

TIMOTHY BOURQUE, ET AL
VERSUS

15th JUDICIAL DISTRICT COURT
DOCKET NO.

CITY OF ABBEVILLE

VERMILION PARISH, LOUISIANA

PETITION FOR DECLARATORY RELIEF
AND DAMAGES

NOW INTO COURT, through undersigned counsel, comes plaintiffs, who respectfully represents that:

1.

Plaintiffs are:

- a. **TIMOTHY BOURQUE**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- b. **CHRIS HARDY**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- c. **LESTER LUQUETTE**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- d. **JEREMY DEVILLE**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- e. **BRITTANY HEBERT**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- f. **EUGENE ROUGEAUX**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- g. **SCOTT ROBERSON**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- h. **TRACY J. SONNIER**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- i. **ROBERT RIGGS**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville;
- j. **RANDALL NUGIER**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville; and
- k. **RODNEY VINCENT**, a domiciliary of Vermilion Parish, who is currently employed by the City of Abbeville.

**THE LANDRY
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2.

Made defendant herein is:

- a. **CITY OF ABBEVILLE**, a duly organized political subdivision of the State of Louisiana as set forth by Louisiana Revised Statute 13:5102, with its principal place of operations at 101 N State Street, Abbeville, LA 70510.

3.

Plaintiffs are currently employed by the City of Abbeville as Police Officers for the Abbeville Police Department.

4.

Pursuant to Louisiana law, Defendant is required to establish a pay schedule for all employees of the Abbeville Police Department. Said pay schedule is memorialized by statute under La. R.S. 33:2212(F).¹

5.

In 2019 the legislature passed a law allowing the City of Abbeville to provide raises to Police Officers of the Abbeville Police Department, funded by an additional sales tax, if approved by the registered voters of the city.² The registered voters of Abbeville voted in favor of this additional sales tax in May of 2019.³

6.

On or about December of 2022, the Abbeville City Council approved a new operating budget that allowed the City of Abbeville to pay starting officers a salary of \$40,000.00 annually.

¹ (1) Notwithstanding the provisions of Subsections A and B of this Section, in the city of Abbeville the minimum salaries of full-time employees of the police department shall be in accordance with the following schedule:

- (a) A police officer shall receive a minimum monthly salary of seven hundred sixty-six dollars and eighty cents per month.
- (b) A police officer first class shall receive a minimum monthly salary of not less than fifteen percent above that of a police officer.
- (c) A sergeant shall receive a minimum monthly salary of not less than twenty-five percent above that of a police officer.
- (d) A lieutenant shall receive a minimum monthly salary of not less than fifty percent above that of a police officer.

(2) On and after August 1, 1982, each member of the police department of the city of Abbeville who has had three years continuous service shall receive an increase in salary of two percent and shall thereafter receive an increase in salary of two percent for each additional year of service. Both the base pay and accrued longevity shall be used in computing such longevity pay.

(3) Notwithstanding any other provisions of law to the contrary, the city of Abbeville is hereby authorized to grant equal raises to all full-time officers of the Abbeville Police Department, without consideration of rank or longevity. The raises shall be funded by an additional sales tax, if approved by the registered voters of the city.

² 2019 La. Sess. Law Serv. Act 189 (S.B. 142)

³ <https://www.katc.com/news/vermillion-parish/new-abbeville-sales-tax-takes-effect-tomorrow>

7.

On or about November 7, 2023, Petitioners confirmed by Public Record Request that starting Patrolmen for the Abbeville Police Department are receiving a salary of \$40,000.00 annually.⁴ (See attached Exhibit P-1).

8.

Pursuant to La. R.S. 33:2212(F) all senior officers should receive a minimum salary of a designated percentage above that of a starting officer, however, since the starting salary of a starting officer changed in 2023, the senior officers, that being Plaintiffs, have not received a pay increase in accordance with the pay schedules outlined in the La. R.S. 33:2212(F).

9.

Pursuant to La. R.S. 33:2212(F), it is a violation of State law for the City of Abbeville to not pay Plaintiffs in accordance with the statutory pay scale listed therein. The current salaries of Plaintiffs are in direct violation of La. R.S. 33:2212(F).

10.

Upon information and belief, Plaintiffs salaries are also below the minimum monthly salary after considering the statutorily mandated two (2%) percent longevity increase required under La. R.S. 33:2212(F)(2).

11.

Demand was made upon the City of Abbeville, by certified mail correspondence on October 24, 2023, to rectify the violations of State law. Said demand was discussed in Executive Session between the Mayor and City Council, wherein the Council voted to reject Plaintiffs demands.

12.

Since the pay schedules adopted by the City of Abbeville are in violation of Louisiana law, Plaintiffs are entitled to a Judgment declaring that the pay schedule currently in effect violates Louisiana law and adversely effects certain officers hired prior to the 2023 starting pay increase and further illegally reduces Defendant's obligation to pay minimum salaries of senior officers.

⁴ <https://www.kaplantoday.com/news/new-starting-salary-abbeville-police-officer-40000-year>

Plaintiffs are entitled to a money Judgment against the Defendant, **CITY OF ABBEVILLE**, in a sum equal to the amount of wages and benefits they have been deprived of due to the City of Abbeville's adoption of the unlawful pay schedule, together with legal interest on all wages and benefits from the date those wages and benefits were due.

WHEREFORE, premises considered, Plaintiffs pray that after due proceedings are had, there be Judgment herein in their favor decreeing that the City of Abbeville's current pay schedule for Abbeville Police Department officers is in violation of Louisiana law and further requiring Defendant to pay Plaintiffs, a sum equal to the amount of wages and benefits they have been deprived of due to the City of Abbeville's adoption of the unlawful pay schedule, together with legal interest on all wages and benefits from the date those wages and benefits were due, attorney fees and for all costs of this suit.

Respectfully Submitted,

THE LANDRY LAW FIRM

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PLEASE SERVE:
CITY OF ABBEVILLE

Through its Mayor
Honorable Roslyn White
101 N State Street
Abbeville, LA 70510

Abbeville Police Department Salaries		2023
Officer	Rank	Salary
Lester Luquette	Lieutenant	\$71,019.52
Chris Hardy	Lieutenant	\$61,243.00
Eugene Rougeaux	Lieutenant	\$60,529.04
Scott Roberson	Lieutenant	\$54,015.26
Robert Riggs	Lieutenant	\$53,551.42
Emily Leblanc	Senior Patrolman	\$48,161.10
Tracy Sonnier	Sergeant	\$47,021.00
Timothy Bourque	Sergeant	\$46,530.38
Randall Nugier	Sergeant	\$46,530.38
Rodney Vincent	Sergeant	\$46,530.38
Jeremy Deville	Sergeant	\$46,497.88
Brittany Hebert	Sergeant	\$47,936.98
Jacob Hardy	Temp Sergeant	\$46,435.88
Dwayne Schexnider	Patrolman	\$40,000.00
Emanuel Thomas	Patrolman	\$40,000.00
Colton Punch	Patrolman	\$40,000.00
Quaylain Brown	Patrolman	\$40,000.00
Carl Calder	Patrolman	\$40,000.00
Simon Sundy	Patrolman	\$40,000.00
Anaiz Gonzalez	Patrolman	\$40,000.00
Warren Alpha	Patrolman	\$40,000.00
Desirae Stone Call	Patrolman	\$40,000.00

CITIZENS FOR A
New Louisiana

EXHIBIT

P-1

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