

STATE OF LOUISIANA

NO. 146,659

DIVISION "A"

HOUMA FIREFIGHTERS, LOCAL 1405;
TERRY LEONARD and JERRY N. LABOUE

v.

TERREBONNE PARISH CONSOLIDATED GOVERNMENT

FILED: _____

Deputy Clerk

JUDGMENT

This matter came for hearing on the merits on the 28th day of September, 2006. Present were:

Louis L. Robein, Jr. (Bar No. 11307)
Christina Carroll (Bar No. 29789)
P.O. Box 6768 (70009-6768)
2540 Severn Avenue, Suite 400
Metairie, LA 70002
Attorney for Plaintiffs, Houma Firefighters, Local 1405,
Terry Leonard and Jerry N. Laboue

Gregory J. Schwab (Bar No. 21075)
423 Goode Street
Houma, LA 70360
Attorney for Defendant, Terrebonne Parish Consolidated
Government

The Court, after considering the law, evidence, briefs, and argument of counsel renders judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the Fire Department of Terrebonne Parish Consolidated Government's practice of requiring the forfeiture of a sick leave or vacation day during a pay period during which an employee would be scheduled for a "swing day" is violative of law. A "swing day" is a scheduled day off for a firefighter during a 19-day period in order for the Parish to avoid paying overtime compensation.

IT IS ORDERED, ADJUDGED AND DECREED that as suit was filed in this case on October 26, 2005, a three-year prescriptive period applies pursuant to La. C.C. art. 3494. Therefore, the Houma Fire Department of the Terrebonne Parish Consolidated Government shall provide an accounting of all swing days forfeited by firefighters from October 26, 2002 to the present, on or

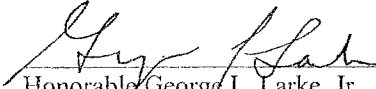
before October 25, 2006, and the Parish shall compensate all affected firefighters in full.

IT IS ORDERED, ADJUDGED AND DECREED that District Chiefs in the Houma Fire Department are entitled to overtime compensation for hours worked in excess of 144 during any 19-day work cycle pursuant to La. R.S. 33:1994. According to the evidence presented at the trial of this matter, Jerry LaBouve is the only affected district chief, and Mr. LaBouve is entitled to overtime compensation for 14 and one-half hours worked from August 28, 2005, until August 29, 2005. The Court hereby orders the Parish to compensate Mr. LaBouve for the overtime worked, subject to a credit for payments previously made toward the 14.5 hours or the sum of One Hundred Ninety-Seven Dollars and Twenty Seven Cents (\$197.27).

IT IS ORDERED, ADJUDGED AND DECREED that the Terrebonne Parish Consolidated Government shall pay interest on this judgement pursuant to La. Civil Code Art. 2000.

IT IS ORDERED, ADJUDGED AND DECREED that the pay increases recommended by Fire Chief Brian Hebert in 2003 were lawful merit raises.

Judgment rendered September 28, 2006, and read and signed
This 8th day of ~~October~~, 2006, Houma, Louisiana.
November



Honorable George L. Larke, Jr.
DISTRICT JUDGE