

PLAQUEMINES PARISH GOVERNMENT



COMPLIANCE AUDIT  
ISSUED APRIL 23, 2008

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LOUISIANA LEGISLATIVE AUDITOR  
STEVE J. THERIOT, CPA

April 23, 2008

**THE HONORABLE WILLIAM A. ROE, JUDGE  
THE HONORABLE ANTHONY D. RAGUSA, JR., JUDGE  
TWENTY-FIFTH JUDICIAL DISTRICT COURT**  
Belle Chasse, Louisiana

**THE HONORABLE WILLIAM H. NUNGESSER,  
PARISH PRESIDENT, AND MEMBERS OF THE  
PLAQUEMINES PARISH COUNCIL  
PLAQUEMINES PARISH GOVERNMENT**  
Belle Chasse, Louisiana

We have audited certain transactions of the Twenty-Fifth Judicial District Court of Louisiana and the Criminal Court Fund maintained by the Plaquemines Parish Government (Parish). Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain financial transactions within the Criminal Court Fund.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required by *Government Auditing Standards*; therefore, we are not offering an opinion on the Parish's financial statements or system of internal control nor assurance as to compliance with laws and regulations.

The accompanying report presents our findings and recommendations as well as management's response. This correspondence is intended primarily for the information and use of management of the Parish. Copies of this report have been delivered to the Attorney General, District Attorney for the Twenty-Fifth Judicial District of Louisiana, and others as required by law.

Respectfully submitted,

Steve J. Theriot, CPA  
Legislative Auditor

JC:GC:DD:sr

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## **Background**

The Twenty-Fifth Judicial District Court (Court) serves Plaquemines Parish with two presiding judges that split the Court's caseload. The Criminal Court Fund was established under Louisiana Revised Statute (R.S.) 15:571.11, which provides that fines and forfeitures imposed by district courts and district attorney conviction fees in criminal cases, shall be paid into the treasury of the parish in which the court is situated and deposited in a special account to be used for the expenses of the criminal court of the parish. Because the Court is situated in Plaquemines Parish, the Criminal Court Fund is maintained by Plaquemines Parish Government (Parish). Although the judges are considered employees of the Judiciary, all other Court employees are employed by the Parish. During our examination of the Parish and the Court, we identified issues in the following areas:

### Probation Funds

Division A of the Court operates an active misdemeanor probation program in which probationers are required to pay \$40 each month as a supervision fee and a community service fee, if applicable. Probation officers collect these payments and maintain a file for each probationer. The file normally includes the conditions of probation, a probation summary sheet, a payment log detailing amounts paid by the probationer each month, copies of receipts issued for the payment of fees, and any other completion certificates for programs for which the probationer may have been sentenced. An examination of this documentation indicated that from July 1, 2006, through June 30, 2007, probation funds totaling \$10,280 were collected but not deposited; other deposits were not made on a timely basis; probation officers collected cash and personal checks in violation of policy; probation records were destroyed; probation fees were set too low; and community service fees were not listed as a condition of probation.

### Traffic Citation Reductions

From January 2005 to June 2007, court documentation indicates that 109 payments received for traffic fines were lower than the established schedule and lacked documentation of the reduction in the court minutes. During our review of these ticket reductions, we noted that 70 were reduced by court employees who did not have legal authorization to do so, and 39 appear to have been reduced by the judges without proper documentation. As a result of these unauthorized and/or undocumented ticket reductions, at least \$14,526 of revenue may have been lost.

### Travel Reimbursements

From June 2005 through June 2007, Judge William A. Roe, district court judge, used bond account funds totaling \$9,344 to pay his expenses relating to the 2005, 2006, and 2007 Summer School for Judges in San Destin, Florida. Records obtained from the Louisiana Supreme Court (Supreme Court) indicate that Judge Roe submitted the same receipts to the Supreme Court and personally received reimbursements totaling \$6,581 for expenditures that he did not personally incur. Furthermore, of the \$9,344 in expenses incurred by Judge Roe, funds totaling

\$3,078 were for extra nights in San Destin, Florida, for which there was no documentation as to the public purpose.

Lack of Controls

The Court has a legislatively established fund, the Criminal Court Fund, which is maintained by the Parish and funded through fine collections. In addition, the Court has maintained three bank accounts that are not included in the Parish's financial statements. The first bank account (Bond account) contains the 2% Bond Surety Fee assessed on all commercial bail bonds; the second account (Probation account) contains all probation fees; and the third account (Grant account) contains grant funds such as the Federal Emergency Management Agency (FEMA) funds. During our review of these funds, we noted that the Court has no written policies and procedures for expending these funds. As a result, we identified purchases in possible violation of Louisiana laws, a lack of receipts for purchases, lack of policy for inventory, deposits in possible violation of Louisiana law, and funds not subject to annual audit.

Payroll and Leave

Although the Parish requires its employees to submit time sheets, the Court does not require its employees to submit time sheets to document hours worked. In addition, all departments of the Parish follow the Parish's leave policy except for the Court, Coroner's office, District Attorney's office, and Registrar of Voters. Finally, the Court, Coroner's office, and Registrar of Voters were not properly documenting leave accrual balances for their employees.

## Probation Funds

The Twenty-Fifth Judicial District Court (Court) is divided into two divisions (A and B) that split the Court's caseload. Division A began an active misdemeanor probation program in 1999. Louisiana law<sup>1</sup> provides that a fee, ranging from \$55.50 to \$105.50 each month, must be charged to all defendants sentenced to active probation to defray the cost of probation supervision. In addition, the Court charges a fee for defendants sentenced to community service. Probation officers maintain a file for each probationer. The file normally includes the conditions of probation, a probation summary sheet, a payment log detailing amounts paid by the probationer each month, copies of receipts issued for the payment of fees, and any other completion certificates for programs which the probationer may have been sentenced (e.g., anger management, substance abuse).

According to the Court's terms of probation, payments for probation and community service fees are to be made with cashier's checks or money orders and can be submitted in person or through mail. Upon collection of fees, the probation officer issues a receipt to the probationer, places a duplicate copy of the receipt in the probationer's file, records the payment on the payment log in the file, and remits the payment to the lead probation officer. Based on the collections received, the lead probation officer prepares a deposit ticket and deposits the funds into the probation account.

During our review of the probation documentation, we noted:

- (1) probation funds were not deposited;
- (2) deposits were not made timely;
- (3) cash and personal checks were collected;
- (4) probation records were destroyed;
- (5) probation fees were set too low; and
- (6) community service fees were not listed as a condition of probation.

### Probation Funds Not Deposited

From July 2006 through June 2007, the Court had at least 85 active misdemeanor probation cases. Payment logs in these files indicate that at least \$18,031 in probation and community service fees were collected by probation officers during the same period. In addition, bank deposit detail indicates that fees totaling \$845 were collected on cases for which the case

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<sup>1</sup> LA.C.Cr.P. Art. 895.1(C) states, in part, that "When the court places the defendant on supervised probation, it shall order as a condition of probation a monthly fee of not less than fifty nor more than one hundred dollars . . . to defray the cost of supervised probation. . . ." and (F) provides that "When the court places a defendant on probation, it shall order as a condition of probation the payment of a monthly fee of not less than five dollars and fifty cents. The monthly fee established in this paragraph shall be in addition to the monthly fee established in paragraph C of this article and shall be paid, collected, transmitted, deposited, appropriated and used in accordance with the following provisions: (1) The monthly fee . . . shall be paid to the Department of Public Safety and Corrections. (2) The monthly fee . . . shall be deposited immediately upon receipt in the state treasury (3) . . . an amount equal to that deposited as required in subparagraph (2) hereof shall be credited to a special fund which is hereby created in the state treasury to be known as the 'Sex Offender Registry Technology Fund.' "

files had been destroyed. Bank records indicate that of these amounts, only \$8,596 was deposited, leaving \$10,280 (54%) of funds not deposited and unaccounted for.

The Court does not have a written policy regarding maintenance of the probation files. According to practice, the payment logs maintained in the probation files detail the total amount of probation and community service fees to be paid over the term of probation. Each log indicates the month in which fees begin and end. When monthly fees are paid, the probation officer records the amount received and the month in which the fees were received. If a probationer makes one payment that includes fees for multiple months, the officer will record which months the amount applies to and when the fees were received.

The Court employed four probation officers during the period of our review, including former lead probation officer, Rodney Penton. The regular officers indicated that they received payments, issued receipts, placed the receipts into the probationer's file, recorded the amount on the payment log, and remitted the funds to Mr. Penton. According to these officers, more than 50% of the collections were in cash. They added that Mr. Penton was responsible for preparing and making the deposits into the probation account.

Because copies of the deposit tickets were unavailable, we requested deposit detail from the Court's bank for all deposits made to the probation account during the period of July 2006 through June 2007. According to these records, 21 deposits totaling \$8,596 were made during the period. An analysis of these deposits indicates that only 10% of the funds deposited were in cash.

Although we could not determine the total amounts collected in cash during the period, there was one instance in which a probationer made a cash payment for \$160. Because the amount included four months of fees, the probation officer recorded the months the payment covered as well as the date the payment was received, March 9, 2007. The probation officer who received the cash indicated that he remitted the cash to Mr. Penton for deposit. The next two deposits made into the probation fund were on March 9, 2007, and March 28, 2007. Bank records indicate that neither of these deposits included cash.

Mr. Penton indicated that he was the only person responsible for preparing and making deposits. When asked why the Court's copies of the deposit tickets were unavailable, Mr. Penton stated that he threw them away. Mr. Penton disagreed with the other officers and indicated that cash only comprised approximately 5% of the total collections. Mr. Penton denied using cash collections for his personal use but stated that if money was missing, it was his responsibility.

### Deposits Not Made Timely

Louisiana law<sup>2</sup> provides for the daily deposit of public funds when practicable. Although the Court collected probation and community service fees on a daily basis, Mr. Penton failed to timely deposit these collections. From July 11, 2006, through June 22, 2007, Mr. Penton made a

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<sup>2</sup> **R.S. 39:1212** states, in part, that "After the expiration of existing contracts, all funds of local depositing authorities shall be deposited daily whenever practicable, in the fiscal agency provided for, upon the terms and conditions, and in the manner set forth in this Chapter. Deposits shall be made in the name of the depositing authority authorized by law to have custody and control over the disbursements."

total of 21 deposits, which averaged one deposit every 17 days, to the probation account. When asked about his practice of depositing probation funds, Mr. Penton stated that he kept the funds in an envelope on his desk and that he made the deposits once a week or “whenever he felt like it.”

#### Cash and Personal Checks Collected

Although the Court’s Conditions of Probation form states that all payments for probation and community service fees should be paid by cashier’s check or money order, all probation officers indicated that they collected cash or personal checks on a regular basis. An analysis of the deposits made from July 2006 through June 2007 revealed that \$950 (11.1%) of the deposits consisted of personal checks and \$830 (9.7%) of the deposits consisted of cash. It should be noted that collections totaling \$10,280 were not deposited (see previous findings) and may have included additional amounts of cash.

#### Probation Records Destroyed

Files for each probationer normally include the conditions of active misdemeanor probation, a probation summary sheet, a payment log detailing amounts paid by the probationer each month, copies of receipts issued for the payment of fees, and any other completion certificates for programs which the probationer may have been sentenced (e.g., anger management, substance abuse). During our review of the Court’s probation files, we noted that (1) probation files were destroyed at the completion of each probationer’s probation period; (2) copies of receipts issued to probationers during the audit period appear to have been removed from active probation files; and (3) copies of deposit tickets for the probation account were discarded after the deposits were made.

The probation officers indicated that it was their practice to destroy files at the completion of the probation period. According to the regular probation officers, they either placed receipts in the probationer’s file or provided the receipts to Mr. Penton; however, they could not provide an explanation as to why receipts were missing. Mr. Penton stated that he never placed receipts in the files and could not recall seeing receipts in files. He further stated that the deposit tickets were thrown away because they were not needed. The probation officers may have violated Louisiana law<sup>3</sup> by destroying and/or failing to maintain public records. This practice also undermines the accountability of public employees safeguarding public funds.

#### Probation Fees Set Too Low

Louisiana law<sup>1</sup> requires probation fees for active probation shall be no less than \$50 per month and no greater than \$100 per month with an additional \$5.50 fee to be remitted to the state. The Court sentences probationers to pay probation fees of \$40 each month for the duration of their

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<sup>3</sup> R.S. 44§36 states, in part, that “in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made.”

R.S. 14§132 states, in part, that “Second degree injuring public records is the intentional removal, mutilation, destruction, alteration, falsification, or concealment of any record, document, or other thing, defined as a public record pursuant to R.S. 44:1 et seq. and required to be preserved in any public office or by any person or public officer pursuant to R.S. 44:36.”

probation period. Had the court charged the minimum probation fee as required by law, \$55.50 (\$50 each month + \$5.50 fee for the state), the Court would have collected additional revenues totaling \$7,706 from July 2006 through June 2007. Of this amount, \$2,406 should have been remitted to the state as provided by law.

Community Service Fees Not Listed as a Condition of Probation

Community service fees sentenced by the judge are not listed on the Conditions of Probation form signed by the probationers. Louisiana law<sup>4</sup> provides that probationers will be given a certificate stating the conditions of probation. The court minutes indicate that some probationers are sentenced to a community service fee; however, the Conditions of Probation form does not mention this fee. Therefore, all probationer's conditions are not given in writing to the probationer as required by state law. In addition, the amount of the fee is not indicated in the court minutes or in the Conditions of Probation.

An employee of Division A stated that this fee was assigned at the discretion of the probation officers and that no established schedule was used to assign the amount. The only indication of the community service fee amount is on the payment log which is recorded after the fee is assigned by the probation officers and paid. Payment log records from July 2006 to June 2007 indicate that the Court collected a total of \$1,725 in community service fees. However, because of probation funds not being deposited and the destruction of probation records, we could not determine the exact amount of community service funds that should have been collected.

We recommend that Division A of the Court:

- (1) assign a clerk to collect probation and community service payments and issue receipts to both the probationer and probation officer;
- (2) require the probation officers to put the receipt in the probationer's file and record the payment in the file and in a log book;
- (3) assign a different clerk to prepare the deposit slips and deposit all funds in a timely manner;
- (4) require that a copy of the deposit slip be given to the probation officers for reconciliation with the payment log;
- (5) accept only money orders or cashier's checks in accordance with the Conditions of Probation form;
- (6) require that probation officers review probationer files on a monthly basis to ensure compliance with the Conditions of Probation form;
- (7) establish a policy to maintain all public records for at least the minimum length of time in accordance with Louisiana law;

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<sup>4</sup> LA.C.Cr.P. Art. 895 states, in part, that "The defendant shall be given a certificate setting forth the conditions of his probation and shall be required to agree in writing to the conditions."

- (8) charge the appropriate probation fee in accordance with Louisiana law;
- (9) ensure all conditions sentenced are included on the Conditions of Probation form;  
and
- (10) establish a schedule for the community service fee.

### **Traffic Citation Reductions**

Louisiana law<sup>5</sup> provides that traffic citations may only be disposed of by trial, any other official action by a judge, or payment of the fine. In addition, Louisiana law<sup>5</sup> provides for the district attorney to have authority to dismiss traffic citations. When an individual receives a traffic ticket, a court date is listed on the ticket and the ticket is forwarded to the sheriff's Criminal Records Division (CRD). Fines for traffic violations are set by schedule. An individual may plead guilty before the court date and pay the entire fine, plead guilty to the charge and pay a reduced fine (with judicial approval), or appear in court with the possibility of dismissal or an amended charge resulting in the reduction of the fine by the district attorney. An examination of reduced traffic fine records from January 2005 through June 2007 indicates that fines were reduced by unauthorized employees of the court and reduced by the judges without documentation of judicial approval.

If the fine is reduced before the assigned court date, an employee of the Court would go to the CRD and state that the fine had been reduced. The CRD was instructed to document the person approving the reduction on the receipt. The receipt is then forwarded to the Court as documentation of the fine payment. The Court uses these receipts to record the payments in the court minutes. If a fine is reduced in court by the judge or if a charge is amended by the district attorney, the minutes should reflect this reduction or amendment. We found evidence of the district attorney amendments in both divisions' minutes but only found judicial reductions in Division B court minutes.

We examined the court minutes for the period January 2005 to June 2007 and identified 109 payments that were lower than the established schedule and did not have documentation of the reduction in the court minutes. We then requested all documentation pertaining to these identified cases. The documentation indicates that \$14,526 of revenue may have been lost to these undocumented fine reductions.

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<sup>5</sup> **R.S. 32§398.2** states, in part, that "Upon deposit of the original citation or copy of the traffic citation with a court . . . the original citation or copy of such traffic citation shall be disposed of only by trial in the court of proper jurisdiction or any other official action by a judge of the court, . . . or payment of a fine to said bureau by the person to whom such traffic citation has been issued . . . Nothing herein shall be construed as prohibiting or interfering with the authority of a district attorney or other prosecuting attorney to dismiss a traffic citation or charge by entry of a nolle prosequi. . . . It shall be unlawful for any . . . public employee to dispose of a traffic citation . . . in a manner other than required herein."

### Fines Reduced by Unauthorized Court Employees

At least 70 (64%) of the fine reductions totaling \$9,227 were approved by two employees of Division A of the Court, who are not authorized to reduce fines. One of the employees, Mr. Rodney Penton, approved 69 or 63% of these reductions totaling \$9,084 of the total fine reductions for the two-year period. Even though Mr. Penton was employed by Division A of the Court, he also approved fine reductions for Division B. Judge William A. Roe, Division B judge, stated that Mr. Penton may have been authorized by him to reduce one or two tickets; however, he did not give Mr. Penton permission to reduce such a large amount of tickets. Mr. Penton stated that he obtained judicial approval for all fine reductions. Louisiana law<sup>5</sup> provides that it is unlawful for any public employee to dispose of a traffic ticket in any manner other than provided by law.

We spoke to a resident of Plaquemines Parish who provided money to Mr. Penton to pay for his friends' tickets. He stated that on eight occasions he gave money to Mr. Penton for the cost of the fines as a means of keeping his friends' insurance rates from increasing. He stated that he would call Mr. Penton to determine the amount of the fine and to get the cash to Mr. Penton. On one of those occasions he recalled paying Mr. Penton \$130. Court documentation for this ticket indicates that Mr. Penton authorized the ticket to be reduced to \$20 and the CRD received \$20 in payment for the ticket. Mr. Penton stated that he made payments to help people and added that all excess money was returned to the individuals.

### Fines Reduced Without Written Judicial Approval

At least 25 (23%) of the reductions totaling \$3,300 appear to have been approved by the judges. Although these reductions were evidenced by notes in the computer system, we found no official record of the judicial approval for the reductions, such as court minutes or an approval form. As a result, we could not confirm that the reductions were judicially approved. Other notes on the receipts or in the computer system indicate that 14 fine reductions totaling \$1,999 were requested by external parties, such as the sheriff or state representative, to the judges for fine reductions. Again, we could not find an official record of judicial approval for these reductions. Both judges stated that their approval was often granted by telling their clerks that they approved a fine reduction; however, no documentation of the fine reduction was created.

We recommend that the Court:

- (1) create a form to document judicial approval of traffic ticket reductions;
- (2) document these approvals in the court minutes; and
- (3) ensure that the sheriff's office does not accept payment for a reduced fine without the proper signed form.

### **Travel Reimbursements**

As lawyers, judges are required to obtain 12.5 hours of continuing legal education (CLE) each year. The Louisiana Judicial College, a division of the Louisiana Supreme Court (Supreme Court), offers CLE seminars throughout the year including the annual Summer School for Judges

held in San Destin, Florida. Expenses for CLE can be paid using budgeted funds from the judge's judicial district or from the Supreme Court which, according to Louisiana law, can reimburse judges varying amounts annually (depending on the number of parishes in their district) for office and/or travel expenses. In addition, before each summer school seminar, the Supreme Court circulates a memorandum to judges indicating the maximum amount to be reimbursed for per diem and lodging.

Records from the Court's bond account indicate that from June 2005 through June 2007 Judge Roe used bond funds totaling \$9,344 to pay his expenses relating to the 2005, 2006, and 2007 Summer School for Judges. After each summer school session, Judge Roe submitted his receipts to the Supreme Court and personally received reimbursements totaling \$6,581 for expenditures that he did not personally incur. Furthermore, of the \$9,344 in expenses incurred by Judge Roe, funds totaling \$3,078 were for extra nights in San Destin with no supporting documentation as to the public purpose. Judge Roe may have violated Louisiana law<sup>6</sup> by receiving improper reimbursements from the Supreme Court and expending public funds without a public purpose.

#### 2005 and 2006 Summer School for Judges

The 2005 Summer School for Judges was held in San Destin, Florida, from June 5, 2005, through June 8, 2005. During the trip, Judge Roe incurred \$3,400 in expenses from June 4, 2005, through June 11, 2005. This amount included room charges for eight nights (June 4 to June 11) totaling \$3,015, food and beverage charges totaling \$250, and beach service and health and beauty charges totaling \$135. Judge Roe issued two checks from the bond account totaling \$3,090 to pay these charges.

Supreme Court records indicate that Judge Roe submitted an expense report to the Supreme Court on June 17, 2005, for expenses he claimed to have incurred during the 2005 training. The report requested reimbursement for charges totaling \$2,119. These charges included lodging for five nights (June 4 to June 8) totaling \$1,900 and \$219 for mileage. The Supreme Court issued Judge Roe a check for \$2,119 on June 28, 2005. However, Judge Roe was not entitled to receive \$1,900 of this amount (excluding \$219 in mileage) because these expenses were paid from the Court's bond fund account.

Judge Roe attended the 2006 Summer School for Judges from June 4, 2006, to June 7, 2006. He incurred \$3,168 of expenses during his stay from June 3, 2006, to June 9, 2006. As in 2005, the expenses included lodging totaling \$2,798 and personal charges for food, beverages, beach service, and health and beauty charges totaling \$370. These expenses were paid using checks written from the bond fund account.

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<sup>6</sup> **R.S. 14§67** provides, in part, "Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations."

**R.S. 42§1461(A)** provides, in part, "Officials, whether elected or appointed and whether compensated or not, and employees of any 'public entity' . . . by the act of accepting such office or employment assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed."

Judge Roe submitted an expense report to the Supreme Court requesting reimbursement for lodging from June 3 to June 7 totaling \$1,903, per diem for the same period totaling \$508, and \$252 for mileage. The Supreme Court issued a check to Judge Roe for \$2,663. Because lodging and personal expenses were paid using bond account funds, Judge Roe was not entitled to receive \$2,273 of the Supreme Court reimbursement since he did not incur these costs personally.

#### 2007 Summer School for Judges

From June 3, 2007, through June 6, 2007, Judge Roe attended the 2007 Summer School for Judges in San Destin, Florida. From June 2, 2007, through June 8, 2007, Judge Roe incurred charges at the hotel totaling \$3,096. These charges were placed on his personal credit card and included room charges for seven nights (June 2 to June 8) totaling \$2,922 as well as personal charges totaling \$167, which included beach service, gifts, food, and phone calls.

Judge Roe submitted an expense report to the Supreme Court on June 11, 2007, requesting reimbursement for expenses incurred from June 2, 2007, through June 6, 2007, totaling \$3,083. These charges included lodging for five nights (June 2 to June 6 at the rate established by the Supreme Court) totaling \$2,241, per diem totaling \$565 from June 2 to June 6, and \$277 for mileage. On June 14, 2007, the Supreme Court issued a check for \$3,083 to Judge Roe.

Although Judge Roe received reimbursement from the Supreme Court, he also signed checks to himself from the Court's bond fund account totaling \$3,086, the last of which he received on June 20 and totaled \$2,621. Judge Roe stated that on June 20, 2007, he deposited both the bond fund and Supreme Court checks into his personal bank account. Because bond account funds were used to pay for Judge Roe's lodging and personal charges, he was not entitled to receive \$2,408 of this amount since he did not incur these costs personally.

It should be noted that Judge Roe spent additional days in San Destin, Florida, following the 2005, 2006, and 2007 Summer School for Judges conferences. During the periods of June 9 to June 11, 2005; June 8 to June 9, 2006; and June 7 to June 8, 2007, Judge Roe incurred expenses totaling \$3,078 but did not obtain any additional CLE and did not document attending any post conference events or seminars. Judge Roe indicated that he attended numerous classes and social functions during the extra days. Judge Roe explained that he did not need additional CLE and added that he did not document these events because he could attend them without signing up for the entire conferences.

When asked about receiving reimbursements from the Supreme Court, Judge Roe indicated that he intended to use the money to reimburse the bond fund account. He explained that after the 2005 and 2006 conferences, he gave cash in amounts equal to the room rates established by the Supreme Court to Mr. Rodney Penton, former probation officer, to be deposited into the bond fund account. An analysis of the bond fund account indicates that no cash deposits were made to the account in the months following Judge Roe's trips to San Destin, Florida.

On November 2, 2007, Judge Roe issued a personal check for \$5,200 to the bond fund account. In correspondence to the legislative auditor, Judge Roe indicated that “the deposited amount represents the amount of room charges which were reimbursed by the Supreme Court as well as items that are arguably not reimbursable.” Judge Roe later indicated that the \$5,200 check was to reimburse the bond fund account for his 2006 and 2007 room charges. He added that he was in the process of paying back his room charges for 2005.

We recommend that the Court review the documentation and seek reimbursement for any inappropriately reimbursed amounts and discontinue reimbursing judges for expenses that are reimbursable by the Supreme Court.

### **Lack of Controls**

The Court has a legislatively established fund, the Criminal Court Fund, which is maintained by the Parish and funded through fine collections. In addition, the Court has maintained three bank accounts that are not included in the Parish’s financial statements. The first bank account (Bond account) contains the 2% Bond Surety Fee assessed on all commercial bail bonds, the second account (Probation account) contains all probation fees, and the third account (Grant account) contains grant funds such as FEMA funds. During our review of these funds, we noted that the Court has no written policies and procedures for expending these funds. As a result, we identified:

- (1) purchases in possible violation of Louisiana laws;
- (2) lack of receipts for purchases;
- (3) lack of established policies and procedures;
- (4) deposits made in possible violation of Louisiana law; and
- (5) funds not subject to an annual audit.

### Purchases Made in Possible Violation of Louisiana Laws

Louisiana law<sup>7</sup> provides that probation funds are to be used to defray the costs of probation supervision. Furthermore, to determine if an expenditure of public funds is in

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<sup>7</sup> LA.C.Cr.P. Art. 895.1 states, in part, that, “When the court places the defendant on probation, it shall order as a condition of probation a monthly fee . . . payable to the Department of Public Safety and Corrections or such other probation office . . . to defray the cost of supervision. . . . These fees are only to supplement the levels of funds that would ordinarily be available from regular state appropriations or any other source of funding.”

accordance with Article 7, Section 14 of the Louisiana Constitution,<sup>8</sup> the Attorney General in Opinion No. 07-0134 outlines a three-prong test. It requires:

- (1) a public purpose for the expenditure or transfer;
- (2) the expenditure or transfer, taken as a whole, does not appear to be gratuitous; and
- (3) evidence demonstrating that the public entity has a reasonable expectation of receiving a benefit or value at least equivalent to the amount expended or transferred.

Court documentation indicates that Division A used probation funds totaling \$2,963 for expenditures that do not appear to have defrayed the cost of probation supervision and/or did not have a public purpose. These purchases include three meals totaling \$1,267 (one meal included alcohol totaling \$196) and prepaid car washes totaling \$1,500.

Judge Ragusa stated that two meals were staff meetings and the third meal was a Christmas party, which included alcohol charges totaling \$196. Although the provision of meals during staff meetings might be appropriate under certain situations, Division A did not document the business purpose of having a meal during these staff meetings and did not document the attendees of the meals. In addition, the court could not provide receipts for the car wash purchases nor documentation to indicate who used the car washes. Based on the documentation provided by the court, none of these purchases appear to defray the cost of probation supervision or have a public purpose as required by the Louisiana Constitution. In addition, the Attorney General<sup>9</sup> has opined that the use of public funds for Christmas parties or alcohol does not have a public purpose and may violate the Louisiana Constitution.

#### Lack of Receipts

During the period August 2005 to June 2007, the Court made 81 purchases totaling \$68,876 from the Probation and Bond accounts. The Court was missing itemized receipts for 34 (42%) of these transactions totaling \$24,575.

Since documentation was not maintained to support these purchases, we could not determine the business purpose, necessity, or reasonableness of the purchases or if the purchases benefited the Court. Purchases with no valid business purpose, that are not necessary to the

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<sup>8</sup> **Article 7, Section 14 of the Louisiana Constitution** provides, in part, that except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

<sup>9</sup> **A.G. Opinion 99-358** provides, in part, “it is the opinion of this office that the Commission can use its funds to host a luncheon for the dignitaries enumerated above under the following conditions: . . . public funds are not used for the purchase of alcohol.” **A.G. Opinion 91-589A** states, in part, that “district funds were used to defray the cost of Christmas parties . . . you ask if this is permitted . . . Again, in our opinion, such a private use of public funds would be prohibited by Art. 7 Sec. 14, La. Const. 1974.”

operations of the Court or that are made at an unreasonable price may be a violation of the Louisiana Constitution.

Lack of Established Policies and Procedures

The Court does not have a written purchasing policy or a policy to safeguard its capital assets. Louisiana law requires Court officials to bid certain purchases of materials and supplies over a certain sum. In addition, good business practices require tagging and recording property with a value of greater than \$1,000.

From August 2005 to June 2007, the Court used the Bond and Probation accounts to purchase items totaling \$7,562 that were not tagged or recorded properly in an equipment log. Although all identified purchased items were located, a list detailing all capital assets of the Court was not present; therefore, we could not ensure that all capital assets of the Court were accounted for.

Deposits Made in Possible Violation of Louisiana Law

The sheriff’s office collects a 2% bond surety fee for all commercial bonds. In accordance with Louisiana law,<sup>10</sup> the sheriff remits 25% of this collection to the Court by issuing a check on a monthly basis. Louisiana law<sup>10</sup> provides that the fee should be deposited into a judicial court fund. The Court’s judicial court fund is the Criminal Court Fund. However, the Court deposits these checks into the Bond account. Since October 2005, the Court has deposited \$29,441 into the Bond account. Therefore, the Court is not depositing the bond surety fee into the correct account.

Funds Not Subject to Annual Audit

Three of the Court’s funds were not included as part of the Parish or Court audit in possible violation of Louisiana law.<sup>11</sup> The Court’s Criminal Court Fund is considered part of the primary government of the Parish and should therefore be included in the annual audit of the Parish. The remaining three funds of the Court should either be included in an audit of the Court or included in the Parish audit. These accounts, containing public funds, were not disclosed to the Parish or its auditor and were not included in an audit of the Court or the Parish in accordance with state law.

We recommend that the Court:

- (1) require documentation that all funds are expended in accordance with any specific requirements that may be contained in applicable law;
- (2) require itemized receipts or invoices for purchases made with public funds;

<sup>10</sup> **R.S. 22§1065** states, in part, that “all premium fees collected by the sheriff shall be remitted within sixty days after receipt as follows: Twenty-five percent to the judicial court fund or its equivalent.”

<sup>11</sup> **R.S. 24§513** states, in part, that “Any local auditee that receives five hundred thousand dollars or more in revenues and other sources in any one fiscal year shall be audited annually.”

- (3) document attendees and business purpose for all meals purchased with public funds;
- (4) establish a purchasing policy that defines and details:
  - a. initiation of purchases;
  - b. purchase requisition and purchase order procedures and approval;
  - c. allowable purchases;
  - d. proper documentation of purchases;
  - e. verification of receipt of goods and services;
  - f. compliance with public bid law; and
  - g. retention of all bid and quote documentation;
- (5) establish a policy to safeguard public property that should:
  - a. segregate duties of purchasing and property management;
  - b. identify new property purchases and ensure they are added to the inventory listing;
  - c. use assignment of property to employees, if applicable;
  - d. develop and implement a computerized property tracking system which should include, but is not limited to, the property description, date purchased, serial or other identifying number, tag number, original cost, and physical location of the property;
  - e. develop and implement procedures to record the movement of property from one permanent location to another;
  - f. perform an interim property inventory to ensure listed property is in its designated location; and
  - g. develop and implement procedures to retire or dispose of property no longer needed; and
- (6) remit all funds contained in the Bond account to the Criminal Court Fund.

### **Payroll and Leave**

The district court judges for the Court are considered employees of the Judiciary and are paid by the Louisiana Supreme Court. Support staff for each division of the Court is provided by employees of the Parish. However, these employees do not follow Parish payroll and leave policies. In addition, three other departments of the Parish do not follow Parish leave policies. Because these departments are not following established policies, the departments may not have documentation of hours worked or leave taken by their employees.

The Parish requires its employees to submit biweekly time sheets to document hours worked. These employees are also paid on a biweekly basis. However, employees assigned to the Court do not follow this policy and are not required to submit time sheets. Payroll is documented through a letter submitted by each judge, on a monthly basis, stating the names of employees who are to be paid. Documentation of actual hours worked by these employees is not recorded or maintained.

The Parish leave policy states that all classified employees are to receive 13 to 26 days of annual leave, depending on length of employment, and 13 days of sick leave each year. The Parish finance manager indicated that this policy also applies to all unclassified employees of the Parish except for four departments: employees assigned to the Court, employees assigned to the District Attorney's office, the Coroner's office (Coroner), and Registrar of Voters (Registrar). Each of these departments follows its own policy and should keep records to document leave for its employees.

Employees assigned to the Court stated that each division is assigned one month in which that division is closed and the employees are given vacation time. Additional annual leave is not given throughout the remainder of the year. A representative of Division A of the Court stated that its employees must take leave without pay if they need to take leave during the year. Division B employees stated that leave is granted based upon extra hours worked. However, because time sheets do not exist for these employees, any additional paid leave granted to Division B employees cannot be substantiated.

In addition, neither the Coroner nor the Registrar could provide leave balances for employees or were not recording leave earned and used. The lack of policies and records for leave can be problematic both for the department and the employee. Because of the lack of records, the department may pay employees for work that they did not perform or for hours that they were not present at work. The lack of policies and procedures also causes employees to have no annual or sick leave that they can use toward retirement.

We recommend that the Parish:

- (1) require all employees to submit approved time sheets to the Parish;
- (2) require all employees of the Parish to follow its leave policies or adopt special provisions for those employees assigned to other agencies; and
- (3) require all departments to maintain leave records with the Parish human resources department.

We recommend that the Court:

- (1) establish a policy for submission and approval of time sheets;
- (2) either follow the Parish's policies and procedures for leave or adopt its own leave policy with approval of the Parish;

- (3) report all leave balances to the Parish human resources department on a monthly basis;
- (4) establish a system to record leave balances; and
- (5) require all employees to document hours worked and leave taken on time sheets.

The Plaquemines Parish Government (Parish) is the governing authority for Plaquemines Parish and is a political subdivision of the State of Louisiana established in 1807. The Parish operates under the president-council form of government as established by the Charter for Local Self-Government for the Parish of Plaquemines, implemented in 1987. The parish council consists of nine members who are elected to represent each of the nine districts. The parish president, elected by the voters of the Parish, is the chief executive officer of the Parish and is responsible for carrying out the policies adopted by the Parish and for administering all parish departments, offices, and agencies. Plaquemines Parish occupies 1,986 square miles with a population of approximately 22,512.

The legislative auditor received allegations that certain fees and funds of the Twenty-Fifth Judicial District, a department of the Parish, were being used improperly. The procedures performed during this audit consisted of:

- (1) interviewing employees of the Parish;
- (2) interviewing other persons as appropriate;
- (3) examining selected documents and records of the Parish;
- (4) gathering documents from external parties;
- (5) reviewing Parish policies; and
- (6) reviewing applicable state laws and regulations.

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## Management's Response



# Plaquemines Parish Government

**BILLY NUNGESSER**

Parish President

8056 Hwy. 23, Suite 308  
Belle Chasse, LA 70037

(504) 392-6690  
(504) 274-2462  
1-888-784-5387  
Fax: (504) 274-2463

March 26, 2008

The Honorable Steve J. Theriot  
Louisiana Legislative Auditor  
1600 North Third Street  
P.O. Box 94397  
Baton Rouge, Louisiana 70804-9397

Dear Mr. Theriot:

We have reviewed the confidential draft of your compliance audit with your staff on Thursday, March 20, 2008. We appreciate the professional and expedient way that this matter has been handled by your office and pledge our cooperation with you, your staff and the parochial offices in our Parish which were audited.

Plaquemines Parish Government's authority is limited as to the District Courts, the Judges and their staff, as well as the District Attorney and Coroner. To the extent that Plaquemines Parish Government funds these offices' budgets are managed by our Finance Department who provides an accounting. These budgets and the Finance Department's accounts are subject to our third party outside auditors and are covered in detail in their annual audit which is submitted to you annually for review and comment.

The District Attorney and Court's Criminal Court Fund is deposited with, managed by and accounted by our Finance Department and is subject to our annual outside audit.

The personnel practices of these offices are beyond Plaquemines Parish Government's jurisdiction and control and these issues must be taken up with each elected parochial office holder.

We have met with the Registrar of Voters and she asked for parish government to assist in correcting the deficiencies found in her office. She will now be using the Plaquemines Parish Government's employment manual. Her office will maintain detailed time records for each employee (2) and the Registrar herself. These records will include detailed accounting of each employee's sick leave and annual leave. The

The Honorable Steve J. Theriot  
March 26, 2008  
Page 2


Registrar has agreed to consult with the Parish's Finance Department where she will be assisted in setting up the necessary documents to account for each employee.

We stand ready to assist your office in any further audits and examinations and are ready to assist any of these parochial offices in the management of statutorily approved deposits and the auditing of these accounts annually.

We further assure you that all accounts managed by or maintained through our Finance Department are reviewed on a regular basis and audited annually.

If we can be of any further service please do not hesitate to call on me or any of my staff.

Very truly yours,

A handwritten signature in black ink, appearing to read "William H. Nungesser", written in a cursive style with a long horizontal flourish extending to the right.

William H. Nungesser  
Parish President

WHN/rve

cc: W. Eric Lundin, III



P.O. BOX 7134  
BELLE CHASSE, LA 70037

# Judge Anthony D. Ragusa, Jr.

25th Judicial District Court

PARISH OF PLAQUEMINES  
DIVISION "A"

504-297-5221  
504-297-5222  
FAX 504-297-5229

March 31, 2008

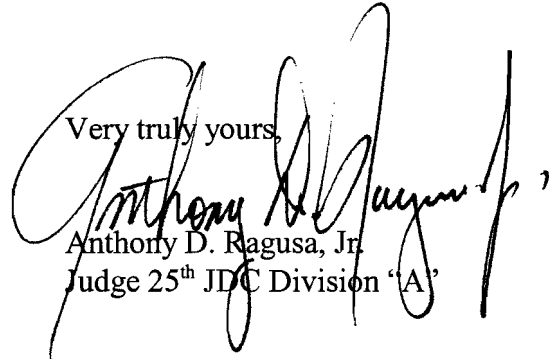
Mr. Steve J. Theriot, CPA  
State of Louisiana  
Legislative Auditor  
P.O. Box 94397  
Baton Rouge, LA. 70804-9397

RE: 25<sup>th</sup> Judicial District Court Division "A" Audit  
Compliance Audit Findings

Dear Mr. Theriot:

On March 20, 2008, Ms. Jodie Carter, Mr. Greg Clapinski and Mr. Mitchel Chauvin of your office briefed the office of the 25<sup>th</sup> Judicial District court, Division "A" on their audit findings. Attached are the responses to those findings. I appreciate the time and attention given this matter by your office, and will earnestly comply with the recommendations as discussed infra.

Very truly yours,



Anthony D. Ragusa, Jr.  
Judge 25<sup>th</sup> JDC Division "A"

ADR/cd

RECEIVED  
LEGISLATIVE AUDITOR  
2008 APR -3 AM 11:01

25<sup>th</sup> Judicial District Court  
Recommendations and Responses to  
Legislative Auditor  
Compliance Audit  
March 25, 2008

**Probation Funds**

**Recommendations**

(1) Assign a clerk to collect probation and community service payments and issue receipts to both the probationer and probation officer.

**Response:** Division "A" has transferred the collection of all probation fees to the Plaquemines Parish Sheriff's Department. Though the Sheriff's Department is subject to audits and works to be in compliance with all state regulations, the court will submit these recommendations to it as an additional safe guard.

(2) Require the probation officers to put the receipt in the probationer's file and record the payment in the file and in a log book.

**Response:** See above

(3) Assign a different clerk to prepare the deposit slips and deposit all funds in a timely manner.

**Response:** See above

(4) Require that a copy of the deposit slip be given to the probation officers for reconciliation with the payment log.

**Response:** See above

(5) Accept only money orders or cashier's checks in accordance with the Conditions of Probation form.

**Response:** See above

(6) Require that probation officers review probationer files on a monthly basis to ensure compliance with the Conditions of Probation form.

**Response:** The probation officers have set up spread sheets on a computer program which will be monitored more frequently than once per month. This will ensure compliance with conditions of probation. See attached exhibit #1.

(7) Establish a policy to maintain all public records for at least the minimum length of time in accordance with Louisiana law.

**Response:** All employees have been advised that all public records are not to be discarded and must be recorded properly. Also, we are presently creating a probation office policy manual.

(8) Charge the appropriate probation fee in accordance with Louisiana law.

**Response:** The probation fee charge has been increased to **\$55.50** in accordance with Louisiana law..

(9) Ensure all conditions sentenced are included on the Conditions of Probation form.

**Response:** All of the conditions of probation will be entered into the computer record and monitored as above.

(10) Establish a schedule for the community service fee.

**Response:** The community service fee has been discontinued by Division A.

**Traffic Citation Reductions**

**Recommendations**

(1) Create a form to document judicial approval of traffic ticket reductions.

**Response:** The judge must now sign a receipt form on all traffic ticket reductions.

(2) Document these approvals in the court minutes.

**Response:** The approvals will be documented in the court minutes.

(3) Ensure that the Sheriff's office does not accept payment for a reduced fine without the proper signed form.

**Response:** Besides the judge signing the approval form, the judge's staff will deliver that form to the sheriff's office.

### **Travel Reimbursements**

Recommendations were in regard to Division "B"

### **Lack of Controls**

#### **Recommendations**

(1) Require documentation that all funds are expended in accordance with any specific requirements that may be contained in applicable law.

**Response:** Division "A" will now submit money requests for approval to the Plaquemines Parish Government (hereinafter P.P.G.) whose procedures have been found to be in accordance with applicable law.

(2) Require itemized receipts or invoices for purchases made with public funds.

**Response:** Itemized receipts or invoices will be submitted to the P.P.G.

(3) Document attendees and business purpose for all meals purchased with public funds.

**Response:** Will provide such documentation to P.P.G.

(4) Establish a purchasing policy which defines and details the: initiation of purchases; purchase requisition and purchase order procedures and approval; allowable purchases; proper documentation of purchases; verification or receipt of goods and services; compliance with public bid law; and retention of all bid and quote documentation.

**Response:** Division "A" will follow P.P.G.'s purchasing procedures.

(5) Establish a policy to safeguard public property which should: a. segregate duties of purchasing and property management; b. identify new property purchases and ensure they are added to the inventory listing; c. use assignment of property to employees, if applicable; d. develop and implement a computerized property tracking system which should include, but is not limited to, the property description, date purchased, serial or other identifying number, tag number, original cost, and physical location of the property; e. develop and implement procedure to record the movement of property from one permanent location to another; f. perform an interim property inventory to ensure listed property is its designated location; and g. develop and implement procedures to retire or dispose of property no longer needed.

**Response:** Division "A" will follow P.P.G. procedures regarding public property.

(6) Remit all funds contained in the Bond Account to the Criminal Court Fund.

**Response:** Judge Roe is the only signee on the Bond Account.

### **Payroll and Leave**

#### **Recommendations**

(1) Establish a policy for submission and approval of timesheets.

**Response:** Under consideration/developing policy

(2) Either follow the Parish's policies and procedures for leave or adopt its own leave policy with approval of the Parish.

**Response:** Division "A" has a leave policy and has had it since 1999. See attached.

(3) Report all leave balances to the Parish Human Resource department on a monthly basis.

**Response:** Under consideration/developing policy

(4) Establish a system to record leave balances.

**Response:** Under consideration/developing policy

(5) Require all employees to document hours worked and leave taken on timesheets.

**Response:** Under consideration/developing policy

## Michael Bartholomew

---

Full Name:

First Name:

Amount: 0  
Community Service: 0  
Counseling Button: 0  
Counseling End: None  
Counseling Start: None  
Driving School Buttton: 0  
Driving School End: None  
Driving School Start: None  
Executory Date:: None  
IDB FEE: 0  
Interlock Device: 0  
Probation Ends:: None  
Probation Started: None  
Substance Abuse: 0  
Substance End: None  
Substance Start: None  
Victim Restitution: 0



PROBATION SUMMARY SHEET

CASE NUMBER \_\_\_\_\_ EXECUTORY DATE \_\_\_\_\_

NAME \_\_\_\_\_ SSN \_\_\_\_\_ ADDRESS \_\_\_\_\_ )

NAME OF EMPLOYER \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

COURT DATE \_\_\_\_\_ CHARGE(S) \_\_\_\_\_

SENTENCE - PPSO FINE \_\_\_\_\_ IDB FINE \_\_\_\_\_ PROBATION FEE \_\_\_\_\_

- ACTIVE PROBATION TERM BEGINS \_\_\_\_\_ ENDS \_\_\_\_\_  
- INACTIVE PROBATION

\*\*\*\*\*  
\*\*\*\*\*

CONDITIONS OF PROBATION

1. COMMUNITY SERVICE YES \_\_\_\_\_ NO \_\_\_\_\_  
A. PERFORM AT \_\_\_\_\_ B. NUMBER OF HOURS \_\_\_\_\_  
C. POINT OF CONTACT PHONE NUMBER \_\_\_\_\_ D. FEE YES/NO? COST \_\_\_\_\_

2. DRIVING SCHOOL YES \_\_\_\_\_ NO \_\_\_\_\_  
DATE STARTED \_\_\_\_\_ DATE COMPLETED \_\_\_\_\_  
INTERLOCK YES \_\_\_\_\_ NO \_\_\_\_\_

3. ANGER MANAGEMENT YES \_\_\_\_\_ NO \_\_\_\_\_  
DATE STARTED \_\_\_\_\_ DATE COMPLETED \_\_\_\_\_

4. SUBSTANCE ABUSE YES \_\_\_\_\_ NO \_\_\_\_\_  
DATE STARTED \_\_\_\_\_ DATE COMPLETED \_\_\_\_\_

5. EMPATHY PROGRAM YES \_\_\_\_\_ NO \_\_\_\_\_ COMPLETED? YES \_\_\_\_\_ NO \_\_\_\_\_

6. VICTIM RESTITUTION YES \_\_\_\_\_ NO \_\_\_\_\_  
TO WHOM \_\_\_\_\_  
HOW MUCH? \_\_\_\_\_

EXECUTORY DATE (may be different from above executory date) \_\_\_\_\_

NAME \_\_\_\_\_

CASE NO. \_\_\_\_\_

**MONEY TRANSACTIONS**  
**(Probation Fee)**

Year \_\_\_\_\_

Year \_\_\_\_\_

JANUARY \_\_\_\_\_

JULY \_\_\_\_\_

JANUARY \_\_\_\_\_

JULY \_\_\_\_\_

FEBRUARY \_\_\_\_\_

AUGUST \_\_\_\_\_

FEBRUARY \_\_\_\_\_

AUGUST \_\_\_\_\_

MARCH \_\_\_\_\_

SEPTEMBER \_\_\_\_\_

MARCH \_\_\_\_\_

SEPTEMBER \_\_\_\_\_

APRIL \_\_\_\_\_

OCTOBER \_\_\_\_\_

APRIL \_\_\_\_\_

OCTOBER \_\_\_\_\_

MAY \_\_\_\_\_

NOVEMBER \_\_\_\_\_

MAY \_\_\_\_\_

NOVEMBER \_\_\_\_\_

JUNE \_\_\_\_\_

DECEMBER \_\_\_\_\_

JUNE \_\_\_\_\_

DECEMBER \_\_\_\_\_

TOTAL FEES OWED \_\_\_\_\_

\*\*\*\*\*

**COMMUNITY SERVICE FEE**

\$75.00 \_\_\_\_\_ \$100.00 \_\_\_\_\_ \$125.00 \_\_\_\_\_

DATE PAID

\_\_\_\_\_

# OFFICE MANUAL

## 25<sup>TH</sup> JUDICIAL DISTRICT DIV. "A"

### OFFICE OF ANTHONY D. RAGUSA, JR., JUDGE

#### I. INTRODUCTION

##### 1.01. Use and Maintenance of office Manual.

Each employee of the Judge's office shall be issued an office manual and will be responsible for a complete understanding and knowledge of the contents of said manual. If any employee does not understand any of the provisions of this manual, it is his or her duty to contact their supervisor for additional clarification. From time to time the manual may be amended in part or enlarged. It will be the responsibility of each employee to see that his or her copy of the manual is kept current.

##### 1.02. Employees Safety Manual.

Each employee, in addition to the provisions stated below, shall be governed and expect to comply with, those sections of the Plaquemines Parish Government Employee Safety Manual, listed as follows: Sections 2, 7,8,13,and 27, and the policy against workplace harassment and sexual harassment.

#### II OFFICE ORGANIZATION

##### 2.01. General Organization.

Answerable directly to the Judge are the following persons: 1) Office Manager. In turn, answerable directly to the Office Manager are the rest of the personnel. A firm chain of command shall exist and any complaints and problems relating to office duties shall be brought to the attention of the Office Manager. Should the Office Manager be unable to resolve the employee's situation, then, and only then, should the next person within the chain of command be consulted. Should a grievance by an employee against a supervisor arise, this situation should be taken up with the next ranking individual on the chain of command for resolution.

### III. OFFICE POLICIES

#### 3.01. Courtesy

All contact with the public over telephones as well as in person should be courteous and polite. It should be remembered that the Judge is personally judged by the attitudes and actions of his Staff and other personnel.

#### 3.02. Professional Conduct Required.

Each and every individual employed by this office is a professional. Each and every employee of this office is expected to conduct themselves as a professional at all times. It is vitally important that all persons who work in the Judge's office present at all times to the visiting public a serious minded professional image. Therefore the following rules of conduct will be followed:

- A. Employees of the Judge's office will be appropriately attired at all times within the office. This means clean, neat, conventional dress which is "conservative" and exemplifies a professional employee. The ladies in the office may wear slacks, however, said slacks must be "dress slacks" and at no time should blue jeans be worn.
- B. There will be no drinking, horse play, cursing, arguing or other boisterous conduct during working hours. All eating by staff is to be done in an area out of the public view.
- C. Where appropriate, the visiting public will be treated at all times in an enthusiastic and cooperative manner.
- D. There will be no disputes or policy discussions between employees in the presence of office visitors.
- E. Any complaints against fellow employees will be presented to the Office Manager in private and will not be discussed with others.
- F. All elected officials and attorneys at law will be treated in an enthusiastic and cooperative manner. Policies or actions of elected officials will not be criticized in public. Additionally, employees will take special pains to divorce their political criticisms from their official capacity as members of the Judge's staff.
- G. **Absolute loyalty and honesty** is a vital ingredient in any successful business organization, whether public or private. Anything less will be cause for immediate and summary dismissal.

- H. No public comments shall be made by any court personnel on any matter or proceeding which is pending or impending in the court. (See Canon 3 (A) 8).
- I. This court expects all personnel to keep in confidence any and all discussions or matters which take place in the office as it relates to in house matters or matters in the courtroom or the court's chambers. A breach of this shall cause disciplinary action.
- J. Court personnel shall not display any action or verbal comment which would display any bias or prejudice between litigants and personnel, (See Canon 3 (A) 4 and at all times to observe the standards of fidelity and diligence that apply to the judge (See Canon 2 (B) (2)).
- K. No member of the judge's staff shall accept any gift or compensation for any matter which one could deem was meant to influence the outcome of any judicial decision in the court of said judge. Matters of this type shall immediately be reported to the judge.

### 3.03. Office Hours.

The office hours will be 8:30 A.M. to <sup>4:30</sup>~~5:00~~ P.M. Each employee will have one ~~hour~~ hour for lunch. You will be expected to arrive at work promptly, and excessive tardiness will not be allowed.

However, if the demands of court require, hours of court may be extended.

### 3.04. Checking In/Out.

~~There shall exist a check in / check out pad at the desk of the office manager. Each staff member is required to sign in each morning indicating the time, and follow the same procedure in checking out of the office at the end of the day. When leaving early, you must state reason for leaving. The Office Manager will be responsible for maintaining this list and insuring that each employee records the correct time in entering and leaving duty.~~

### 3.05. Holidays.

The following are recognized as holidays:

New Year's Day  
Mardi Gras  
Good Friday  
Independence Day  
Thanksgiving Day  
Thanksgiving Friday  
Christmas Eve Day  
Christmas Day  
All State Court Holidays

### 3.06. Vacation

- A. ~~Vacation time for each employee will be a period of three (3) weeks.~~
- B. Division "A" vacation is for the month of August each year, to the greatest extent practical, employees shall exercise their vacation during that month.
- C. While August 1 through August 31 is the preferred vacation period, vacations may *not* be taken at any other time during the year ~~only with the Judge's approval~~. Requests for vacation ~~must be done on "Vacation Request Forms"~~ and submitted at least two weeks in advance, except for 1 or 2 days request.
- D. ~~When an observed holiday falls within an employee's vacation period, the extra day may be taken immediately before or after as an extension of the vacation.~~
- E. ~~The vacation period will not be re-scheduled should an employee suffer sickness or disability while on vacation.~~

### 3.07. Absences and Compensatory Time.

- A. Each employee is allowed forty (40) hours of non-cumulative annual personal/sick time.
- B. Excused absences shall be for employee illness, or for death or emergency in the immediate family. Management discretion will be required in judgment of excused absences.

- C. A verification of disability by a doctor is required for an absence of three (3) consecutive days from the first day the employee is unable to work. Continuing certification of disability is required as appropriate.
- D. When an employee is unable to report for work as scheduled, he/she is expected to notify the Office Manager promptly. Except for extenuating circumstances, failure of an employee to notify the Office Manager will result in loss of pay and/or disciplinary action.

### **3.08. Use of Vehicles.**

Vehicles assigned to our office have been registered with the Department of Safety as vehicles involved in court related activities and as such bear private license plates as authorized by R.S. 49:121 (E). All personnel assigned vehicles are subject to call 24 hours a day, 7 days a week for court related duties and emergencies. Radios are provided to facilitate the court related duties and emergency calls. These vehicles and personnel should be available on short notice and at any time.

In light of the above requirements, the following policy concerning use of assigned vehicles hereby adopted:

1. Vehicles may be used for all official functions, including quasi-official function.
2. Vehicles may be used by employees at all times and for all purposes except those which are purely personal such as vacations.

Under **NO CIRCUMSTANCES** may a publicly owned vehicle.

1. Be used as a family vehicle.
2. Be driven by a member of the employees' family.
3. Be used to transport intoxicating beverages.

### **3.08. Telephone Use.**

No employee of this office shall use the telephones for personal use. These telephones are restricted for the business use of this office only. Any employee who uses the telephone for long distance calls for personal use will be disciplined.

### **3.09. Duplication of Office Keys.**

No employee shall duplicate any key without the specific authority from the Office Manager.

### **3.10. Security of Office.**

In order to preserve the confidentiality of our office, it is important that unnecessary visitors be kept to a minimum and that all conferences be held in as much privacy as possible. All visitors to the office should be announced to the individual they wish to speak to, along with the reason for their visit.

### **3.11. Use of Office Equipment.**

No employee shall use the office copy machine, the stationery, office supplies, postage meter or any other equipment in the office for their private personal use. Breach of this policy will be dealt with accordingly.

### **3.12. Distribution of Manual.**

This manual has been prepared solely for the internal use of employees of Anthony D. Ragusa, Jr., Judge for the 25<sup>th</sup> Judicial District Court, Div. "A", State of Louisiana. The contents of this manual are not be disseminated to anyone outside of this office in any manner. Anyone violating the provisions of this paragraph shall be subject to dismissal.

**AMENDMENT**  
**OFFICE MANUAL**  
**2TH JUDICIAL DISTRICT COURT**  
**OFFICE OF ANTHONY D. RAGUSA, JR., JUDGE**

**III. OFFICE POLICIES**

**3.03. Office Hours**

The office hours will be 8:30 a.m. to 4:30 p.m.

**3:06. Vacation**

A. Vacation time for each employee will be a period of four (4) weeks.

**3.07. Absences and Compensatory Time**

E. Those employees who have utilized all of their vacation and personal/sick time, which has not been excused and is beyond said allotted time will have an appropriate deduction made to their payroll checks.

# CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through  
May 1, 1999

## Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

- Canon  
CANON 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.  
CANON 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.  
CANON 3. A Judge Shall Perform the Duties of Office Impartially and Diligently.  
CANON 4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.  
CANON 5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.  
CANON 6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.  
CANON 7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.  
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.  
COMMITTEE ON JUDICIAL ETHICS.

## Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 18, 1960.

### CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing,

and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

### Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgment that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

### CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

### CANON 3

#### A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

##### A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court

officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

**B. Administrative Responsibilities.**

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses

of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

**C. Recusation.** A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

**APPENDIX TO CANON 3**

**Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms**

**I. As used in these guidelines.**

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

**II.** All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

**III. A.** The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

**B.** Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

**C.** The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

**IV.** Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

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- V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.
- VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.
- VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.
- VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.
- B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.
- IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.
- B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.
- X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.
- XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.
1. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment,

once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

- XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.
- XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.
- XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

#### CANON 4

##### Quasi-Judicial Activities

##### A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

- A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
- B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.
- C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

#### CANON 5

##### Extra-Judicial Activities

##### A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

- A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and

engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

**B. Civic and Charitable Activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

**C. Financial Activities.**

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusal.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

**D. Service as Arbitrator or Mediator.** A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

**E. Extra-Judicial Appointments.** A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

**CANON 6**

**A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances**

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

**A. Compensation.** Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

**B. Expenses.** Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

**C. Gifts.** A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

**D. Annual Reports.**

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds \$250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge

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shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

**CANON 7**

**A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity**

**A. Political Conduct in General.**

- (1) A judge or judicial candidate shall not:
  - (a) act as a leader or hold any office in a political organization;
  - (b) publicly endorse or publicly oppose another candidate for public office;
  - (c) make speeches on behalf of a political organization or a candidate for public office;
  - (d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

**B. Campaign Conduct.**

- 1. A judge or judicial candidate:
  - (a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;
  - (b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;
  - (c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;
  - (d) shall not
    - (i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;
    - (ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or
    - (iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.
  - (e) may respond to personal attacks or attacks on candidate's record as long as the response does not violate Canon 7B(1)(d).

**C. A Judge or a Judicial Candidate May:**

- (1) At any time
  - (a) attend political gatherings;
  - (b) identify himself or herself as a member of a political party;
- (2) During his or her candidacy
  - (a) speak to gatherings on his or her own behalf;
  - (b) appear in newspaper, television or other media advertisements supporting his or her candidacy;
  - (c) distribute pamphlets or other promotional campaign literature supporting his or her candidacy;
  - (d) contribute to a political organization and/or be included on a political ticket or endorsement.

**D. Campaign Committees**

- (1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.
- (2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. However, no undue pressure or coercion may be applied in such solicitation.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

**E. Retention of Campaign Contributions.** Not later than six months after any judicial election in which a judge or judicial candidate participates as a contestant, the judge or judicial candidate shall divest himself or herself of any unused campaign funds, in excess of the amount listed below, by pro rata refund to the campaign contributors or by donation to a charitable organization. The judge or judicial candidate may retain campaign funds in the following amounts proportionate to the population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	\$ 25,000
25,000-100,000	\$ 50,000
100,001-200,000	\$ 75,000
200,001-300,000	\$100,000

<u>Population of Election District</u>	<u>Amount of Campaign Funds That May Be Retained</u>	<u>Population of Election District</u>	<u>Amount of Campaign Funds That May Be Retained</u>
300,001-400,000	\$125,000	Over 400,000	\$150,000

**F. Other Political Activity.** A judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system or the administration of justice, or as expressly authorized by law.

**G. Applicability.** Canon 7 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct. A lawyer who is a candidate for judicial office is subject to Rule 8.2(a) and (b) of the Louisiana Rules of Professional Conduct.

**H. Definition of Candidate.** A candidate is a person seeking election or reelection to a judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, or authorizes solicitation or acceptance of contributions or support, whichever occurs first. The term "candidate" has the same meaning when applied to a judge seeking election to judicial or non-judicial office.

**I. Candidacy for Non-Judicial Office.** A judge shall resign his or her office when the judge becomes a candidate either in a party primary or in a general election for a non-judicial office, except that a judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if the judge is otherwise permitted by law to do so.

Amended June 28, 1983. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997.

**COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT**

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

**A. Part-Time Judge.** A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

- (1) is exempt from Canons 5C(2), 5D, and 5E;

- (2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

**B. Pro Tempore and Ad Hoc Judges.** A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

- (1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

- (2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

**C. Retired Judge.** A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

**D. Judicially Appointed Hearing Officers.** Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

**COMMITTEE ON JUDICIAL ETHICS**

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

- (a) The Chief Justice and one other member of the Supreme Court;
- (b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;
- (c) The President of the District Judges Association and two other District Judges;
- (d) The President of the City Judges Association;
- (e) One juvenile or family court judge;
- (f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

PLAQUEMINES PARISH GOVERNMENT

ADMINISTRATIVE MANAGEMENT  
POLICY MEMORANDUM

I. Subject:

Sexual Harassment

II. Policy:

It is the policy of Plaquemines Parish Government that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual Harassment is defined by the Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

III. Policy Objectives:

- A. To provide a workplace which is free of any form of sexual harassment, and which is conducive to efficient, productive public service.
- B. To ensure that no employee, either male or female, should be subjected to unsolicited, unwelcome, or offensive sexual overtures or conduct, either verbal or physical.
- C. To provide for a procedure where employees may seek relief from all forms of unwelcome sexual harassment without fear or retaliation.
- D. To provide corrective consequences to employees found to be in violation of this policy.

#### IV. Policy Scope:

All employees, supervisors, and appointing authorities are prohibited from involving themselves or other employees or persons in unwelcome conduct that constitutes sexual harassment. Violation of this policy will result in corrective administrative and/or corrective disciplinary action up to and including termination.

#### V. Policy Procedures:

##### A. Supervisor Responsibility:

Each supervisor has a responsibility to assist in maintaining a workplace which is free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual treatment. Each supervisor also has a responsibility to thoroughly and impartially assist in investigating complaints of workplace harassment and to take, recommend, or carry out appropriate action against any employee who is proven to be in violation of this policy.

##### B. Employee Responsibility:

Every employee is responsible for conducting themselves in a courteous, civil, and respectful manner toward all persons. The use of coarse, profane, vulgar or discourteous language or unwelcome behavior toward supervisor, subordinate, a fellow employee, or toward any citizen, is strictly prohibited.

Any employee who is subjected to unwelcome, prohibited or illegal sexual harassment, as specified in the attached policy, should promptly take the following steps:

1. Politely, but firmly, tell whoever is initiating the prohibited acts or behavior to immediately stop; and if it does not stop, as soon as possible, report the matter to your Department Director.
2. An employee may directly report the matter to Director of the Department of Human Resources or his representative(s). The matter will be quickly, thoroughly, and impartially investigated in a confidential manner.

C. Human Resources Manager Responsibility:

The Department of Human Resources may advise the complaining employee to file a grievance with the usual steps of the grievance procedure waived. It would automatically move the third step of the grievance procedure. The matter may be held with the complaint as well as the alleged harasser, and the parties and witnesses named by the complaint.

Because of their sensitive nature, complaints of sexual harassment will be investigated with particular care and will remain, to the extent possible, strictly confidential.

Parish President

Section 2

**SAFETY POLICY STATEMENT**

It is the policy of Plaquemines Parish Government to provide safe working conditions for its employees and as a governmental service organization to provide a safe environment for the citizens of Plaquemines Parish.

The administration of Plaquemines Parish Government is dedicated to the prevention of accidents. All levels of the Parish work force are directed to make safety a priority concern, equal in importance to all other job duties and operational responsibilities.

As a condition of continued employment with Plaquemines Parish, all employees are directed and obliged to incorporate safety knowledge and good safety procedures into their everyday work performance, and to be aware of and follow all safety rules, regulations, policies and laws.

Only through the commitment of every employee to recognize the importance of safety in the work place and to utilize safety as a fundamental tool in completing each and every task, can the goal of an accident/injury free work place be achieved.

Parish President

## Section 7

### EMPLOYEE SAFETY RULES OF CONDUCT

- I. Job safety is the responsibility of each individual employee. It is each employees' responsibility to make sure that before a job is started that all required safety equipment, gear, clothes, and protective items are in place, being utilized as designed, and that all safety rules, procedures, and practices are observed.
- II. Supervisory Personnel are required to insure that safe work rules, practices, and procedures are observed and that all equipment, gear, clothing, and protective items are in place and being utilized on a continuous daily basis.
- III. Under no circumstances can any employee disregard safety requirements for personal preferences, choice, reason or haste.
- IV. If an employee chooses to disregard safety standards, responsibilities, practices, rules or supervisory instructions concerning safety matters, they will become subject to corrective disciplinary actions as outlined in Section 28. (Maintaining standards of effective service and corrective discipline).
- V. Being "unaware" will not serve as a reason for an employee to fail to perform his or her job in a manner consistent with the safety standards presented in this manual.
- VI. Employees are prohibited from engaging in any work behavior or conduct that constitutes grounds for corrective disciplinary actions outlined in Section 28.
- VII. Employees should report all hazardous conditions or practices to their supervisor, Department Director or the Parish Safety Officer.
  - A. Employees shall report any accident involving property, equipment, or injury to their supervisor immediately.
  - B. All employees are required to know the safe methods of performing their job duties, and require to participate in all safety and occupational health training.
  - C. All employees are required to follow the Parish's substance abuse policy.
  - D. All employees should always be aware of the safety of his or her fellow employees and that of the general public

and insure their actions do not endanger anyone else.

- E. All employees will be evaluated on an annual basis in conjunction with their annual service rating relative to their safety performance for the preceding (12) twelve month time period.
- F. Every employee is required to know the content of the safety manual and an employee's contention that he or she did not know will not serve as a basis to avoid corrective actions when warranted.
- G. Employees who are receiving medical treatment and taking prescription medications which contain narcotics or tranquilizing agents should ask their physician's advice regarding the safe performance of their duties while under medication.
- H. Fireworks, firearms, or other weapons or any other items of explosives or hazardous nature not connected with any employee's duties will not be brought onto Parish property or to any other place of Parish business.
- I. All employees are to leave their work area at the end of each work day in a safe and orderly manner.
- J. When entering a work yard or job site all safety regulations must be upheld.

VACATION REQUEST DOCUMENT

This document is to be filled out and submitted to the Office Manager prior to any planned absence. The Judge's signature is necessary to validate this document. Please allow 10 business (M-F) for processing.

EMPLOYEE NAME: \_\_\_\_\_

Dates of proposed vacation: \_\_\_\_\_

**REMINDER**, do not make any plans without this document being returned with your request approved.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\*\*\*\*\**Office Use Only Below This Line*\*\*\*\*\*

\*\*\*\*ALSO SCHEDULED ON THESE DATES:

\_\_\_\_\_

SUBMITTED FOR APPROVAL: \_\_\_\_\_  
OFFICE MANAGER

\_\_\_\_\_  
JUDGE RAGUSA

**TIME OFF REQUEST DOCUMENT**

This document is to be filled out and submitted to the Office Manager prior to any planned absence. The Judge's signature is necessary to validate this document.

EMPLOYEE NAME: \_\_\_\_\_

Dates of proposed time off: \_\_\_\_\_

Reason/s: \_\_\_\_\_

\_\_\_\_\_

**REMINDER**, do not make any plans without this document being returned with your request approved.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\*\*\*\*\**Office Use Only Below This Line*\*\*\*\*\*

\*\*\*\*ALSO SCHEDULED ON THESE DATES:

\_\_\_\_\_

SUBMITTED FOR APPROVAL: \_\_\_\_\_  
OFFICE MANAGER

\_\_\_\_\_  
JUDGE RAGUSA

**EMPLOYEE ACKNOWLEDGMENT FORM**

The employee handbook described important information about the Company, and I understand that I should consult the Office Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the Company voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Company can terminate the relationship at will, with or without cause, at any time.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Company's police of employment at will. All changes will be communicated through official notices, and I understand that all revised information may supercede, modify or eliminate existing policies.

Furthermore, I acknowledge that his handbook is neither a contract of employment nor a legal document. I have received, read and understand the employee handbook.

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**EMPLOYEE SIGNATURE**

**DATE**

---

**EMPLOYEE'S NAME (TYPED OR PRINTED)**

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**OFFICE MANAGER**

**DATE**

**AMENDMENT**  
**OFFICE MANUAL**  
**25<sup>TH</sup> JUDICIAL DISTRICT COURT**  
**OFFICE OF ANTHONY D. RAGUSA, JR., JUDGE**

**III. OFFICE POLICIES**

**3.07. Absences and Compensatory Time.**

**The Division "A" Employee policy handbook at Section 3.07 is hereby amended and supplemented as follows:**

**The policies enacted by the Plaquemines Parish Civil Service Commission Rules, revised through July 27, 2006, as to Rule IX, Sections 3, 4 and 5 are hereby adopted as policies of this office.**

February 21, 2008

the declared emergency for the excess accumulated annual leave hours, or allow them to carry forward their excess accumulated annual leave hours.

2.4 Approval of Annual Leave. Request for eight (8) hours or less of annual leave shall be made at least 24 hours in advance. Whenever possible, requests for more than eight hours shall be made one week in advance.

2.5 The minimum charge allowed for annual leave shall be one (1) hour.

### SECTION 3. SICK LEAVE

3.1 Each eligible employee in the classified service shall earn and accumulate the equivalent of one-half the hours of a regular day with pay, for each bi-weekly pay period worked, beginning with the date of employment. For those employees whose regular scheduled day is eight hours, those employees shall receive four hours sick leave for each bi-weekly pay period. For those employees regularly scheduled to work longer than eight hours each day, they shall accrue sick leave at a proportional rate.

3.2 No sick leave shall accrue to an employee for any bi-weekly pay period during which the employee is on suspension, or is absent without leave for more than the number of hours in the employee's normal work day. An employee on approved leave without pay for less than half the bi-weekly pay period would earn 100% of his/her accrual. An employee on approved leave without pay for half the bi-weekly pay period would earn 50% of his/her accrual. An employee on approved leave without pay for more than half the bi-weekly pay period would earn 0% of his/her accrual.

3.3 There shall be no limitation on the amount of sick leave which may be accumulated and carried forward from one year to the next. However, no payment will be made for an employee's accumulated sick leave at time of termination.

3.4 Sick leave may be taken by an employee for necessary absence from duty due to:

- a. Employee's illness, injury, hospitalization or exposure to a contagious disease.
- b. Medical, dental or optical consultation or treatment for the employee.
- c. The minimum charge allowed for sick leave shall be two (2) hours.

- d. The donor relinquishes all future claims to the donated leave, regardless of the medical conditions of either the donor or the recipient.
- e. The donation must be strictly voluntary, without coercion, implied or otherwise, and must be certified as such in writing by the donor in advance of the actual transfer of sick leave from the donor to the recipient.
- f. In cases where an employee is donating sick leave with pay to an employee in another organizational unit, the approval of both Appointing Authorities/Department Heads will be required.
- g. Upon approval, the Appointing Authority is responsible for providing all necessary leave adjustment forms to the Finance Department with appropriate documentation.

3.9 Upon separation from the Parish service after having attained ten (10) years of creditable service to qualify for a current or deferred retirement benefit under the Parochial Employees' Retirement System, the accumulated sick leave credits shall be certified to the retirement system for additional service credit as provided by applicable law.

3.10 When an employee suffers a job-related injury which results in the employee's inability to perform the normal duties of the employee's position and which entitles the employee to compensation under the State workers' compensation laws, the normal leave provisions provided elsewhere in these Rules shall apply.

The employee shall be required to obtain authorization for the absence by requesting Sick Leave, Annual Leave or Leave Without Pay in an amount sufficient to cover the period of absence and the Appointing Authority shall approve or disapprove the request for leave as provided elsewhere in these Rules.

Payment shall be made to the employee for all leave charges against the employee's accumulated Annual or Sick Leave balances in addition to any Workers' Compensation payments received by the employee.

#### SECTION 4. CIVIL LEAVE & DECLARED EMERGENCY LEAVE

4.1 CIVIL LEAVE: An employee will be granted time off without loss of regular rate of pay when:

- a. Performing jury duty.

- b. In order to qualify for Declared Emergency Leave, the employee must have completed the initial working test period and be classified as a full time regular employee with permanent civil service status.
- c. No annual leave or sick leave hours will be earned or accrued while on Declared Emergency Leave.
- d. No Holiday pay shall be paid during this leave.
- e. Employees are required to contact their supervisor with an updated address, and contact phone numbers. Failure to comply may result in leave cancellation
- f. Any employee who fails to return to work on the first working day following expiration of Declared Emergency Leave may be terminated.
- g. Employees who are on Leave Without Pay or Absence Without Leave immediately prior to the declaration of the "State of Emergency" or "Mandatory Evacuation" shall not be eligible for this leave.

## SECTION 5. FUNERAL LEAVE.

- 5.1 In the event of the death of a member of the employee's immediate family, as defined in Rule I, the Appointing Authority may grant up to two (2) consecutive work days of Funeral Leave, which shall not be charged to the employee's Annual or Sick Leave. Any paid leave of absence under this rule must be consecutively taken on or within two (2) calendar days of the funeral or burial service. The Appointing Authority may grant additional time for travel, if the funeral takes place further than 200 miles from the employees place of residence, but in no instance shall the total be more than four (4) consecutive work days. The employee will be paid only for those hours the employee was scheduled to work.
- 5.2 In support of request for Funeral Leave, the employee shall furnish to his supervisor written documentation of the need for absence, including in such documentation the name and relationship of the deceased, the date of death, and such other information as may reasonably be required to justify the leave requested. Example: Newspaper Obituary. The employee shall furnish the required documentation in advance or as soon as reasonable practical, and in no case later than ten (10) calendar days after the date of the end of such leave.

Failure by the employee to comply with a request to furnish such notice and information shall be cause for denial and/or cancellation of the leave.

20. "Demotion": a change of an employee in the classified service from a position of one class to a position of another class for which a lower pay grade is provided in the Pay Plan.
21. "Department": The Department of Civil Service, including both the Commission and the Director.
22. "Departmental certification": certification from a promotional register of a list of persons who already have regular status in a lower class of positions in the same department.
23. "Director": shall mean the Director of Civil Service.
24. "Division" or "division of the service" or "agency": a department or any division or subdivision thereof, or any branch, or any agency of the Parish government, or any corporation organized for public purposes, all of the positions in which are under the same Appointing Authority.
25. "Eligible": a person whose name is on a list.
26. "Employee": a person legally occupying a position.
27. "Employment list": an original entrance employment list, a promotion employment list, or a reemployment list.
28. "Entrance test": a test for positions in a particular class, admission to which is not limited to persons employed in the Parish service.
29. "Essential Personnel": Employees, classified or unclassified, used for achieving essential functions before, during, and after Natural Disasters, State of Emergencies, Acts of God, etc. in order to safe guard the public and to return the Parish to normal law and order.
30. "Examination": the entire qualifying procedure through which an applicant for a classified position must go in an attempt to achieve a place on an employment list.
31. "Exempt employees": those employees who are not otherwise entitled to overtime pay as provided by the Fair Labor Standards Act.
32. "Immediate Family": the employee's spouse and children, and the parents, grandparents, grandchildren and siblings of the employee or the employee's spouse.

## **Response from Judge William Roe**

In a letter dated, March 20, 2008, we asked Judge Roe to respond, in writing to this report; Judge Roe chose not to respond.

### **Response from Mr. Rodney Penton**

In a letter dated, March 25, 2008, we asked Mr. Penton to respond, in writing to this report; Mr. Penton chose not to respond.