

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

July 8, 2008

Ms. Susan Hill
Post Office Box 615
Brusly, Louisiana 70719

RE: Reduction in Pay

U.S. Certified Mail Receipt
7000 1670 0012 9729 1378

Dear Ms. Hill:

You have been employed by the Coastal Restoration Division of the Louisiana Department of Natural Resources since April 26, 2004. You currently serve with permanent status in the classification of Coastal Resources Scientist Supervisor with responsibility for managing our Ecological Review Unit. This letter will serve as notice that your bi-weekly salary will be reduced from \$2366.80 to \$2218.90 for six consecutive payperiods, commencing July 14, 2008. This action, authorized by Civil Service Rule 12.2, is equivalent to a three-workday suspension. The reasons for this action are set forth below.

Throughout March and April of this year, you and certain of your staff within the Ecological Review Unit have been evaluating and questioning the East Marsh Island marsh elevation survey. During a meeting on April 3, 2008, with your supervisor, Mr. Karim Belhadjali, Coastal Resources Scientist Manager, you stated that the surveys on this project by our contract surveyor were "screwed-up" and needed to be redone; questioned the project's contractual scope of service for the survey prepared by the Project Engineer, Mr. Dain Gillen, Engineer 3; advised that you had discussed the survey and the schematic of a plant drawn by Mr. Gillen with our federal sponsors; and that you discussed with Mr. Ed Haywood, Coastal Resources Scientist Manager, the procedure utilized by the Monitoring Section for shooting marsh elevations.

Responsive to his meeting with you, Mr. Belhadjali discussed your concerns with Mr. Luke LeBas, Engineer 7, who stated that his staff had become frustrated with your continuing challenges to the elevation survey. Due to your ongoing concerns, a lengthy teleconference involving a number of our employees and individuals external to DNR was conducted on April 14, 2008. Two days later, in an e-mail to Mr. Belhadjali, you stated, in pertinent part:

"In particular, to the detriment of our other job duties, we have been trying to determine the desirable elevation for the construction of the Marsh platform for the East Marsh Island project. For the past several weeks we have had great difficulty and have spent an

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inordinate amount of time singly focused on plants and deeply enmeshed in attempting to understand and salvage results from a twice conducted marsh elevation survey which seems to have been performed each time without an understandable or reliable methodology/protocol."

At this time, your supervisory chain of command became aware of tension amongst the many individuals involved in this project. A meeting was convened on May 1, 2008, to discuss the apparent breakdown in the professional relationship between the Office of Coastal Restoration and Management's Coastal Engineering Division and the Coastal Restoration Division's Ecological Review Unit. Throughout this meeting, you continued your challenge to the quality of the East Marsh Island project survey, in particular, and further questioned, in general, the SOP utilized over the years by department personnel for surveying marsh projects. At the close of this meeting, which was conducted by Mr. Belhadjali, Mr. Kirk Rhinehart, CRD Administrator, and Ms. Diane Smith, CRD Assistant Administrator, you were asked to further explore the East Marsh Island survey issue and provide recommendations. Later that day, Mr. Rhinehart issued the following directive to you via e-mail:

"As a follow-up to our meeting this morning, please provide a description of the technical issues you encountered with the surveys of the East Marsh Island project. Also describe what issues still remain and provide your recommendation on how we could address them for this and future projects.

Please e-mail this by the end of next week."

Having received no response from you nor a request to extend the deadline for responding, and knowing that you had been ill, Mr. Rhinehart again e-mailed you on May 15:

"I understand that you have been out on sick leave and have been unable to complete the task contained in the e-mail below. When you return, please make this a top priority; I want to insure we address any potential technical project issues. Please let me know when you expect to have this complete."

On Monday, May 19, 2008, you provided the following, totally unacceptable response to Mr. Rhinehart's directives:

"Dain Gillen drew a picture of a plant that seemed odd. I consulted multiple people to try to identify plant parts. I was unable to reach an

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understanding about the drawing. I have stopped asking any questions about this topic. As I have had no training in surveying or surveying techniques, I am not a person who can speak authoritatively on surveying issues."

After discussing this response with Ms. Smith and Mr. Belhadjali, Mr. Rhinehart re-stated his directive to you by e-mail dated May 21, 2008, therein more specifically defining the issues to be addressed in your response. His e-mail states:

"It is important that we adaptively manage the coastal restoration program and make adjustments to procedures if things can be done better. In order to accomplish this, your feedback is needed on the East Marsh Island project beyond what you provided below.

While you are not expected to be an expert on surveying, you are expected to be able to incorporate various types of technical information, such as surveying, into the Ecological Review (ER) process. As such, you need to provide a summary of the concerns you had with the survey of East Marsh Island relative to the ER. This apparently was a matter of some concern since you indicated you spent three weeks investigating flawed survey data that would have a detrimental impact on the project.

Please specifically address the matters you indicated were a concern to you including: 1) information on which surveys were done incorrectly, including the dates they were done and who did them; 2) what, if anything, was done to remedy the surveys and how was this accomplished; 3) exactly how and to what degree the incorrect data/information would be detrimental to the project; 4) describe any outstanding issues with the project that need to be resolved; and 5) provide your recommendations for administrative and technical procedures which you believe would enable us to avoid such problems in the future.

Please provide the requested information by May 28th."

Between May 21 and 28, you did not discuss this directive with anyone within your chain of command. After the deadline passed, at the direction of our then Appointing Authority, Mr. Gerry Duszynski, your inappropriate response and lack of response to Mr. Rhinehart's directives were referred to our Human Resources Division. You were called in to discuss this issue with Ms. Mary Ginn, Human Resources Director, and Mr. Mark Falcon, Consulting Attorney, on June 2, 2008. You

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stated to these individuals that you had been sick, which delayed your response, but that your May 19 e-mail to Mr. Rhinehart adequately provided all information known to you on the survey issue related to the East Marsh Island project given your lack of training on surveying procedures. Regarding your failure to respond to Mr. Rhinehart's more definitive follow-up directive on May 21, you claimed that you had never seen his e-mail. You stated that you were having in-box problems, that you were backlogged in reading your e-mails, and that you scrolled through and archived dozens of e-mails, without reviewing them, to make room for additional new e-mails. When Ms. Ginn questioned your lack of concern and disregard for the e-mails sent to you, especially those from your supervisor and/or administrator, your response was that you were too busy and overloaded with work to have time to read your e-mails.

Still requiring feedback and follow-up information from you regarding the survey SOP and your concerns for the East Marsh Island project survey, especially because of the disharmony which had been created intra-departmentally because of your ongoing questions and criticisms, Ms. Ginn and Mr. Falcon reminded you to provide a comprehensive response to Mr. Rhinehart's May 21 directive. That same evening, at 8:04 p.m., you provided the following e-mail response to him:

"I am unable to provide your requested information.

Team members who attend meetings for a project would know information about and have documents for a project; therefore, they are the proper staff members you should consult to provide you with answers for any questions you may have about this project.

Brad Miller is the DNR project manager for the East Marsh Island project and Dain Gillen is the DNR engineer who is designing this project. They are team members for this project.

I am not a team member for this project; I am unable to provide you with the answers you seek.

I do not know the dates or who did any surveys. I was not provided with any survey reports. I do not know if any surveys are correct or incorrect. I do not know of outstanding issues.

As I previously indicated, I spent time trying to understand the labeled plant parts on the drawing from Dain Gillen. I consulted multiple people trying to identify plant parts. I was unable to reach an understanding about the drawing. I have stopped asking questions about this topic.

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As I have had no training in survey or surveying techniques, I am not a person who can speak authoritatively on surveying issues.

Steve Melton is the DNR surveyor and has knowledge about surveying matters."

My independent review of the foregoing sequence of events, including your own statements and writings, has caused me to conclude that you have spent many, many hours addressing and evaluating the elevation surveys for the East Marsh Island project. You have consulted many individuals, both internal and external to this Department, and spent countless hours, along with your staff, questioning the validity of the surveys and challenging the standard procedures customarily used over the years by this Department in performing surveys or contracting survey projects. Under these circumstances, Mr. Rhinehart appropriately sought to have you summarize the information gathered and of concern to you, along with suggestions from you which could serve to improve the survey process we customarily and recurrently utilize.

You first made no effort to respond to his May 1 directive. You then were wholly non-responsive and flippant in responding on May 19 to his follow-up (May 15) directive. Your revelation that you simply stored away your e-mails without reviewing them is unacceptable in that a critical communication could have been, and apparently was, overlooked. Finally, your June 2 response is of minimal value and, in my opinion, insolent in tone and insubordinate in substance. Your claim to know nothing of the surveys in question directly contradicts your reference thereto within your April 16 e-mail to Mr. Belhadjali. Your claim of having no training in surveying or surveying techniques as a justification for not providing the information requested by Mr. Rhinehart is specious in view of the comprehensive, subsequent response by your subordinate, Ms. Summer Martin, Coastal Resources Scientist, which is informative and insightful.

By pre-deprivation notice dated June 26, 2008, you were notified of the recommendation of disciplinary action. Your response thereto, stating merely that you disagree with the proposed action, has provided no information of substance to cause me to determine that the recommended action is unwarranted. As such, my decision is to impose disciplinary action in the form of this reduction in pay.

Let this be a learning experience for you. With many other OCRM employees, you are being assigned to the CPRA. Change should be expected. You shortly will be serving under a new Appointing Authority. New/different responsibilities and procedures will be imposed and required of you. Draw upon the suggestions embodied within Mr. Belhadjali's counseling letter recently sent to you. Importantly, in the future, timely and thoroughly respond to your supervisors' inquiries and directives. Do not simply archive the e-mail communications sent to you. Be receptive to constructive feedback. Develop a less confrontational approach in communicating your concerns.

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You have the knowledge and training to satisfactorily manage our Ecological Review Unit. By favorably responding to these suggestions, the difficulties you have been experiencing in your job should not continue to occur.

You have the right to appeal this action to the State Civil Service Commission. The time limits and procedure for appealing are contained in Chapter 13 of the Civil Service Rules, a copy of which can be obtained from our Human Resources Division or from the Department of State Civil Service.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Frugé". The signature is written in a cursive, flowing style.

David W. Frugé
Acting Assistant Secretary