Hammond Highway (East Side) Erosion Mitigation Project. The FPA received only one bid from Cycle Construction Company, LLC (Cycle) in the amount of \$14,483,042.

Mr. Humphreys explained that the project had been in the design and permitting stages for a number of years. Multiple contractors attended the pre-bid conference and asked questions throughout the advertisement period. Cycle's bid exceeded the Engineer's estimate of \$11.4 million. In order to obtain feedback, Engineering staff spoke to multiple potential bidders who withdrew from the process. The FPA had been unable to place a dollar value on the risk caused by the restraint that work be done entirely from the canal in order to protect the levee and avoid potential inconvenience to property owners. The contractor will have only one access point at either Veterans Boulevard or Old Hammond Highway and will have to handle materials multiple times. The additional mobilization added to the cost of the project. Several potential bidders advised that their estimates increased to over \$18 million before deciding to withdraw.

Mr. Humphreys advised that the sheetpile will be driven in the canal roughly eight feet from the wall in one section and 23 feet from the wall in another section. The sheetpile will be used for rebuilding the bank. Cycle has the advantage of having a Marine Division as opposed to other contractors who may have had to subcontract work.

Mr. Humphreys explained that Cycle constructed a number of other FPA canal projects, including erosion mitigation along the 17th Street Canal south of Veterans Highway and along the London Avenue Canal. Cycle also constructed a number of other FPA projects and did good work. Engineering staff recommended that the contract be awarded to Cycle. The additional funding that will be needed can be moved from other projects that were postponed.

Mr. Fierke advised that he would recommend that the Board approve the award of the contract to Cycle.

B. Discussion of the proposed issuance of a Task Order to Evans-Graves Engineers, Inc., in the amount of \$291,560.00 for Construction Administrative Services (\$102,560.00) and Resident Inspection Services (\$189,000.00) for the Mitigation of Outfall Canal Erosion – 17th Street Canal Veterans Boulevard to Old Hammond Highway (East Side) Project.

Mr. Humphreys explained that Evans-Graves Engineers, Inc., was the designer for the 17th Street Canal Veterans Boulevard to Old Hammond Highway (East Side) Erosion Mitigation Project. He recommended, particularly in light of the complexity of the work taking place within the canal, that Evans-Graves Engineers, Inc., be given the task order for Construction Administration and Resident Inspection Services for the project.

E. Discussion of the proposed Cooperative Endeavor Agreement with Jefferson Parish for widening the levee crown, installing a new asphalt multi-use path on the levee crown, and installing slope paving on the Lake Pontchartrain East Return Levee (Orpheum Levee) between Old Hammond Highway and Lilac Street.

Mr. Humphreys explained that the FPA planned to install slope paving on the Orpheum Levee to mitigate damages caused by trucks and vehicles turning onto the adjacent roadway. In addition, the turning trucks and vehicles cause levee materials to go onto the roadway and residential properties. The USACE would not approve the 408 Permit requested by the FPA because of the risk that cyclists who use the top of the levee could fall onto the slope paving. Jefferson Parish suggested that the levee crown be widened to mitigate this risk. Jefferson Parish agreed to enter into a Cooperative Endeavor Agreement (CEA) with the FPA that would allow the Parish to fund and maintain the widening of the levee crown (bike path) and the FPA to fund and maintain the slope paving. This approach was also recommended by the USACE when the permit was denied. After the CEA is executed, the FPA will reapply for the 408 Permit.

G. Discussion of the Human Resource (HR) Handbook, focusing on recent changes.

Kenyetta Sewell, Human Resource (HR) Director, provided a high level overview on State Civil Service, the HR Handbook (hereafter “Employee Handbook” or “Handbook”) and FPA Policies:

STATE CIVIL SERVICE (SCS)

Classified positions are subject to Civil Service Rules, including the following:

- Must be hired in an open, competitive manner prescribed by SCS
- Must meet statewide minimum qualification standards set by SCS
- Must be paid in accordance with the SCS Rules
- May only be disciplined (for cause) or removed after being provided due process
- May NOT participate in political activities related to the support of any political candidate, party or faction at any level of government, including federal, state,

or local, or make political contributions. Employees can attend meetings in which multiple candidates participate or debate.

State Civil Service Rules govern the life cycle of Classified employees, including:

- Recruitment
- Training
- Performance management
- Employee relations
- Compensation and benefits (including leave)
- Promotions and other movements
- Transition and exit (resignation, retirement, or termination)

Ms. Sewell advised that the Employee Handbook primarily consists of the aforementioned requirements by State Civil Service and that the FPA has no flexibility in how these processes are managed. Mr. Fierke asked that Ms. Sewell highlight in her overview any point where the FPA has flexibility, such as length of probation.

Ms. Sewell covered implementation and updates to the Employee Handbook and Policies since 2021.

POLICIES INITIATED AND GOVERNED BY STATE CIVIL SERVICE

Parental Leave Policy (introduced in January 2024) – The policy provides up to 240 hours of paid parental leave for birth of an employee’s child, or placement of a child with an employee for adoption or foster care on or after January 1, 2024.

Grievance Procedures – The Louisiana Legislative Auditor’s Office recommended after its 2022 audit that the FPA make its Grievance Procedures transparent. The FPA ensured that all employees were made aware of the Grievance Procedures, that grievances would be handled confidentially and that there would be an immediate resolution.

Telework Policy (instituted July 2022) – The policy applies to all regular full-time Classified and Unclassified employees holding positions that allow for remote work locations. The policy does not apply to the Safety Department, Maintenance Crews, Facility Operations Crews, Flood Wall Crews, PCCP Crews, Complex Structure Crews, Police Departments and certain administrative positions.

Terminal Leave Policy (instituted July 2022) – The policy allows employees to use annual leave equivalent to 20 work days prior to their actual retirement date with the approval of the Appointing Authority.

POLICIES INITIATED BY THE LOUISIANA LEGISLATURE

Substance Abuse and Drug-Free Workplace Policy (January 2023 update) – Prior to January 2023, any employee who tested positive for alcohol or drugs automatically received at least a 30-day suspension without pay. Due to hiring and retention difficulties, in January 2023 HR recommended and the Appointing Authority approved a change in the policy to provide that any employee who tests

positive for alcohol or drugs be given a suspension of up to five working days without pay. Generally, upon determination by the Appointing Authority, employees who test positive are suspended for three days for the first offense. The discipline is more progressive for a second offense. Police officers will be terminated on the first offense in accordance with SCS Discipline Rules.

Substance Abuse and Drug-Free Workplace Policy Amendment for Medical Marijuana (updated November 2023) – Test results for an employee or prospective employee who tests positive for marijuana and provides a valid recommendation from a licensed medical provider will be declared negative. The medical recommendation must be valid at the time of the screening.

Supervisors can refer an employee who appears to be inebriated or under the influence of a substance to HR and the employee will be sent for testing. An employee who is impaired will not be allowed to work. The FPA cannot prohibit employment or take negative action if an individual has been prescribed medical marijuana; however, HR will work with Legal in the event such an employee is impaired and on the job. Ms. Sewell noted that, generally, individuals who test positive during random drug screenings don't show any type of impairment.

Prohibiting Sexual Harassment Policy (updated 2022) – Based on the Legislative Auditor's recommendations after the 2022 audit, the following updates were made in accordance with statutory requirements: the types of prohibited conduct were expanded, the complaint procedure and internal and external investigation processes were clearly stated, and mandatory training requirements were stated.

ADA Compliance Policy (instituted March 2023 and based on the Division of Administration template) – The policy outlines procedures to ensure ADA compliance for employees, applicants for employment and the general public.

POLICIES INITIATED BY THE FPA

Employee Dating Policy (instituted January 2023) – The policy was put in place to ensure employees knew the FPA's expectations for the agency. The policy prohibits romantic or sexual relationships between:

- Supervisors and subordinates
- Human Resources Department employees and any other employee
- Finance Department employees and any other employee
- PFA's administrative leadership, including directors, and any other employee

Nepotism Policy (instituted July 2022) – The policy is intended to prevent the appearance of favoritism or a breach of confidentiality. The FPA will hire relatives of persons currently employed only if the candidate for employment will not be reporting directly to an immediate family member or is in the supervisory line of authority of the family member. Employment of immediate family members of employees working in the Human Resources Department, Finance Department, and the Executive Counsel are prohibited. Employees who were hired prior to the development of the policy are to contact HR so that the information is kept on file.

Mr. Fierke advised that he was prompted to look into this matter because the Board last approved the Employee Handbook in 2018. Ms. Sewell explained that in 2018, during the consolidation, the concept of an Employee Handbook was put in place and the Board reviewed and approved it. Policies initiated or amended are based, for the most part, on Civil Service rules or State Statute. HR could present the information to the Board; however, for the most part, no approval is needed because the FPA is legally required to put the policies or updates in place. Some Civil Service rules allow a policy to be put in place if desired by the Appointing Authority (e.g., a Rewards and Recognition Policy). The Board has flexibility on how this type of rule is offered; however, if approved, Civil Service puts parameters in place.

Ms. Sewell explained that Civil Service allows a probationary period of six months to two years. Civil Service is in the process of doing away with much of the professional level testing as well as other types of testing. Therefore, Civil Service now recommends that State agencies utilize the full two-year probationary period to ensure employees are a good fit for the position and the agency.

Mr. Fierke commented that the FPA was consolidated; however, levee districts are still referenced in the Handbook. Ms. Sewell explained that Civil Service considers the structure of the organization. The FPA is the umbrella; however, the East Jefferson, Lake Borgne Basin and Orleans Levee Districts have different budget units, so the references must remain. Ms. Chandler added that the subject of consolidation is very complicated when dealing with finances vs. Civil Service vs. payroll, etc.

Mr. Fierke pointed out that additional formatting was needed to make the hardcopy of the document easier to use. Ms. Sewell advised that employees are instructed to access the Employee Handbook on the FPA intranet. The intranet version has an index that takes users directly to a desired policy. The index is not captured when printing the document. Hardcopies of the document are printed for employees only upon request.

Mr. Fierke recommended the inclusion of an introductory or summary document that also defines or describes State Civil Service and how it fits in with the FPA. He noted that the document references only one Appointing Authority and omits reference to the Appointing Authority for police. Ms. Sewell explained that on November 17th she submitted a policy for police that had the Police Superintendent's name on it. Civil Service made it clear that because Ms. Chandler is the Appointing Authority for the FPA, she is the only individual they will recognize in terms of approving any type of major policy change. Kirk Ordoyne, Executive Counsel, cautioned everyone about how the Appointing Authority is defined. He explained that if Ms. Chandler is recognized by Civil Service, she must be kept as the main Appointing Authority to represent the FPA at Civil Service hearings. Ms. Sewell commented that the Board can state that the Superintendent of Police is an Appointing Authority; however, the authority is very limited as to what Civil Service will recognize.

Mr. Fierke pointed out that since Ms. Sewell advised that only the Regional Director, as the Appointing Authority for the FPA, can change policies, a clarification will be needed for the Board regarding the Appointing Authority for the police. He asked what can the Superintendent of Police, as an Appointing Authority, do or not do. Ms. Sewell

responded that he/she can hire, separate (terminate) and recommend pay. Mr. Fierke asked Mr. Ordoyne was he aware of this information. Mr. Ordoyne responded, yes. The actions referred to by Ms. Sewell are administrative decisions. All other decisions remain with Ms. Chandler as the Appointing Authority.

Mr. Fierke reiterated that police personnel need to be aware of the Superintendent of Police's Appointing Authority. Mr. Ordoyne explained that the Superintendent of Police sent a memo to officers when he received some Appointing Authority from the President of the Board. However, he was unsure about how this message is related to new hires. Ms. Sewell pointed out that the Appointing Authority reference in the Handbook is left generic, as opposed to including a name or job title. HR staff go to the appropriate Appointing Authority for authorizations. She noted that the Employee Handbook applies to all employees, including police personnel.

Mr. Fierke asked about rules that specifically apply to levee district police officers. Ms. Sewell replied that the East Bank Levee Police are governed by a separate set of policies and rules provided through Lexipol and managed by the Superintendent of Police. She clarified that she only works with policies that govern the FPA and that the Superintendent of Police is responsible for the policies and rules applicable to police personnel. When the Superintendent of Police joined the FPA, he was charged with unifying the department and putting in place an equal system for all officers. Mr. Ordoyne explained that Lexipol is a national company that makes recommendations and reviews policies for multiple police departments across the country. He stated that Chief Harrington and Captain Mike Brenckle worked with Lexipol on policy edits. All officers must electronically acknowledge the online policies. Ms. Sewell added that edits to the police policies are shared with HR and the Executive Counsel for coordination.

Mr. Fierke asked, statutorily, do the two police departments [i.e., the East Jefferson Levee District Police Department (EJLDPD) and Orleans Levee District Police Department (OLDPD)] still exist? Mr. Ordoyne responded, yes. Ms. Chandler pointed out that tax dollars for each district must stay within the district. If a police officer works in another district, then that district is charged. Mr. Fierke stated that he would like to discuss legislative proposals to clean up the FPA's management structure with Ms. Chandler and Wilma Heaton, Director of Governmental Affairs. Ms. Chandler welcomed and supported Mr. Fierke's suggestion. Ms. Heaton commented that the EJLDPD and OLDPD are financially distinct with a charge back system in place when an officer works in another district. However, feedback indicates that there is confusion in the justice community (for example, when an OLDPD officer issues a ticket and appears in court wearing an East Bank Levee Police Department uniform). In addition, there is no POST certification for the East Bank Levee Police Department. It was her understanding that there is certification for the EJLDPD and OLDPD.

Mr. Fierke asked the difference between the language in the Handbook and the policies in the appendices. Ms. Sewell responded that the Handbook language is brief and references the policies. The full standalone policies are located in the Policies and Procedures Section (the appendices). Standalone policies, with the exception of those

based upon mandatory Civil Service rules, are reviewed annually and changes can be made, if necessary, to the policy and the Handbook.

Mr. Cosse asked that Ms. Sewell explain the procedure for terminating an employee. Ms. Sewell provided the following explanation:

Probationary employees: Civil Service allows a probationary employee to be terminated without cause. A supervisor can recommend that an employee be terminated during his/her probationary period; however, HR asks the reason for the action to ensure that all employees are treated fairly. If the reason is legitimate and documented, HR moves forward with the supervisor's recommendation.

Permanent Classified employees: HR is required to follow Civil Service guidelines to terminate a permanent Classified employee; however, progressive discipline is used first. If an employee is doing something inappropriate or not meeting expectations, he/she goes through counseling, then a first and sometimes a second written warning is issued, and, if expectations are still not met, a recommendation can be made for termination. This process must be documented. The documentation is brought to HR and HR staff talks to the employee to ensure the documentation is not one-sided. If HR determines that the supervisor has a legitimate case, the employee is given a pre-disciplinary letter. The pre-disciplinary letter, which is required by Civil Service and considered due process, lays out the charges or issues, tells the employee how he/she violated policy, and the employee is given the opportunity to respond. The Appointing Authority decides whether the employee is terminated, suspended or reprimanded, depending on the nature of the incident. Sometimes the nature of an incident is so egregious that progressive discipline is not used and termination is recommended. Employees have the right to file an appeal with Civil Service. Employees are not required to have an attorney for filing an appeal with Civil Service.

Unclassified employees: The FPA has 14 Unclassified employees. Unclassified employees can be terminated without cause and cannot file an appeal with Civil Service. Ms. Sewell noted that she was hired in November, 2021, and that since she has been with the FPA, depending on the nature of the incident, HR basically follows the same criteria for all employees. The charges would be presented to the Unclassified employee, he/she would be given an opportunity to respond, and the Appointing Authority would make a decision.

Mr. Fierke asked for a clarification regarding the placement of political signage in an employee's yard. Ms. Sewell explained that Civil Service has stated that if there are two owners of a home, and one is not a Classified employee, he/she cannot be prohibited from placing a political sign in their yard.

Mr. Fierke advised that he would meet with HR regarding a number of editorial and specific comments he had on the document. The Employee Handbook will be brought back to the Operations Committee and then the Board for approval.

There were no further discussions. The meeting ended at 11:10 a.m.