



State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL RESTORATION AND MANAGEMENT

August 22, 2008

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

CERTIFIED MAIL
7004 1160 0003 2463 3819

RE: Termination Notice

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 of your removal from the classified service effective August 29, 2008. The reasons for this action are set forth below.

On Monday, June 30, 2008, at approximately Noon, you stated to Mr. Karim Belhadjali, Coastal Resources Scientist Manager, that you were feeling ill, needed to take sick leave for the remainder of the day and probably would not be in for the remainder of the week. That same day, you requested sick leave through LEO for ten hours each on Tuesday, July 1 and Wednesday, July 2. Since Friday, July 4, 2008 was a holiday, and your schedule requires that you work four ten-hour days, you were scheduled to be off on Friday and July 3 was your designated holiday.

On Monday, July 7, 2008, you left a voice mail message for Mr. Belhadjali stating that you were not feeling well and would be unable to report to work. You also telephoned Mr. Michael Beck, Coastal Resources Scientist DCL-A, to let him know that you would not be reporting for duty. No leave requests were submitted by you and you did not report for duty the entire week. You did not discuss your request for leave with Mr. Belhadjali nor anyone else within your supervisory chain of command.

On Monday, July 14, 2008, you left a voice mail message for Mr. Belhadjali stating that you were providing a "courtesy" notice that you were continuing to be off from work on the same sick leave as previously. You contacted no one else, remained off the entire week, and did not submit a leave request.

In view of your extended absence and failure to comply with the required call-in procedure, Mr. Belhadjali contacted our Human Resources Director, Ms. Mary Ginn, on July 14, 2008. That day Ms. Ginn wrote a letter to you (Attachment "A"), therein stating that your sick leave balance was low, that the approval of use of annual leave in lieu of sick leave is discretionary, and noted your possible entitlement to leave under the Family and Medical Leave Act. Ms. Ginn advised you that additional information was needed regarding your continuing absence and asked that you contact her. To this day, you have not done so, nor have you submitted FMLA or other medical documentation of any nature to explain your absence from duty.

On Sunday, July 20, 2008, you e-mailed Mr. Belhadjali from your personal Yahoo account regarding your belief that you were being denied access to LEO and your DNR e-mail account, and demanded that your access be reinstated (Attachment "B"). Since Ms. Ginn was copied on this e-mail communication, she investigated your representations the following day and telephoned your home, leaving a voice mail message since you did not answer. Hearing nothing from you, Ms. Ginn e-mailed you that afternoon to address the difficulties you were experiencing with LEO and your DNR business account. Ms. Ginn therein advised you that additional information was needed regarding your continuing absence and her need to talk with you as soon as possible (Attachment "C").

In your July 20 e-mail to Mr. Belhadjali, you requested ten hours of annual leave for Monday, July 21, 2008, "to try to deal with a harmful emergency situation beyond my control." On July 22, 2008, Mr. Belhadjali e-mailed you via your DNR and Yahoo accounts to advise of his approval of your annual leave request for July 21 based upon your representation of an "emergency", but noted therein his need for additional information in order to make a reasoned decision before granting more leave. He further requested therein that you contact him or Ms. Ginn (Attachment "D"). The next contact with you, rather than personal responses to Mr. Belhadjali or Ms. Ginn, as requested, was your request, via LEO, on July 23, 2008, for additional annual leave on July 23 & 24.

Upon receipt of this request for additional annual leave, Ms. Ginn and Mr. Belhadjali that day placed a telephone call to your home. Receiving no response, they left a voice mail message requesting that you call in and provide additional information supportive of your continuing annual leave requests. Hearing nothing from you, Mr. Belhadjali, on July 24, again e-mailed you (Attachment "E") at your business and personal e-mail accounts to advise that your annual leave request for the remainder of the week required additional information. He further stated that you were not complying with the required call-in procedure and requested that you contact him or Ms. Ginn. No response was received to these efforts to communicate with you.

On Monday, July 28, 2008, you requested annual leave for the entirety of the week through LEO. At this point, in view of your continuing absence for almost one month and your repeated failure to comply with the required call-in procedure, Mr. Belhadjali spoke with his supervisor, Mr. Kirk Rhinehart, CRD Administrator. Mr. Rhinehart e-mailed you the following day at your business and home accounts. In his e-mail, Mr. Rhinehart advised you that your continuing absence was being coded as unauthorized leave without pay because of your failure to properly request and justify your need to be off from work, further stating that your ongoing, unauthorized absence was jeopardizing your continued employment. Mr. Rhinehart directed you to contact him, Mr. Belhadjali or Ms. Ginn immediately upon receipt of his e-mail, and stated that your failure to do so would be construed as insubordination (Attachment "F"). No effort was made by you to respond nor comply with this directive.

On Monday, August 4, 2008, you again requested annual leave, through LEO, for the entirety of the week. No effort was made by you to contact your supervisors as required by our call-in procedure. Mr. Belhadjali again spoke with his supervisors regarding your continuing absence. The next day, Ms. Ginn and Ms. Diane Smith, CRD Assistant Administrator, telephoned you at your

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home and via cellphone and left instructions for you to contact them or someone else within your chain of command.

That same day (August 5), Ms. Sara Harrison from our I.T. Division notified Ms. Ginn that your e-mail account was over maximum and had been dormant for over thirty days. Ms. Ginn conveyed this information to your supervisors. Mr. Belhadjali e-mailed your subordinates, each of whom indicated that they had not been in contact with you. He then wrote you at both e-mail addresses and via regular mail to your address of record (Post Office Box 615, Brusly, Louisiana 70719) regarding his need to have your password to access your e-mails to be certain that important business communications sent to you were not being overlooked. He specifically directed you therein to contact him "immediately regarding your leave usage and e-mails" (Attachment "G"). Ms. Ginn also wrote you that day regarding your e-mail account. She too advised you of your need to provide your password to your business e-mail account right away (Attachment "H"). No response to these communications have been received from you.

On Monday, August 11, 2008, you again, via LEO, requested annual leave for the entire week. Be advised that this leave request similarly has been denied because of your failure to provide information supportive of your need to be off and failure to comply with our established call-in procedure. Your repeated representation of your need to be off to "address a harmful emergency situation beyond my control" is insufficient, under the circumstances, to justify approval of your use of annual leave.

By Memorandum dated May 23, 2008, Ms. Smith reiterated to you the appropriate call-in procedure required within RTS (Attachment "I"). Her doing so was prompted by the confusion which arose just prior thereto concerning your absence from work while Mr. Belhadjali was also off on leave. Her Memorandum to you well states the requirements that you timely call in and speak with someone. You know that Mr. Belhadjali works nine-hour workdays and is off every other Monday. As such, no excuse exists for your failure to contact him on Tuesday following his off day since you have been out. In fact, you could have contacted Mr. Belhadjali at his home on Monday's off or contacted someone else within your chain of command.

By pre-deprivation letter dated August 13, 2008, you were notified of the recommendation of removal. Since the issuance of that notice, you again requested annual leave for the entire week commencing August 18, 2008, via LEO, without personally contacting anyone within your chain of command. In the notice sent to you, you were afforded an opportunity to respond by August 20. Having heard nothing from you by close of business that day, I contacted our Human Resources Division to discuss the procedure for effecting your removal.

That same night, at 10:24 p.m., you provided the e-mail documentation identified as Attachment "J". Therein you reference your recent communications with law enforcement authorities and the media. This revelation is bothersome in that you have taken time to make these contacts, yet no effort has been made to communicate with your supervisors. Since being off, you

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have filed an appeal with the State Civil Service Commission and prepared a Motion for filing in Federal Court. However, you have not taken the time to telephone nor respond in writing to this Department's many efforts to contact you.

You have now been off from work for almost eight full weeks. Since your discussion with Mr. Belhadjali just prior to leaving work on June 30, you have spoken with no one within your chain of command. Your subordinates have stated that you have not spoken with them either. You have not followed our call-in procedure. You have not answered your telephone nor responded to voice mails, e-mails nor letters via regular mail. You have not responded to Mr. Rhinehart's directive despite being told that your failure to do so would be deemed to be insubordination. You further have not responded to the requirement that you provide your e-mail password so that your business e-mail account can be accessed by Mr. Belhadjali. To my knowledge, you have not accessed your e-mails as evidenced by the backlog reported by I.T. These failures are inexcusable.

In determining the proper course of action to address your many failures, I have taken into consideration your prior disciplinary action by letter dated July 8, 2008. I have also considered your status as a supervisor. Your actions, as set forth above, do not honor this Department's philosophy of supervisors leading by example. Over the past 52 days, you undoubtedly have had many opportunities to telephone your supervisors, yet have chosen to not do so. In view of the substantial passage of time, and after reading your e-mail communication, it is clear that your failure to communicate has been knowing and intentional.

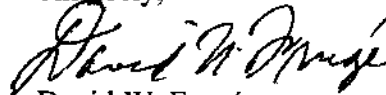
As stated in the pre-deprivation notice, I view your actions and inactions as tantamount to abandoning your position. Your supervisors have been required to fill in during your absence. You apparently have never intended to return to work. Your lack of respect for the authority of your supervisors is apparent, as is your intention of failing/refusing to comply with the customary, required procedure for requesting leave. Your failure to communicate with your subordinates, not checking your e-mail communications and refusing to provide your password in order to permit your supervisors to carry on business activities in your absence suggest to me total disregard for the affairs and operations of the unit you supervise. Under these circumstances, my decision is that your removal is warranted and will serve the interests of this Department.

Your receipt of the pre-deprivation notice proposing your termination has caused you to now seek the intervention of Governor Jindal and/or the federal court system. I have heard nothing from the Governor's Office, and there is no indication of the Motion you provided having been filed. In my capacity as Assistant Secretary, I am called upon to make decisions that frequently are difficult. You are aware of the creation and recent implementation of the Coastal Protection and Restoration Authority. You have not been here with us to transition into this new organizational structure and I have no way of knowing if or when you will be returning to work. The needs of your position must be carried on without further delay. After thoroughly discussing this matter with Secretary Angelle, we have determined that termination proceedings are warranted and that the re-filling of your position via competitive process is the necessary and prudent course of action.

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You have the right to appeal this action to the State Civil Service Commission within thirty calendar days following the date you receive this notice. The appeal procedures are contained in Chapter 13 of the Civil Service Rules, a copy of which is available from the Department of State Civil Service or our Human Resources Division.

Sincerely,



David W. Frugé
Acting Assistant Secretary

APPROVED:



SCOTT A. ANGELLE
Secretary

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF MANAGEMENT AND FINANCE

ATTACHMENT "A"

July 14, 2008

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

RE: Absence

Dear Ms. Hill:

I have been advised by your supervisors that you have continually been off from work since June 30, 2008. In reviewing your leave balances, I note that you have approximately 29.9 hours of sick leave and 190.8 hours of annual leave to your credit. I also have been advised that the nature of your need to be off from work has not been disclosed to your supervisors. Be mindful that Department of Natural Resources HR Policy #8 requires a physician's certificate for illnesses that extend beyond five consecutive work days. This policy comports with Civil Service Rules.

I write you for two purposes. First, if you continue to be off from work, you soon will exhaust your sick leave balance. Although you have annual leave to your credit, the approval of the use of annual leave in lieu of sick leave is within the discretion of your supervisory chain of command. Generally, annual leave is not authorized in lieu of sick leave unless the absence is for an FMLA-qualifying event. I am certain that you do not care to be placed in leave without pay status if you remain unable to report to work.

Second, since you have been off for an extended period of time, it may be that your continuing absence qualifies for protection under the Family and Medical Leave Act. I have attached for your review FMLA documents which we customarily provide to employees who are unable to report for duty for an extended period. In this instance, since your sick leave balance is low, your best interests would be served by seeking to use leave under the FMLA since such would automatically entitle you to use annual leave upon exhaustion of your sick leave balance.

Human Resources

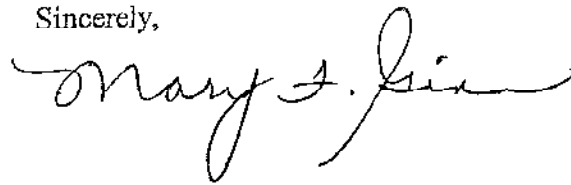
Post Office Box 94396 • Baton Rouge, Louisiana 70804-9396 • 617 North Third Street • 12th Floor • Baton Rouge, Louisiana 70802
Phone (225) 342-2134 • Fax (225) 342-3709 • <http://www.dnr.louisiana.gov>

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I ask that you contact me at your earliest convenience. I need to advise your supervisors of your status and the manner in which your leave should be coded. To properly do so, additional information from you is required. Be assured that any medical information disclosed by you will be maintained in confidence and with respect for your right to privacy.

Sincerely,

A handwritten signature in cursive script, reading "Mary F. Ginn". The signature is fluid and elegant, with a large, sweeping "M" and a long, horizontal flourish at the end.

Mary F. Ginn, SPHR
Human Resources Director

Attachment

DEPARTMENT OF NATURAL RESOURCES

HUMAN RESOURCES POLICY NO: 4
EFFECTIVE DATE: February 1, 2000
SUBJECT: Family and Medical Leave
AUTHORIZATION: CFR Title 29; Part 825

I POLICY:

It is the policy of the Department of Natural Resources to grant family and medical leave to those employees whose family and/or individual medical needs require their absence from work and who are eligible for such leave.

II. PROCEDURES:

This policy outlines the conditions under which an employee may request leave from work, in accordance with circumstances described in the Family and Medical Leave Act, for a limited period of time with job protection and no loss of accumulated service.

III. APPLICABILITY:

This policy will apply to all employees within the Department who meet the eligibility requirements.

IV. PROCEDURES:

1. DEFINITIONS:

- A. Family and/or Medical Leave of Absence: An approved absence available to eligible employees for up to 12 weeks of leave per year under particular circumstances. A year is counted from the first day of the individual's leave usage until that date the following year.

Leave may be taken as follows:

- 1) upon the birth of the employee's child;
- 2) upon the placement of a child with the employee for adoption or foster care;
- 3) when the employee is needed to care for a child, spouse, or parent who has a serious health condition; *or*
- 4) when the employee is unable to perform the essential functions of his position because of a serious health condition.

- B. Parent: a biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter. This does not include parents-in-law. Persons who are *in loco parentis* include those with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, that person who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- C. Serious Health Condition: The Family and Medical Leave Act defines a serious health condition as an injury, illness, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider.
- D. Son or Daughter: a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.
- E. Spouse: a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.
- F. Appointing Authority --refers to the head of an organizational unit, such as Assistant Secretaries, the Undersecretary, the Deputy Secretary, and the Secretary.

2. **PROCESS:**

The provisions of this regulation apply to all leaves of absence specifically granted under the Family and Medical Leave Act.

A. **Determination of Eligibility**

To be eligible for leave under the Family and Medical Leave Act, an employee must have been employed for at least 12 months total (need not be continuous) and must have worked at least 1250 hours during the 12 month period preceding the commencement of the leave. For the purposes of this entitlement, the State of Louisiana is considered one employer.

B. **Requests for FMLA**

An employee's request for family and medical leave of absence must be submitted on the Certification for Family and Medical Leave form (see Attachment 1) in accordance with these procedures. When possible, the form should be submitted 30 days prior to the effective date of the requested leave. Otherwise leave is to be requested as soon as practical.

For requests for leave to care for a family member, the employee may be required to provide reasonable documentation or statement of family relationship. This may be a child's birth certificate, a court document, etc. The Appointing Authority may designate leave as family and medical leave, even if the employee does not request it, when the reason for the absence is a qualifying condition of the Family and Medical Leave Act and the employee may use the appropriate paid leave during this time period. The Appointing Authority will provide the employee written notice of his rights and obligations when such leave is so designated.

C. Leave Usage

If an employee has annual or sick leave to his credit, the Appointing Authority may require or the employee may elect to take such leave. Leave earned in accordance with the Fair Labor Standards Act (time and one-half compensatory leave) cannot be used for family and medical leave. Straight time compensatory leave may be granted at the discretion of the Appointing Authority. Sick leave may be used as paid leave under the Family and Medical Leave Act for an employee's own illness, but may not be used for taking care of a family member.

If medically necessary for a serious health condition of the employee or his spouse, child or parent, leave may be taken on an intermittent basis. If leave is requested on an intermittent basis, however, the Appointing Authority may require the employee to be reassigned temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position has equivalent pay and benefits.

Spouses who are both employed by the State of Louisiana are entitled to a combined total of 12 weeks of leave for the birth or adoption of a child or for the placement of a child in foster care. This may require coordination between state departments.

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must give 30 days advance notice, and make efforts to schedule leave so as not to disrupt operations. If appropriate leave is not available for use under the Family and Medical Leave Act entitlement, leave without pay will be granted.

Absence covered by a workers' compensation claim may run concurrent with Family and Medical Leave Act entitlement.

An employee who is granted an unpaid leave of absence under this regulation shall contact the DNR Human Resource Director to arrange for the Department to pay employee insurance premium contributions during the period of unpaid absence.

D. Medical Certification and Recertification

Medical certification is required to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. The Appointing Authority may require a second medical opinion at no cost to the employee. If the first and second opinion differ, the Appointing Authority may require a third binding medical opinion by a physician approved jointly by the Appointing Authority and the employee, at no cost to the employee.

Periodic recertification by the health care provider may not be requested more often than every 30 days and then only in connection with an absence by the employee unless: 1) circumstances described by the previous certification have changed; 2) there is evidence which casts doubt on the validity of the original certification; or 3) if the minimum expected duration of incapacity specified on the original certification is more than thirty days and the minimum duration has passed. A minimum of 15 calendar days after the request must be allowed for the employee to provide the recertification.

Any recertification requested by the employee is at the employee's expense. No second or third opinion on recertification may be requested.

All medical information submitted to the employer for verification of leave must be treated as confidential and must be maintained separately from the employee's personnel file.

E. Employee FMLA Status Reporting Requirements

An employee granted leave under this regulation may be required to report bi-weekly on his leave status and intention to return to work.

F. Employee's Return to Duty

Any employee who has taken medical leave under this regulation due to his own serious health condition is required to provide a fitness for duty certification from his health care provider prior to returning to work. This certification must state that the employee is capable of performing the essential functions of his job with or without temporary accommodation. If a temporary accommodation is requested, the Appointing Authority will determine whether such accommodation can be reasonably provided without undue hardship or disruption to unit operations.

The employee must be returned to the exact same job title, same shift, work location, duties, etc. which he held prior to his use of family and medical leave unless the employee's position has been eliminated due to

layoff, the shift has been eliminated or the employee was hired on a temporary basis for the purpose of completing a project which was completed during his absence.

If an employee is unable to return to duty, the provisions of the Family and Medical Leave Act and the Americans with Disabilities Act (ADA) must be satisfied before an employee who has exhausted all sick leave can be separated under the provisions of Civil Service Rule 12.6.

3. GENERAL:

The Wage and Hour Publication 1420, dated June 1993, is to be posted on all official employee bulletin boards to inform employees of the Family and Medical Leave Act. (See Attachment 2.)

Employees may utilize the DNR grievance procedure to address complaints of non-compliance with the Family and Medical Leave Act

V. RESPONSIBILITY:

It is the responsibility of each supervisor and appointing authority to assure compliance with this policy.

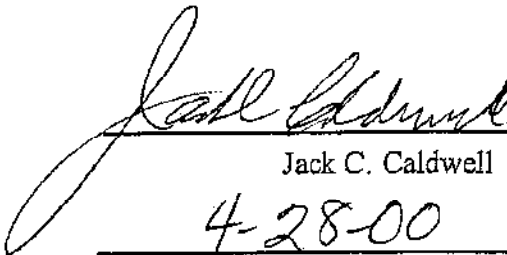
It is the responsibility of each employee to become familiar with this policy. This regulation presents the basic requirements of the Family and Medical Leave Act for guiding the Department's commitment to compliance with the Act. It does not preclude the imposition of more specific technical requirements as outlined in Title 29, Part 825 of the Code of Federal Regulations. DNR staff are directed to consult the April 1995 Wage and Hour Publication 1419 for additional guidance.

VI. EXCLUSIONS:

Exclusions and/or exceptions to this policy will not be permitted.

VII. QUESTIONS:

Questions regarding this policy should be directed to the Human Resources Director.



Jack C. Caldwell
4-28-00

Date

Certification For Family and Medical Leave

To Be Completed By Employee:

Employee Name: _____ Office: _____

I am requesting leave under the Family and Medical Leave Act for: (check one)

- ☐ Birth of a Child
☐ Placement/Adoption of a Child
☐ Own serious health condition
☐ Care for a family member/Relationship of family member to employee: _____

When caring for a family member, the employee shall state the care he or she will provide and an estimate of the time period during which the care will be provided, including a schedule if leave is to be taken intermittently or on a reduced schedule:

Type leave requested: ☐ Annual ☐ Sick ☐ Compensatory ☐ Combination (if applicable)

Certification of Physician or Practitioner:

Patient's Name: _____ Date condition began: _____

Probable duration of condition: _____

Condition Requires: ☐ Hospital Care ☐ Absence from Work Plus Treatment ☐ Chronic Treatment ☐ Long-term Treatment (Check all that apply)

Regimen of treatment to be prescribed (general nature and duration, including referral to other provider of health services and schedule of treatment/visits if on intermittent basis): _____

Is in-patient hospitalization required? ☐ YES ☐ NO

Is employee able to perform the essential functions of his position? ☐ YES ☐ NO

(Complete if request is for employee's own health condition)

For care of a family member:

Does or will patient require assistance for basic medical, hygiene, nutritional need, safety, or transportation?

☐ YES ☐ NO

Will the employee's presence be necessary or beneficial for the care of the patient? (This may include psychological comfort.)

☐ YES ☐ NO

Estimate the period of time care would be needed or the employee's presence would be beneficial: _____

Signature of Physician or Practitioner _____ Date _____ Employee Signature _____ Date _____

Type of Practice (field of specialization) _____ Date _____ Supervisor Signature _____ Date _____

Appointing Authority Signature _____ Date _____

YOUR RIGHTS

UNDER THE

FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- ▶ to care for the employee's child after birth, or placement for adoption or foster care;
- ▶ to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- or
- ▶ for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- ▶ The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- ▶ An employee may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- ▶ For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- ▶ Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- ▶ The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- ▶ interfere with, restrain, or deny the exercise of any right provided under FMLA;
- ▶ discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- ▶ The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- ▶ An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

From: Susan Hill [REDACTED]@yahoo.com]
Sent: Sunday, July 20, 2008 9:11 PM
To: Karim Belhadjali
Cc: Diane Smith; Mary Ginn
Subject: Notice

I am providing notice via a personal email account because I have been prevented from and denied my State of Louisiana employee LEO mechanism on-line leave system that I need to use 10.0 hours of my earned annual leave hours on Monday, July 21, 2008 to try to deal with a harmful emergency situation beyond my control.

I am also providing notice that I have tried repeatedly to access my State of Louisiana employee account in LEO: LA Employees Online (Providing State Employees a Universe of Information). This is my account by which I would have submitted an electronic leave request as per the usual mechanism. However, I am locked out of accessing my LEO account and prevented from and denied, and unable to know of or learn of any of my information contained in my LEO account of which I have had an immediate need to know and I currently have an immediate need to know my personal information contained in my LEO account. My previously valid self-selected employee password does not work. I am also locked out from changing to another password or accessing any help to correct my removal of access and denial to log in to my LEO account to know my personal information as a State of Louisiana employee.

I have been prevented from and denied the ability to make any leave request to use my earned leave. Among other things, I have been prevented from and denied, access to and the ability to view; know; make edits, changes, and requests. I have been prevented and denied any of my personal information, employment records, earned leave, earned income, remuneration statements, among other items contained in my LEO account that I have had an immediate need to view, know, make edits, changes, and requests and I continue to have an immediate need to view; know; make edits, changes, and requests.

I am requesting immediate restoration of my access to my State of Louisiana employee LEO account as I have been prevented from and denied, unable to access any of the functions and information available to me in my LEO account that I have needed immediate access to and I currently continue to need immediate access to at this time.

I am also providing notice that I am unable to view my Outlook work emails through my account through Louisiana Statewide Email Web Access. I have tried on numerous occasions to gain access to my work email account because among other reasons, I needed to read my own work emails sent to me at susan.hill@la.gov containing information I have had an immediate need to know and I continue to have an immediate need to know that are sent to me by my staff and others, in order that among other reasons I may keep current with my work by reading the meeting reports I have directed my staff to prepare for me and submit to me as well as other information I have had an immediate need to know and I continue to have an immediate need to know.

I have been prevented from and denied among other things, knowledge from information sent to me in my work emails, keeping current with my work because I have been prevented from and denied, access to my Outlook work emails that are addressed to me at susan.hill@la.gov and knowing my work and employee information I have had an immediate need to know and I continue to have an immediate need to know.

I am requesting immediate restoration of my State of Louisiana employee access to my dnrdomain\susanh account so that I can read my work emails that are sent to me at susan.hill@la.gov and contained in my employee Outlook email account through which State of Louisiana employees are able to view. I have been prevented from and denied, knowledge, information and access to and I have had an immediate need among other things, to know the information contained and I continue to have an immediate need among other things, to know the information contained in my Outlook work emails in my account through Louisiana Statewide Email Web Access.

Thank you,

Susan Hill
Coastal Resources Scientist Supervisor
Ecological Review
susan.hill@la.gov

ATTACHMENT "C"

Mary Ginn

From: Mary Ginn
Sent: Monday, July 21, 2008 2:25 PM
To: [REDACTED]@yahoo.com
Subject: Your E-mail of Last Night

Susan,

I tried to reach you this morning at [REDACTED] and I left a voicemail message for you to call me. Since I haven't heard from you, I am following up by e-mail to your personal account listed on last night's e-mail.

I sent you a letter dated July 14 advising that you were about to exhaust your sick leave balance and asking you to contact me. I have insufficient information to properly code your continuing absence; also, I do not have enough information regarding today's request for annual leave to make a recommendation to your supervisors.

We have contacted the LEO help desk and we have learned that you were locked out of LEO for attempting several times to enter an incorrect password. This is customary security procedure. You can go into Password Maintenance on the LEO screen to reset your password. If that fails, contact the LEO help desk at 342-2677 and they will assist you.

I have contacted our IS department to determine if you were locked out of our system for similar reasons or if your password had expired. Neither has occurred. They suggested the two systems may have a communication problem, but you are not locked out of the DNR system. Call our help desk at 342-4556 and they will assist you.

I need to talk with you as soon as possible.

Thanks,
Mary

ATTACHMENT "D"

Karim Belhadjali

From: Karim Belhadjali
Sent: Tuesday, July 22, 2008 4:45 PM
To: Susan Hill; [REDACTED]@yahoo.com'
Cc: Mary Ginn
Subject: Annual Leave

Tracking: **Recipient** **Read**
Susan Hill
'isusanhill@yahoo.com'
Mary Ginn Read: 7/22/2008 4:45 PM

Susan

I have approved 10 hours of annual leave for Monday, July 21, 2008, based on your note by e-mail that you needed the day off "to try to deal with a harmful emergency situation beyond my control." Ms. Ginn attempted to reach you by telephone and e-mail yesterday to, among other things, get additional information regarding your need for leave and to discuss your continued absences.

I have received your request in LEO for 10 hours of annual leave for today for the above-mentioned reason; however, I cannot act on this request until appropriate information is provided. You have not contacted me in accordance with call-in procedure and you have not responded to Ms. Ginn.

Please contact Ms. Ginn (225-342-5467) or me regarding the above issues so that we can make a reasoned decision concerning your continuing absences.

Karim

Karim Belhadjali

Coastal Resources Scientist Manager
Environmental Section, Planning Branch,
Planning and Project Management Division
CPRA Implementation Team
Phone: (225) 342-4123, Fax: (225) 242-3406

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and notify the sender by reply email.

8/22/2008

Karim Belhadjali

ATTACHMENT "E"

From: Karim Belhadjali
Sent: Thursday, July 24, 2008 10:44 AM
To: Susan Hill; [REDACTED]@yahoo.com
Cc: Mary Ginn
Subject: Annual Leave

Susan

As you may have noticed, I have approved through LEO your 10 hours of annual leave for Monday, July 21, 2008, because you said you needed the day off "to try to deal with a harmful emergency situation beyond my control." I have received your requests in LEO for the rest of the week for the above-mentioned reason; however, I cannot act on this request until appropriate information is provided. You have not contacted me in accordance with call-in procedure.

Ms. Ginn and I have tried to reach you by telephone and e-mail to, among other things, get additional information regarding your need for leave and to discuss your continued absences. We are concerned that you have not yet replied to our multiple attempts to reach you.

Please contact Ms. Ginn (225-342-5467) or me regarding the above issues so that we can make a reasoned decision concerning your continuing absences.

Karim

Karim Belhadjali
Coastal Resources Scientist Manager
Environmental Section, Planning Branch,
Planning and Project Management Division
CPRA Implementation Team
Phone: (225) 342-4123, Fax: (225) 242-3406

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ATTACHMENT "F"

Karim Belhadjali

From: Kirk Rhinehart
Sent: Tuesday, July 29, 2008 9:34 AM
To: Susan Hill; [REDACTED]@yahoo.com
Cc: Mary Ginn; Diane Smith; Karim Belhadjali
Subject: Your Continued Absences
Importance: High
Sensitivity: Confidential

Susan:

You have not reported for duty since June 30, 2008. Your absence the first two weeks was properly requested and approved. Since then, however, you have not complied with the required call-in procedure. Karim initially discussed this issue with Ms. Ginn and has now notified me. I understand that Karim and Ms. Ginn have written, telephoned and e-mailed you, but you have made no effort to personally communicate with neither them nor anyone else within your chain of command.

Your absence since July 22 has been coded as unauthorized leave without pay because of your failure to properly request and justify your need to be off from work. As you were told, you have not provided sufficient information for your supervisor to evaluate your need for leave. Such leave without pay will persist until you fully explain and justify your need to be off.

Your failure to follow the established call-in procedure is inexplicable. Similarly, we cannot understand your failure to respond to our recent efforts to contact you. Your ongoing absence, without approval, is jeopardizing your continued employment. I require that you contact either me, Karim or Ms. Ginn immediately upon receipt of this letter. Your failure to do so will be construed as insubordination and referred to our Appointing Authority for appropriate action.

Kirk Rhinehart
225.342.2179

****Internet Email Confidentiality Footer****

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and notify the sender by reply email.

Karim Belhadjali

ATTACHMENT "C"

From: Karim Belhadjali
Sent: Tuesday, August 05, 2008 3:24 PM
To: Susan Hill; [REDACTED]@yahoo.com
Subject: Call Office regarding your continued absences.

Susan:

Upon returning to work today, I learned that you still have not contacted anyone regarding your requests for leave. I spoke with Ms. Ginn. You have made no effort to respond to her letter. You also have not responded to Kirk's e-mail this past week. You have been told that your requests through LEO have been inadequate for us to consider your entitlement to leave. For this reason, your absence continues to be coded as leave without pay.

You are aware of the call-in procedure. You have not honored that procedure. Regardless of your situation, no reason exists for you to continue to refuse to contact me as your supervisor.

To my knowledge, you have not been in contact with your subordinates. I have no information to suggest that you have been handling any DNR business while out on leave. Since I do not know when you will be returning to work, I need to have your password so that I can access your e-mails. The business of your unit must be carried on. I have concern that important communications may have been sent to you that have been overlooked.

I intend to meet with our appointing authority to obtain advice regarding your situation. I need to hear from you so that I can properly respond to any questions he may have.

8/13/2008

Call me immediately regarding your leave usage and e-mails. If you have an alternative suggestion for reviewing your e-mails, I am open to suggestions.

Karim Belhadjali

Karim Belhadjali

Coastal Resources Scientist Manager
Environmental Section, Planning Branch,
Planning and Project Management Division
Office of Coastal Protection and Restoration
Phone: (225) 342-4123, Fax: (225) 242-3406



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

August 5, 2008

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

Susan,

Upon returning to work today, I learned that you still have not contacted anyone regarding your requests for leave. I spoke with Ms. Ginn. You have made no effort to respond to her letter. You also have not responded to Kirk's e-mail this past week. You have been told that your requests through LEO have been inadequate for us to consider your entitlement to leave. For this reason, your absence continues to be coded as leave without pay.

You are aware of the call-in procedure. You have not honored that procedure. Regardless of your situation, no reason exists for you to continue to refuse to contact me as your supervisor.

To my knowledge, you have not been in contact with your subordinates. I have no information to suggest that you have been handling any DNR business while out on leave. Since I do not know when you will be returning to work, I need to have your password so that I can access your e-mails. The business of your unit must be carried on. I have concern that important communications may have been sent to you that have been overlooked.

I intend to meet with our appointing authority to obtain advice regarding your situation. I need to hear from you so that I can properly respond to any questions he may have.

Call me immediately regarding your leave usage and e-mails. If you have an alternative suggestion for reviewing your e-mails, I am open to suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Karim Belhadjali".

Karim Belhadjali
CPRA/CRS Manager

BOBBY JINDAL
GOVERNOR



ATTACHMENT "H"
SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF MANAGEMENT AND FINANCE

August 5, 2008

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

RE: Absence/E-mails

Dear Ms. Hill:

I wrote you once before upon being advised of your extended absence without following the established call-in procedure for your Division. I also telephoned your home and left a message. You have not responded. Your supervisors have advised me that you remain out on leave and that you have not been in contact with them. I do not know your reason for failing to stay in touch, but your lack of communicating has become problematic.

Today, our I.T. Division notified me that your e-mail account has not been accessed for thirty days. In accordance with procedure, your account normally would have been closed due to such inactivity. I have advised I.T. to leave your account open and operational.

In discussing this issue, I.T. also advised me that your e-mail account is over maximum, which is problematic in two respects. First, you have not been accessing your e-mails. Since you have been out for an extended period of time, your supervisor or subordinate should be doing so for you. I have discussed this issue today with Karim. Second, the excess number of back-logged e-mails creates additional cost for this Department on our account with the Division of Administration. To address both of these issues, you need to provide your password to your e-mail account right away.

I again advise you of your need to contact me. Action has to be taken to address your ongoing absences and failure to communicate. I am here throughout the workday. If I am not here when you call, my staff will notify me and I will return your call.

Please let me hear from you right away.

Sincerely,

A handwritten signature in cursive script, reading "Mary F. Ginn".

Mary F. Ginn, SPHR
Human Resources Director




State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL RESTORATION AND MANAGEMENT MEMORANDUM

TO: SUSAN HILL

FROM: DIANE SMITH 

DATE: MAY 23, 2008

RE: ATTENDANCE / CALL-INS

Over the first few weeks of this month, you have been absent a considerable amount of time. Last week, confusion arose regarding your absence from work since Karim was also off. To be certain that problems do not again arise, let me reiterate to you the required call-in procedure.

Per DNR Human Resources Policy #8, if an employee is running late for work or needs part or all of the day off, and has not previously secured authorized leave in advance, she has responsibility for calling her immediate supervisor within one-half hour of the scheduled reporting time. Within CRD, we have been using the additional procedures which require that the employee, if unable to actually speak with her supervisor during the initial call-in, leave a voice mail for her supervisor indicating the type of leave needed (annual, compensatory or sick) and the expected duration of the absence (an hour, all day, etc.). Additionally, the employee is required to call the next person in her chain of command until she actually speaks to a supervisor. Finally, the employee is also required to continue trying to reach her supervisor, until successful, so that direct contact can be made to discuss the employee's need for leave, the duration thereof, and any impact upon the employee's projects or duty assignments caused by the absence.

An added step, which is not mandatory, yet recommended, is for the employee to actually speak with a co-worker within her section:

- To advise the co-worker of her inability to report for duty;
- To advise that a voice mail was left for the immediate supervisor; and
- To request that an e-mail be sent to the immediate supervisor regarding her absence from duty.

I trust that the foregoing makes clear to you the expected call-in procedure. Given our flexible work hours, difficulties can occur in apprising a direct line supervisor of an intended absence. This call-in procedure is necessary to insure that leave is properly coded. This procedure also insures a minimal impact by the absence on the section's operation.

David Fruge

ATTACHMENT "J"

From: S H [REDACTED]
Sent: Wednesday, August 20, 2008 10:24 PM
To: Scott Angelle; David Fruge
Cc: DSCS Appeals
Subject: Gov. Jindal contacted - EMERGENCY INJUNCTIVE RELIEF for SUSAN HILL

Because I have not yet been able to stop the deliberate indifference of my constitutional rights by the misconduct state employees and official through any measures I have tried to take so far, I have been forced to meet with police yesterday and the media today.

I have exposed the illegal extortion of me by Kirk Rhinehart, the bad faith investigations by Mark Falcon, the illegal discrimination, the illegal retaliation, the malicious false accusations, and many more claims that has caused me harm since 2004 at DNR. My life and my daughter's life has been destroyed by the deliberate indifference to my Constitutional rights by DNR state employees and officials.

I spend time at the television station detailing the extortion, harassment, hostile work environment, intimidation, threats, defamation, etc. I have subjected to during my employment at DNR. I gave them copies of evidentiary documents and federal lawsuit I filed. They have contacted Gov. Bobby Jindal and provided these documents to him and Emergency Injunctive Relief (copy attached).

I am immediately demanding the terms of Emergency Injunctive Relief, the dismissal of all the false complaints and pre-termination notice; other demands for relief will follow.

By copy of this email, I am requesting an extension of whatever action the Civil Service Appeal necessitates until Gov. Bobby Jindal hopefully takes action to stop the state-created danger my daughter and I have been enduring.

I have suffered such severe harm by defendants misconduct and I have been non-functional or barely functional because of their actions. I am unable understand the bad faith retaliatory and harassing processes I have been subjected to now in the State Civil Service system. My salary has been illegally withheld and I have been prevented from being able to hire an attorney. I am so horrified at the malicious persecution of me.

I am hopeful that Gov. Bobby Jindal will demand that this bad faith discipline and malicious pre-termination be dismissed immediately and that he will immediately provide emergency injunctive relief for the ongoing harm to me and my daughter.

8/21/2008

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA**

SUSAN HILL,

et al.

CIVIL ACTION

Plaintiffs,

v.

BOBBY JINDAL, Governor of the State of
Louisiana, in his official capacity,

et al.

NO. 08-426-RET-DLD

Defendants.

MOTION FOR EX PARTE EMERGENCY ORDER

Petitioner, SUSAN HILL, has filed an Ex Parte Motion for Emergency Injunctive Relief to be immediately placed on Special Paid Leave from her position as a Coastal Resources Scientist Supervisor with the Louisiana Department of Natural Resources with no change in status of all the accompanying salary, benefits, and conditions of her position for a period of time until all her legal claims related to the unconstitutional deprivation of her rights can be discovered and resolved.

Susan Hill made requests for use of her earned annual leave. Karim Belhadjali rejected all her requests and she was placed on leave without pay.

In addition, Susan Hill requests to be immediately paid her back wages which were withheld from her. Susan Hill requests that her health insurance and life insurance and all other terms and conditions of her employment be returned to how they were before this deprivation of her First Amendment, Fourteenth Amendment and other constitutional rights. Defendants misconduct has prevented her from being able to understand, know, or identify my claims and harms suffered.

LEGAL STANDARD

Plaintiff must prove four pre-requisites to be entitled to the extraordinary relief of a preliminary injunction: (1) a substantial likelihood of success on the merits; (2) a substantial threat of immediate and irreparable harm, for which they have no adequate remedy at law; (3) that greater injury will result from denying the preliminary injunction than from its being granted; and (4) that a preliminary injunction will not disserve the public interest. *Canal Author. v. Callaway*, 489 F. 2d 567, 572 (5th Cir. 1974) (en banc).

PLAINTIFF MEETS THE LEGAL STANDARD FOR A PRELIMINARY INJUNCTION

First, Plaintiff has established a substantial likelihood of success on the merits. The documents that are an appendix to this motion clearly delineate a timeline of plaintiff engaging in protected activity and suffering retaliation because of objections to illegal discrimination and other illegal activities. Plaintiff was extorted by Kirk Rhinehart for a period of time and defendants failed to protect her subsequent to the grievance process she was put through. Defendants created more danger for her by leaving her under the supervision and control of all the individuals she had lodged complaints against.

Second, Plaintiff has been deprived of her salary for nearly a month. She has been unable to secure the services of an attorney because she does not have the funds to pay a retainer fee. She has had to procede pro se at this time and try to figure out all the Constitutional violations that were inflicted upon her. She was unable to pay her daughter's college tuition when it was due. She has cancer and must have health insurance for herself and her daughter. Susan Hill has suffered irreparable harm since 2004 because of defendants and she continues to suffer irreparable harm.

Third, Plaintiff faces termination if she does not reply by today, August 20, 2008 and plaintiff will suffer even further harm.

Fourth, the public interest of Louisiana would be best served by state officials and employees following the laws and not acting with deliberate indifference to its citizen's constitutional rights. Plaintiff has an imminent threatened injury with the proposed deprivation of her property right to continued employment.

Respectfully submitted,

By: _____
Plaintiff, SUSAN HILL, Pro Se
P.O. Box 615
Brusly, Louisiana 70719