

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JOHN P. TAYLOR

NO. 2017 CW 0102

VERSUS

ST. TAMMANY PARISH FIRE PROTECTION
DISTRICT NO. 4 AND ST. TAMMANY
PARISH FIRE PROTECTION DISTRICT
NO. 4 CIVIL SERVICE BOARD

JUN 07 2017

In Re: John P. Taylor, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
2016-10058.

BEFORE: McDONALD, WELCH, CRAIN, THERIOT AND HOLDRIDGE, JJ.

WRIT DENIED.

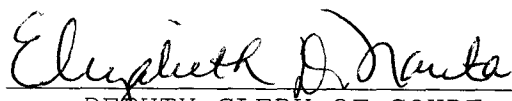
GH
MRT

McDonald, J., concurs and would deny the writ on the showing made.

Welch, J., dissents for the reasons assigned by Judge Crain.

Crain, J., dissenting. "Any discipline, demotion, dismissal or adverse action of any sort taken against a fire employee without *complete compliance* with the provisions of [the Firefighters Bill of Rights] is an absolute nullity." La. R.S. 33:2181(C) (emphasis added). Prior to commencement of the formal investigation, the Firefighters Bill of Rights requires the appointing authority to provide the fire employee with written notice of the nature of the investigation and of the specific charges or violations being investigated. See La. R.S. 33:2181(B)(1). The "nature of the investigation" must, at a minimum, include some reference to the alleged facts being investigated. Here, the notice refers only to Taylor's "actions" without in any way describing what those "actions" are. Informing the employee of a hearing to determine whether he has violated sections of the employee handbook, then providing a non-exclusive list of sections possibly violated, does not comply with the notice requirement. Relator was disciplined without "complete compliance" with the provisions of the Firefighters Bill of Rights; therefore, the disciplinary action taken is an absolute nullity. See La. R.S. 33:2181C. I would reverse the January 4, 2017 judgment of the district court that affirmed the decision of the St. Tammany Parish Fire Protection District No. 4 Civil Service Board, and reinstate relator, John P. Taylor, as Assistant Chief at the rate of pay in effect prior to October 22, 2015.

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FOR THE COURT