



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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MARK SURPRENANT
RUTH WHITE DAVIS

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Tuesday, April 13, 2021

Mr. Compton Peters

Re: **Compton Peters VS.
Juvenile Justice Intervention Center
Docket Number: 9019**

Dear Mr. Peters:

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 - 4/13/2021 - 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: Kyshun Webster
Michael J. Laughlin
Alexandra Mora
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

COMPTON PETERS

DOCKET NO. 9019

VERSUS

NEW ORLEANS YOUTH STUDY CENTER

DECISION

Appellant, Compton Peters (hereinafter “Appellant”), brings the instant appeal pursuant to Article X, §8(A) of the Louisiana Constitution and this Commission's Rule II, §4.1, asking this Commission to find that the New Orleans Youth Study Center (hereinafter "Appointing Authority") did not have sufficient cause to reprimand him. At all times relevant to the instant appeal, Appellant was employed as a Maintenance Staff Supervisor and had permanent status as a classified employee.

The below Commissioners have reviewed the transcript from the August 15, 2019, hearing, all exhibits introduced into the record, and the December 4, 2019 Hearing Examiner’s report. After reviewing this record, we DENY the Appellant’s appeal.

An appointing authority may discipline an employee with permanent status in the classified service for sufficient cause. La. Con. Art. X, § 8(A). If an employee believes that an appointing authority issued discipline without sufficient cause, he may bring an appeal before this Commission. *Id.* It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, an 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).

If the Commission finds that an appointing authority has met its initial burden and had sufficient cause to issue discipline, it must then determine if that discipline “was commensurate with the infraction.” *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197 (citing *Walters v. Dep't of Police of City of New Orleans*, 454 So.2d 106, 113 (La. 1984)). Thus, the analysis has three distinct steps with the appointing authority bearing the burden of proof at each step.

Dr. Webster’s testimony is persuasive in that the appellant failed “to execute assigned duties.” (Ex. City-2) The evidence establishes that the Travis Hill School had not been cleaned for a week in that there were complaints received during that week by Dr. Webster from staff, which were brought to appellant’s attention. (Tr. at 30, 49, and 50). It was appellant’s responsibility as a supervisor to make sure that the school was kept cleaned by whomever was assigned by appellant to do the work. Such was not done by the appellant. Therefore, the Appointing Authority met its burden of showing the occurrence of the complained-of conduct and that the conduct impaired the efficiency of the Youth Study Center. The discipline is commensurate with the infraction. The letter of reprimand was appropriately issued to the appellant given the evidence presented at the hearing.

New Orleans, Louisiana, this 13th day of April, 2021

WRITER:

Mark C. Surprenant

Mark C. Surprenant (Mar 24, 2021 18:08 CDT)

MARK SURPRENANT
COMMISSIONER

CONCUR:

Brittney Richardson

Brittney Richardson (Apr 5, 2021 07:56 CDT)

BRITTNEY RICHARDSON
CHAIRPERSON


J.Korn (Apr 13, 2021 13:51 CDT)

JOHN KORN
COMMISSIONER