



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 KORN, VICE-CHAIRPERSON
CLIFTON J. MOORE
MARK SURPRENANT
RUTH WHITE DAVIS

Wednesday, March 2, 2022

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Mr. Jarret McKnight

Re: **Jarret McKnight VS.**
Recreation Department
Docket Number: 9027

Dear Mr. McKnight:

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 - 3/2/2022 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, Sec.12(B) of the Louisiana Constitution. Further, any such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

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

Doddie K. Smith
Chief, Management Services Division

cc: Larry Barabino
Eraka Williams Delarge
Jay Ginsberg
file



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Wednesday, March 2, 2022

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Mr. Jarret McKnight

Re: **Jarret McKnight VS.**
Recreation Department
Docket Number: 9028

Dear Mr. McKnight:

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 – 3/2/2022 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, Sec.12(B) of the Louisiana Constitution. Further, any such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

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

Doddie K. Smith
Chief, Management Services Division

cc: Larry Barabino
Elizabeth S. Robins
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JARRET McKNIGHT,
Appellant**

Docket Nos. 9027 & 9028

v.

**DEPARTMENT OF RECREATION,
Appointing Authority**

DECISION

Appellant, Jarret McKnight, 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 March 15, 2019 suspension and his April 30, 2019 termination of employment. (Exhibits HE-1-HE-2). At all relevant times, Appellant had permanent status as a Public Works Supervisor of the Department of Recreation. (Tr. at 6-7). A Hearing Examiner, appointed by the Commission, presided over a hearing on December 7, 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 14, 2022, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

The Department of Recreation suspended and then terminated Mr. McKnight's employment after he physically assaulted Dasja Reed, an Office Assistant at the Department of Recreation, at the workplace on March 13, 2019. (Exs. HE-1, HE-2; Tr. at 43, 48). Ms. Reed is the mother of Mr. McKnight's child, and Mr. McKnight had just learned of an increase in child

support. (Tr. at 11-12). Mr. McKnight was not scheduled to work on March 13, but he went to the workplace to see Ms. Reed on this personal matter. (Tr. at 10-11). This assault was captured on video. (Tr. at 15). At the hearing, Mr. McKnight admitted slapping Ms. Reed and hitting her with a closed fist. (Tr. at 19-21).

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 Recreation has carried its burden of showing that the complained-of conduct occurred. The Appointing Authority offered video of the assault of Ms. Reed, and Mr. McKnight admitted the conduct. Workplace violence impairs the efficient operation of the Department of Recreation. The penalty of an emergency suspension and termination are commensurate with the assault of a co-worker at the workplace.

Mr. McKnight's appeal is DENIED.

This the 2nd day of March, 2022

WRITER:



Brittney Richardson (Feb 26, 2022 13:05 EST)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



J H Korn (Feb 23, 2022 21:06 CST)

JOHN KORN, VICE-CHAIRPERSON



Mark C. Surprenant (Feb 18, 2022 11:11 CST)

MARK SURPRENANT, COMMISSIONER