



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
SUITE 900 - 1340 POYDRAS ST.  
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CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
JOHN H. KORN, VICE-CHAIRPERSON  
CLIFTON J. MOORE JR.  
MARK SURPRENANT  
RUTH WHITE DAVIS

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Thursday, February 17, 2022

Mr. Darren Harris

Re: **Darren Harris VS.**  
**Department of Property Management**  
**Docket Number: 9312**

Dear Mr. Harris:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 2/17/2022 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

  
Stacie Joseph  
Management Services Division

cc: Martha Griset  
Jonathan Adams  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**DARREN HARRIS,  
Appellant**

**Docket No. 9312**

v.

**DEPARTMENT OF PROPERTY  
MANAGEMENT,  
Appointing Authority**

**DECISION**

Appellant, Darren Harris, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from his October 12, 2021, four-day suspension. (Exhibit HE-1). At all relevant times, Appellant had permanent status as a Carpenter. (Tr. at 15-16; Ex. HE-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on December 1, 2021. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the Hearing Examiner's report dated February 4, 2022, and controlling Louisiana law.

For the reasons set forth below, Mr. Harris' appeal is DENIED.

**I. FACTUAL BACKGROUND**

The hearing examiner has accurately described the facts. A copy of the hearing examiner's report is attached. The Department of Property Management suspended Mr. Harris for four days for failing to follow instructions about applying adhesive for flooring in the Mayor's office. (Ex. HE-1). Mr. Harris admitted that he applied the adhesive a different way based on his own

experience, and he did not apply the adhesive as he was instructed by his supervisor. (Tr. at 42-43). As a result, other employees had to work overtime to install the flooring. (Tr. at 13, 37).

## II. ANALYSIS

It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep't of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094). The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for suspending the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984).

The Department of Property Management has carried its burden of showing that the complained-of conduct occurred. Mr. Harris admittedly failed to follow the instructions of his supervisor when installing the flooring. Because Mr. Harris applied the adhesive incorrectly, other employees had to work overtime to correct his mistake, impairing the efficient operation of the department. (Tr. at 37).

The discipline is commensurate with the infraction, as the Department of Property Management has disciplined Mr. Harris in the past for similar conduct. (Tr. at 12).

This the 17<sup>th</sup> day of February, 2022

WRITER:

Mark C. Surprenant  
Mark C. Surprenant (Feb 17, 2022 12:57 CST)

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MARK SURPRENANT, COMMISSIONER

CONCUR:

J H Korn  
J H Korn (Feb 17, 2022 16:38 CST)

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JOHN KORN, VICE-CHAIRPERSON

Ruth White Davis  
Ruth Davis (Feb 17, 2022 12:22 CST)

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RUTH DAVIS, COMMISSIONER

DARREN HARRIS

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

DEPARTMENT OF PROPERTY  
MANAGEMENT

NO. 9312

REPORT OF THE HEARING EXAMINER

Darren Harris ("Appellant") is employed by the Department of Property Management ("Appointing Authority") as a Carpenter with permanent status. The Appointing Authority suspended the Appellant for four (4) days by letter dated October 11, 2021, after determining that he violated internal departmental Policy 1R (12) and (16), concerning insubordination and unsatisfactory work performance. Specifically, the Appointing Authority determined that the Appellant failed to follow instructions from his immediate supervisor regarding the proper installation of vinyl flooring, resulting in an unsatisfactory work-product. (H.E. Exh. 1, DMP Exh. 1).

FACTS

Debbie Seward is employed as a Public Building Administrator and is the Appellant's immediate supervisor. She testified that she tasked the Appellant with installing vinyl flooring in the mayor's suite. She stated that, because the Appellant had past problems following instructions, she made a point of reviewing with him the installation instructions contained on the flooring adhesive container to ensure that he completed the job correctly. The instructions addressed both the proper application of the adhesive and the space for flooring installation. The installation required a "wet application",

meaning applying the adhesive and then installing the vinyl planks while the glue is wet, as opposed to spreading the adhesive over the entire area and letting it to dry before installation. She also instructed him to wait before installing the adhesive in the kitchen space because there were appliances to be repositioned. (Tr. at 28 – 31; DMP Exh. 3).

When she returned several hours later, the Appellant had failed to follow instructions. He applied the adhesive in the kitchen area and spread the adhesive unevenly throughout the area leaving it to dry without installing the flooring. As a consequence, additional cost and labor were required to complete the project properly. (Tr. at 32 – 37; DPM Exh. 4).

Martha Griset is the Director of Property Management and the Appointing Authority. She testified that she suspended the Appellant for four days after considering his past disciplinary record which included a letter of reprimand and a one-day suspension for similar issues. Because the Appellant had failed to heed previous warnings and correct his behavior, she determined that a more serious penalty was appropriate. (Tr. at 7 – 13; DPW Exh. 5).

The Appellant admitted that he received previous discipline which was not appealed. He admitted that he received instructions from his immediate supervisor as to how she wanted the flooring installed, and that her instructions were consistent with the instructions contained on the container. He testified that he understood what she expected, but chose to disregard her instructions

based upon his experience. He contends that he was disciplined because the Appointing Authority is targeting him. (Tr. 40 – 43).

CONCLUSION

Based upon undisputed facts, the Appointing Authority has established by a preponderance of evidence that it disciplined the Appellant for cause and that the penalty was commensurate with the violation. The Appellant failed to following clear instructions, which impacted the efficient operation of the department.

Based upon the foregoing, the Appellant's appeal should be DENIED.

\_\_\_\_\_  
February 4, 2022  
DATE

\_\_\_\_\_  
s/Jay Ginsberg  
HEARING EXAMINER