



JEFF LANDRY
GOVERNOR

COLONEL ROBERT P. HODGES
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

August 6, 2024
4750/0501/SDS/24-24136
HQ-1-1071

James Branch, Compliance Analyst 3

VIA HAND-DELIVERY
IA-2400015 OLA P-200193

RE: Final Discipline - Termination

Mr. Branch:

I received your response to my intended disciplinary letter, which was issued to you on July 26, 2024. After consideration, I have determined that discipline is warranted. You are hereby notified that in my capacity as the Appointing Authority of the Louisiana Department of Public Safety and Corrections, Public Safety Services, (Department) under Louisiana Civil Service Rules 12.1, 12.2, 12.3, as well as the Department policy Chapter 3 – Human Resources Section 03.01.16 *Disciplinary and Correction Action - C. Disciplinary Procedure*, I am terminating you. Your termination is effective immediately upon receipt of this letter.

You are being terminated because you were randomly selected for drug screen, in accordance with Louisiana State Police Procedural Order (P.O.) 215, *Drug Testing*¹ and you tested positive for marijuana, in violation of policies and procedures Section 03-01.12 *Substance Abuse and Drug Free Workplace*² and Section 1-03.14 *Use of Drugs and Intoxicants*.³

Your personnel records show that you are a permanent classified employee with Office of Motor Vehicles (OMV). Your records also show that you are currently employed as a Compliance Analyst-3 at the OMV office in Minden, Louisiana. As part of your job duties, you perform the majority of the road skills tests to the public. Your work hours are from 8:00 a.m. to 4:00 p.m. Under our drug testing policies, all positions with this Department are classified as "Safety-sensitive or Security-sensitive." A "Safety-sensitive or Security-sensitive" position is,

¹ Exhibit 1. LSP P.O. 215. *Drug Testing*.

² Exhibit 2. 03-01.12 *Substance Abuse and Drug Free Workplace*.

³ Exhibit 3. Section 1-03.14 *Use of Drugs and Intoxicants*.

[a] position determined to contain duties of such nature that the compelling State interest to keep the incumbent drug-free outweighs the employee's privacy interests. At varying degrees, all PSS employees, regardless of rank or classification, have access to records that directly affect the safety and security of residents of the State of Louisiana (i.e., Criminal Records, Driver's License Records, etc.).

Safety-sensitive or Security-sensitive Positions - Random Testing - As every PSS position is considered to be "safety-sensitive" or "security-sensitive", every employee shall be required to submit to drug testing as required by the Deputy Secretary, who shall periodically call for a sample of such employees, selected at random by a computer generated random selection process, and require them to report for testing. All such testing shall, applicable, occur during the selected employee's work schedule.

On April 24, 2024, at 12:18 p.m., Misty Thompson, Human Resources, Administrative Program Specialist A sent your supervisor, Frank Barham, an email informing him that you had been randomly selected for drug screening.⁴ In her email, she informed Mr. Barham that 1) he had five (5) days of receipt of her email within which to notify of your selection and 2) upon notice, you were required to submit to drug testing within two hours. In her email, she also provided a link to the master drug screen list of the contracted drug testing facilities. There was scheduling conflict with Mr. Barham's initial choice of drug testing facilities, *SouthStar Urgent Care*, in Minden, Louisiana. As a result, Ms. Thompson informed Mr. Barham that you needed to report to Any Lab Test Now in Shreveport, Louisiana. Although you were on-duty and available to report when he received the email from Ms. Thompson on April 24, 2024, Mr. Barham decided to wait until you reported to your workplace on the next day before informing you that you had been randomly selected for drug testing.

On April 25, 2024, upon your arrival to work at approximately 8:00 a.m., Mr. Barham verbally informed that you had been randomly selected for drug testing and that you were required to report to *Any Lab Test Now* in Shreveport, Louisiana. At 8:08 a.m., Mr. Barham emailed Ms. Thompson to inform her that he had given you the *Donor Pass*, and that you had just left the office to travel to Shreveport. Upon your arrival, you electronically signed the *Forensic Drug Testing Custody and Control Form*, which is a non-federal custody and control form.⁵ You provided this form to Mr. Barham, upon your return to the Minden office. Mr. Barham emailed a copy of the control form to Human Resources.

The control form shows that your urine sample was collected at approximately 10:10 a.m., which is within the two-hour window. The control form also shows that your urine sample was marked for identification as "Specimen ID NO. 7936704939" and sent to Quest Diagnostics laboratory for drug testing. The control form shows that your urine sample was tested for the

⁴ Exhibit 4. Email from Ms. Thompson to Mr. Barham.

⁵ Exhibit 5. *Forensic Drug Testing Custody and Control Form*.

following: amphetamines, cocaine, marijuana, opiates, and phencyclidine (PCP). Your results show that your urine sample contained a positive result for marijuana metabolites, at a level of 91ng/mL (nanograms per milliliter). In its testing, the laboratory used a cut-off of 50 ng/mL for a positive finding in testing for cannabinoids, a marijuana metabolite. Marijuana is classified as a Schedule 1 controlled dangerous substance in Louisiana Revised Statutes 40:964 and in Section 202 of the Controlled Substances Act (21 U.S.C.12).

On April 30, 2024, [REDACTED] a certified Medical Review Officer for Quest Diagnostics, determined and verified your positive test result.⁶ On that same date, Ginger Krieg, the Human Resources Director, received your drug test results via email from Premier Biotech. Ms. Krieg then notified OMV Budget Unit Head Commissioner Daniel Casey of your positive drug test results.

On May 1, 2024, Commissioner Casey, verbally placed you on administrative leave pending investigation.

On May 6, 2024, as instructed by the Appointing Authority, Colonel Robert Hodges, Internal Affairs (IA) initiated an investigation to determine whether you violated Section 3-01.12 *Substance Abuse and Drug Free Workplace* and Section 1-03.14 *Use of Drugs and Intoxicants*. IA Captain Saleem El- Amin assigned the administrative investigation to Trooper First Class (TFC) Jacob Butler. The administrative investigation began on the same date. On that same date, TFC Butler accessed the Premier Biotech web portal and reviewed your drug test results.

On May 30, 2024, LSP Polygraphist William Kirkland and TFC Butler interviewed you at the IA office located at 7919 Independence Boulevard, Baton Rouge, Louisiana 70806. You were advised of your administrative rights and you acknowledged that you understood them. During your IA interview, you admitted that you purchased, from your local grocery store, a substance, commonly known as a "gummy," which contained Cannabidiol (CBD), a chemical found in marijuana. You admitted that you began taking gummies approximately one (1) week before the drug screening. You also stated that you informed your supervisor, Mr. Barham, that you were using the CBD product after returned from your drug screening.

The State of Louisiana and the Department have a long-standing commitment to working toward a drug-free workplace because *substance abuse causes serious adverse consequences to users, affecting their productivity, health and safety, dependents, and co-workers, as well as the general public*. In order to curb the use of illegal drugs by employees of the State of Louisiana, the Louisiana Legislature enacted laws which provide for the creation and implementation of drug testing programs for state employees. To that end, the Department created and implemented the following: LSP P.O. 215 and Section 3-01.12. As stated in our drug testing policies,

Employees are prohibited from reporting to work or performing work for Public Safety Services with the presence in their bodies of illegal drugs, controlled

⁶ Exhibit 6. Drug test result.

substances, or designer (synthetic) drugs at or above the initial testing levels and confirmatory testing levels as established in the contract between the State of Louisiana and the official provider of drug testing services. (emphasis added).

Under our drug testing policies, a “controlled substance” is a drug, chemical substance or immediate precursor in Schedules I through V of La R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C.12).

As part of your job duties, you perform the majority of the road skills tests to the public. On April 24, 2024, you appeared for work at the Minden OMV office with the presence of a marijuana, a controlled substance, in your body. Based on scientific evidence and by your own admission, during the administrative investigation, you knowingly and deliberately ingested substances containing CBD, causing the presence marijuana in your body. I find your conduct egregious and detrimental to state service because of the potential hazard to the public and liability for this agency.

You have the right to appeal this action to the Louisiana State Civil Service Commission. The time limits and procedure for appealing are contained in Chapter 13 of the Louisiana State Civil Service Commission Rules. A copy of Chapter 13 can be obtained from the Louisiana State Civil Service Commission. The Commission’s current mailing address is P.O. Box 94111, Baton Rouge, LA 70804-9111. Their current telephone number is (225) 342-8274 and their fax number is (225) 342-8508.

Sincerely,



Colonel Robert P. Hodges, Deputy Secretary
Public Safety Services
Louisiana Department of Public Safety and Corrections

c: Daniel Casey, Commissioner of the Office of Motor Vehicles
Human Resources
Office of Legal Affairs