



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
SUITE 900 – 1340 POYDRAS ST.
NEW ORLEANS LA 70112
(504) 658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION
BRITTNEY RICHARDSON, CHAIRPERSON
JOHN H. KORN, VICE-CHAIRPERSON
CLIFTON J. MOORE, JR.
MARK SURPRENANT
RUTH WHITE DAVIS

Friday, January 20, 2023

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Mr. Eric Hessler
PANO 320 N. Carrollton Avenue #202
New Orleans, LA 70119

Re: **James Cunningham VS.**
Department of Police
Docket Number: 9408

Dear Mr. Hessler:

Attached is the action of the Civil Service Commission at the Commission's meeting on Friday, 1/20/2023.

Yours very truly,

A handwritten signature in blue ink that reads "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Michelle M. Woodfork, Interim
William R. H. Goforth
James Cunningham

file

IN RE: James Cunningham v. Department of Police
Docket No: 9408 - Civil Service Commission

ORDER

Before the Commission was a motion by the Parties for the Commission to approve a settlement agreement reached by the parties. Upon consideration, the Commission finds that Parties have reached an amicable resolution which is attached hereto. Therefore:

The Parties' motion is hereby GRANTED.

Judgment rendered this 20th day of January, 2023

CITY OF NEW ORLEANS CIVIL SERVICE COMMISSION

YEA

Absent ^{DKS}

BRITTNEY RICHARDSON, CHAIRPERSON

John H. Korn

JOHN H. KORN, COMMISSIONER

Absent ^{DKS}

CLIFTON J. MOORE, JR., COMMISSIONER

Mark Surprenant

MARK SURPRENANT, COMMISSIONER

Ruth White Davis

RUTH WHITE DAVIS, COMMISSIONER

CITY OF NEW ORLEANS CIVIL SERVICE COMMISSION

**JAMES CUNNINGHAM
PETITION FOR INVESTIGATION**

VERSUS

NEW ORLEANS POLICE DEPARTMENT

CS DOCKET NO. 9408

SETTLEMENT

RECEIVED
CIVIL SERVICE DEPT
NEW ORLEANS
2023 JAN 19 P 1:49

NOW COME the parties, the New Orleans Police Department (“NOPD”) the Appointing Authority, and Officer James Cunningham (“Cunningham”), the Appellant, appearing herein through undersigned counsel, who respectfully submit this Agreement resolving Cunningham’s Petition for Investigation of the Police Department under CS Docket No. 9408.

1.

In his petition for investigation filed with the Civil Service Commission on March 30, 2022, Cunningham alleged he was wrongfully denied promotion past his current position of Police Officer due to two Public Integrity Bureau (“PIB”) investigations (PIB #2013-0790-C & PIB 2015-0480) being marked as sustained and left open, without NOPD affording Appellant his due process right to a pre-disciplinary hearing.

2.

On June 2, 2022, Amy Trepagnier, the Civil Service Personnel Director, sent a letter of inquiry to NOPD Superintendent Shaun Ferguson, with questions and requests for documentation based on the claims presented in Cunningham’s Petition for Investigation. NOPD sent a response letter on July 20, 2022, which included responses to the questions raised by Civil Service and

produced documentation including Cunningham's personnel file, his PIB long form, NOPD's applicable promotion policies, and past NOPD promotion announcements for the ranks of Police Officer II, III and IV.

3.

On October 17, 2022, the status of Cunningham's petition for investigation was addressed during the Commission's business meeting, scheduling a Civil Service hearing for Monday, November 21, 2022, at which the parties could present testimony and evidence. Prior to and in lieu of proceeding with the hearing as scheduled, the parties reached a resolution of all matters, the terms of which are detailed below.

4.

In resolution of this matter, NOPD agrees to retroactively promote Cunningham from Police Officer (P.O.) to Police Officer IV, (P.O.IV), effective August 10, 2014, to include retroactive payment of the salary for a P.O.IV and all emoluments. Thereafter, Cunningham will be promoted to Senior Police Officer (SPO), effective December 24, 2017, which was the date all Officers in the rank of Police Officer II through Police Officer IV, were promoted to Senior Police Officer. Officer Cunningham will receive any backpay and emoluments due based on the retroactive promotion to SPO effective December 24, 2017.

5.

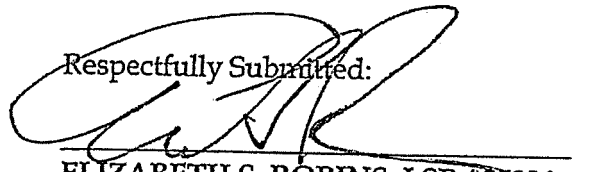
NOPD also agrees to close out both of the PIB investigations at issue (PIB #2013-0790 & PIB 2015-0480) by removing any prior entry of "sustained", on Cunningham's PIB long form, to be replaced with the designation of "Moot Per La.R.S.40:2531", effective November 17, 2022, the date the Agreement of resolution was reached.

6.

In response to NOPD's terms of resolution as stated herein, Cunningham agrees to withdraw his petition for investigation, *James Cunningham v NOPD, CS 9408*.


WHEREFORE, the parties, through undersigned counsel agree to the foregoing terms as a full and final resolution of all issues raised in Cunningham's petition for investigation, CS No. 9408, as confirmed by the signatures of counsel below, and request the Commission's approval of this Agreement at its next scheduled meeting.

Respectfully Submitted:



ELIZABETH S. ROBINS, LSB #25224
DEPUTY CITY ATTORNEY
WILLIAM R.H. GOFORTH, LSB 31353
ASSISTANT CITY ATTORNEY
1300 PERDIDO STREET, RM 5E03
NEW ORLEANS, LA 70112
Counsel for New Orleans Police Dept.

1.19.2023
DATE



ERIC HESSLER, LSB # 27453
320 N. CARROLLTON AVENUE
SUITE # 202
NEW ORLEANS, LA. 70119
Counsel for James Cunningham

1/19/2023
DATE