



CITY OF NEW ORLEANS

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MITCHELL J. LANDRIEU
MAYOR

Tuesday, October 25, 2016

J. Arthur Smith, III
830 North Street
Baton Rouge, LA 70802

Re: **Daisy Spriggens VS.
Department of Public Works
Docket Number: 8356**

Dear Mr. Smith:

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 - 10/25/2016 - 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 must conform to the deadlines established by the Commission's Rules and Article X, 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: Mark D. Jernigan, P.E.
Elizabeth S. Robins
Victor Papai
Daisy Spriggens

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CIVIL SERVICE COMMISSION

CITY OF NEW ORLEANS

DAISY SPRIGGENS vs. DEPARTMENT OF PUBLIC WORKS	DOCKET NOs.: 8356
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I. INTRODUCTION

Appellant, Daisy Spriggens, brings the instant appeal challenging letter or reprimand issued by the New Orleans Department of Public Works (hereinafter “DPW” or “Appointing Authority”). At all times relevant to the matter now before the Commission, Appellant was a classified employee with permanent status and worked as a Chief Accountant for the Appointing Authority.

II. FACTUAL BACKGROUND

A. Appellant’s Role within the DPW

The Project Delivery Unit (“PDU”) within the DPW, this is a group of employees that supports the administration of capital projects within the DPW. (DPW Exh. 1; Tr. at 8:9-13). Put simply, this unit is responsible for processing invoices related to public works projects within the City of New Orleans. Appellant was a member of the “requisition and invoice processing team” within PDU that was established on or about September 2012. (Tr. at 10:17-18). At any given time, the DPW has several substantial projects and there is a corresponding contract for each project. The PDU monitors the invoices and change orders related to those contracts and processes those invoices for payment. In order to do this in an efficient and effective manner, the unit employs numerous accountants as well as a database known as Master Quick Base (“MQB”) that

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houses all the financial information related to various contracts managed by or involving capital projects. *Id.* at 17:15-21.

According to Kyle Homan, a database manager for DPW, it was Appellant's responsibility to accurately update the MQB database to reflect ongoing contracts, invoices and change orders. *Id.* at 31:4-8, 49:5-8. Ms. Etta Sylve, Requisition and Invoice Team Manager, confirmed that Appellant's responsibilities as chief accountant included processing requisitions and funding adjustments pertaining to DPW contracts. *Id.* at 54:15-55:2. Ms. Sylve confirmed that Appellant was directly responsible for entering incorrect information identified in the emails identified as DPW Exhibit 2. *Id.* at 64:14-15.

Mr. Homan, managed the MQB database for the PDU in August 2014, and began working in that capacity on or about September 2013. In his role as database manager, Mr. Homan observed "ongoing issues" with the accuracy of Appellant's work. *Id.* at 11:25-12:5. In his capacity as database manager, Mr. Homan had personal knowledge of several of the alleged errors and miscues cited by the Appointing Authority in its disciplinary notice to Appellant. For instance, Mr. Homan testified that he personally observed errors related to the mislabeling of contracts within the MQB database as well as improper processing of fund transfers. Mr. Homan testified that these errors slowed down the financial approval process since the PDU staff had to identify and remediate the errors prior to processing payment on certain contracts and change orders. In a particularly glaring example, an erroneous entry dealing with a specific project compromised Mr. Homan's ability to accurately report out on a \$21 million project. (DPW Exh. 3; Tr. at 30:15-20). And, unlike other errors attributable to an employee supervised by Appellant, this particular error was committed by Appellant. (Tr. at 39:25-30:5).

The Parties disagreed about the breadth and scope of Appellant's duties and whether or not Appellant was responsible for "approving funding" and "reviewing requisitions." The DPW took the position that Appellant was responsible for these tasks and both Ms. Sylve and Mr. DeLarge testified to this effect. *Id.* at 55:15-56:1, 89:2-11. Ms. Sylve testified that, for the most part, Appellant could have avoided the errors identified in the letter of reprimand had Appellant simply been more careful and detailed in her day-to-day role as Chief Accountant. *Id.* at 63:9-17. Ms. Sylve also stated that she and Mr. DeLarge would regularly counsel Appellant regarding her lack of attention to detail and effort. *Id.* at 85:19-23. In response to a question posed by the hearing examiner, Ms. Sylve acknowledged that some of the errors identified in the letter of reprimand originated with other employees. However, Ms. Sylve summarized the core of the misconduct DPW attributed to Appellant:

Well the appellant her responsibility was to check and check the systems to make sure that these errors [committed by other employees] are not taking place. And that was part of the problem where she wasn't really checking the work that she was assigning out once it came back to her.

Id. at 106:14-21.

Mr. DeLarge provided an overview of Appellant's responsibilities as Chief Accountant. He testified that Appellant was responsible for requisitions, but that he and Ms. Sylve had allowed Appellant to delegate some of that responsibility to other staff within the PDU. However, she retained the ultimate responsibility for guiding the staff with respect to requisitions and verifying the information inputted by staff was correct. *Id.* at 123:9-124:9.

For her part, Appellant claims that she was not aware that part of her responsibilities as Chief Accountant included the supervision and review of work she assigned to other personnel. According to Appellant, at the time DPW issued the letter of reprimand, she was only responsible for "logging in the requisitions to track the dates." *Id.* at 196:1-5. However, later in her testimony,

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when asked about her duties as Chief Accountant, Appellant testified that she “would basically monitor and track the requisitions as they would come in.” *Id.* at 224:19-22.

B. Issuance of Discipline

On or about September 15, 2014, the DPW issued Appellant a written reprimand for what it described as “careless work habits.” (H.E. Exh. 1). Specifically, the DPW alleged that Appellant had made a series of errors during August of 2014 that compromised the DPW’s ability to “process requisitions and contracts in a timely manner.” *Id.* Among the errors identified by the DPW in the reprimand were Appellant’s sending of inaccurate emails, failure to recognize errors within the DPW’s accounting database Master Quick Base (“MQB”) and improper actions within MQB. *Id.*

III. LEGAL STANDARD

Appointing Authorities may only discipline permanent employees in the classified service for sufficient cause. La. Con. Art. X, § 8(A). If an employee believes that an appointing authority did not have sufficient cause to issue discipline, he/she 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 (La. Ct. App. 2014)(quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094 (La. Ct. App. 2007)). 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, 7); 165 So.3d 191, 197 (citing *Walters v. Dep't of Police of City of*

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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.

IV. ANALYSIS

A. Occurrence of the Complained of Activities

While the Commission acknowledges that this is a gross over-simplification of the complex work performed by the PDU, the job of the staff within the PDU was to essentially monitor the funding dedicated to large public works projects within the City of New Orleans and ensure that, when certain payments became due, funding was available and procured from the appropriate source. The Appointing Authority alleged that Appellant committed multiple errors of varying degrees of seriousness that led to an overall slowdown in the processing of invoices by the DPW. This in turn compromised the accurate and timely generation of financial reports. Many of these errors stem from Appellant's failure to identify and address errors committed by employees who reported to her. Appellant claims that this was not her responsibility.

Prior to becoming a Chief Accountant in the PDU, Appellant served as an Accountant III and processed many of the same transactions that came across her desk later as a Chief Accountant. Further, as Chief Accountant, Appellant delegated the processing of requisitions to various members of the PDU team. Appellant herself testified that one of her duties was to "monitor" the requisitions she delegated. The Commission finds that one of the key functions of a Chief Accountant is the orderly processing of contracts and verification that staff process the requisitions properly. Appellant attempted to minimize her role within the PDU and portrayed herself as something akin to a data entry clerk rather than a professional employee responsible for analysis and attention to detail.

The Commission does not find Appellant's version of her role of a Chief Accountant credible. Therefore, the Commission holds that the DPW has met its burden and established that Appellant was responsible for the errors and mistakes identified in the letter of reprimand.

B. Impairment of Efficient Operation of Appointing Authority

The DPW cited to eight separate instances where Appellant either made errors herself or individuals in PDU who performed duties "monitored" by Appellant. While the Commission acknowledges that no one act or omission by Appellant amounted to serious misconduct, the series of errors by Appellant equated to "death by a thousand cuts" whereby the cumulative impact on the operations of the Appointing Authority was a slowdown in response times and unnecessary delay in processing payments for vital infrastructure projects.

Appellant's actions also compromised the DPW's ability to generate accurate and timely reports regarding spending on extensive public works projects. The accuracy of such reports is essential given that the funds involved are taxpayer funds. The reports also provided the basis for many decisions regarding future projects and status reports provided to City administrators. Bearing this in mind, we find that the Appointing Authority has satisfied its burden of proof with respect to this part of our analysis.

C. Discipline Commensurate with Offense

In conducting its analysis at this stage, the Commission must determine if Appellant's written reprimand was "commensurate with the dereliction;" otherwise, the discipline would be "arbitrary and capricious." *Waguespack v. Dep't of Police*, 2012-1691 (La. App. 4 Cir. 6/26/13, 5); 119 So.3d 976, 978 (citing *Staehle v. Dept. of Police*, 98-0216 (La. App. 4 Cir. 11/18/98), 723 So.2d 1031, 1033).

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A letter of reprimand is the lowest level of discipline available to an appointing authority when trying to correct behavior or work habits of an employee. Mr. DeLarge testified that he and other members of the PDU attempted verbal interventions with Appellant and encouraged her to be more diligent in the execution of her day-to-day activities. Unfortunately, Appellant did not heed these warnings. Given that the DPW tried other methods of intervention before turning to discipline, all to no avail, the Commission finds that the letter of reprimand in this case was commensurate with Appellant's misconduct.

V. CONCLUSION

Based upon the foregoing, the Commission DENIES the appeal.

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Judgment rendered this 24 th day of Oct, 2016.

CITY OF NEW ORLEANS CIVIL SERVICE COMMISSION



MICHELLE D. CRAIG, CHAIRPERSON

10/24/2016

DATE



RONALD McCLAIN, VICE-CHAIRPERSON

10/24/16

DATE



JOSEPH CLARK, COMMISSIONER

Oct. 24, 2016

DATE