



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Monday, May 10, 2021

Ms. Tiffany Jourdan

Re: **Tiffany Jourdan VS.
Department of Public Works
Docket Number: 9151/9153**

Dear Ms. Jourdan:

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 - 5/10/2021 - 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,

A handwritten signature in blue ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Josh Hartley
Eraka Williams Delarge
Alexandra Mora
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

TIFFANY JOURDAN
Appellant

v.

Docket Nos. 9151, 9153

DEPARTMENT OF PUBLIC WORKS
Appointing Authority

DECISION

Appellant, Tiffany Jourdan, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from her 15-day suspension from March 3, 2020 to March 19, 2020 and her termination effective March 20, 2020. (Exhibits HE-1, HE-2). At all relevant times, Appellant was employed as a Parking Enforcement Officer and had permanent status (Tr. at 13). A Hearing Examiner, appointed by the Commission, presided over a hearing on June 3, 2020. 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 January 13, 2021, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

The Department of Public Works hired Tiffany Jourdan as a Parking Enforcement Officer on September 11, 2017. (Tr. at 9). During Mardi Gras, Parking Enforcement Officers are required to work overtime. (Tr. at 39). The Parking Division of the Department of Public Works used an overtime sign-up sheet for Mardi Gras Day. (Tr. at 20-21, 40; Ex. DPW-4). This document read that "PEO's who report for overtime late, leave early while on overtime, call in while on overtime

without documentation, receive any type of disciplinary/pending discipline, or LWOP will be taken off overtime for 30 days.” (Ex. DPW-4). Jourdan signed up to work 12 hours of overtime on Saturday, February 22, 2020. (Tr. at 22, DPW-4). Jourdan called in sick because her child was sick on February 22, 2020. (Tr. at 23).

Jourdan clocked in on February 23, 2020, but she failed to bring documentation of her child’s illness. (Tr. at 24). She went to her car to look for the note and asked to call her sister to bring the note. (Tr. at 25). Jourdan’s immediate supervisor, Ms. Horn, turned the issue of the lack of documentation over to Earlette Johnson, the Parking Section Supervisor. (Tr. at 26). Earlette Johnson then consulted Katrina Craft, the Parking Manager, who directed Johnson to deny Jourdan any overtime hours on February 23. (Tr. at 28). Jourdan then had a verbal disagreement with Craft about the denial of overtime hours. (Tr. at 29). According to Jourdan’s written statement, “we got into it.” (Tr. at 29). Jourdan admitted she was “loud.” (Tr. at 114). Jourdan told Craft she wanted to clock out and go home if no overtime hours were available to her. (Tr. at 31). Craft agreed, so Jourdan clocked out on February 23 and went home. (Tr. at 31). Jourdan failed to bring any documentation of her child’s illness on February 24, 2020, or at any time before the date of the hearing. (Tr. at 32, 98).

According to Earlette Johnson, Jourdan was required to bring documentation of the reason for her February 22 absence on the day she was next scheduled to work. (Tr. at 42). Craft had informed Johnson that Jourdan could work her regular eight-hour shift on February 23, but that Jourdan would not be allowed to work the four hours of overtime for which she was scheduled. (Tr. at 44, 62). Instead of working her regular eight-hours shift, Jourdan clocked out and left for the day after her exchange with Craft. (Tr. at 47). Johnson testified that Jourdan was “yelling” and insubordinate toward Craft. (Tr. at 47, 51).

Katrina Craft testified that Jourdan was yelling at Craft and acting irate. (Tr. at 71). Craft testified that she gave Jourdan the option to clock out and get the note so that Jourdan could work the four hours of overtime hours on February 23. (Tr. at 81-82).

Marcello Barbaro, the Deputy Director of Public Works, testified that he has the authority to discipline employees in the Department of Public Works. (Tr. at 84). Barbaro reviewed the witness statements from the incident and determined that this incident was a part of a pattern of behavior by Jourdan. (Tr. at 96). Barbaro made the decision to suspend Ms. Jourdan for 15-days and to terminate her employment. (Tr. at 98).

The March 2, 2020, notice of suspension to Jourdan referenced the progressive discipline received by Jourdan, including an earlier incident of discipline on May 3, 2019, when DPW imposed a 30-day suspension after Jourdan called a citizen a “dumb ass.” (Tr. at 34-35; Ex. HE-1). This notice of suspension informed Jourdan that another incidence of the same or a similar offense could lead to the termination of her employment. (Ex. HE-1). The letter also referenced similar conduct by Jourdan on January 3, 2019, October 29, 2018, and October 17, 2017. (Ex. HE-1). The January 3, 2019 discipline was a verbal warning for a heated exchange in the roll-call area. (Ex. HE-1). The October 29, 2018, verbal warning concerned inappropriate behavior toward Jourdan’s supervisor. (Ex. HE-1). The October 17, 2017, incident was a verbal warning for a verbal altercation with another employee. (Ex. HE-1).

I. 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 and terminating 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 Commission finds that DPW has carried its burden of showing that the misconduct occurred, and that it impaired the efficient operation of the Parking Division. Marcello Barbaro testified that the Parking Enforcement Officers work together closely, and that Jourdan's behavior was disruptive to the workplace. (Tr. at 97). The Commission further finds that the penalty is commensurate with the infraction. Jourdan, who has only served as a Parking Enforcement Officer for approximately two and one-half years, has a history of four prior instances of counseling for similar inappropriate conduct, including a 30-day suspension for cursing at a citizen. (Ex. HE-1). Jourdan received progressive discipline.

Jourdan's appeal of her 15-day suspension and termination are denied.

This the 10th day of May, 2021

WRITER:

Mark C. Surprenant
Mark C. Surprenant (May 7, 2021 16:03 CDT)

MARK SURPRENANT, COMMISSIONER

CONCUR:

J H Korn
J H Korn (May 7, 2021 17:42 EDT)

JOHN KORN, COMMISSIONER

Ruth White Davis
Ruth Davis (May 9, 2021 08:53 CDT)

RUTH WHITE DAVIS, COMMISSIONER