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The Times-Picayune

Levee Board settled lawsuit for \$143,500

Three former employees alleged sex harassment by past top exec

Friday, August 5, 2003

By Michelle Hunter

East Jefferson bureau

Three former female employees of the East Jefferson Levee District accepted a \$143,500 settlement this year in their lawsuit alleging sexual harassment by the district's previous executive director.

While an insurance company paid the settlement, the Levee Board was dropped by the insurer during the legal battle. The district's new policy has higher premiums and a higher deductible, officials said.

Details of the settlement were revealed Monday as part of an agreement between the levee district and The Times-Picayune, which sued the board to force the release of information under state public records law.

The levee district had previously refused to turn over the settlement agreement, saying it had promised confidentiality to the women.

The agreement to release the settlement came just before a trial on the issue was to begin in 24th Judicial District Court in Gretna. The deal calls for the district to pay the newspaper's legal fees up to \$5,000.

As part of the settlement, The Times-Picayune and the district asked the judge in the case, Steve Windhorst, to rule that the agreement is a public record.

Donald Hyatt, attorney for the women, objected, saying his clients had an agreement with the district to keep the settlement private.

But Lori Mince, an attorney for the newspaper, said the board and the women cannot craft an agreement to get around the requirements of a state law such as the Public Records Act.

In the initial suit brought against the district in March 2001 by Yvette Boue, Pamela Courville and Royce Payne, the women alleged that Executive Director Alan Francingues sexually harassed them at work. A state inspector general's report said Francingues frequently used sexually explicit language around the women and viewed pornography on his office computer. He resigned in August 2000.

According to the settlement reached in February, Boue received \$60,000; Courville, \$63,529; and Payne, \$20,000.

Levee District officials also revealed Monday that during the legal wrangling, the board's insurance policy was not renewed. That led to a new policy and higher insurance premiums and a deductible -- the amount paid before insurance kicks in -- that jumped from \$5,000 to \$100,000 per complaint.

During the litigation, the district received notification that Underwriters Inc. of Dallas opted not to renew the agency's professional liability insurance for 2002, forcing the board to pick up a new, more expensive policy from the National Union Fire Insurance Co. of Pittsburgh.

"I don't know for sure if it was the outstanding claim," levee district President Ron Zibilich said Monday. "A lot of insurance companies are making changes."

The new policy retains the \$5 million cap on liabilities but the premium went from \$14,613 to \$27,753 and the deductible increased by \$95,000.

While the figures may sound alarming, they are typical considering the current state of the insurance market, said Bill Fortenberry, director of risk management for Jefferson Parish, who does not supervise the levee district's insurance policies. Raising deductibles is just a tool to keep rising premiums in check.

"That wouldn't concern me at all," Fortenberry said. "It's not unusual to see 30 to 70 percent increases in the current market."

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