



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
MARK SURPRENANT
RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Friday, August 15, 2025

Ms. Jennifer Laska

Re: **Jennifer Laska VS.
New Orleans Public Library
Docket Number: 9692**

Dear Ms. Laska:

Attached is the decision of the City Civil Service Commission in the above-referenced 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 - 8/15/2025 - 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 purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Emily Painton
Jalen Harris
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JENNIFER LASKA,
Appellant**

Docket No. 9692

v.

**NEW ORLEANS PUBLIC LIBRARY,
Appointing Authority**

DECISION

Appellant, Jennifer Laska, brings this appeal pursuant to Article X, Section 8 of the Louisiana Constitution seeking relief from the five-day suspension imposed by the New Orleans Public Library's (NOPL) by letter dated January 3, 2025. (Ex. HE-1). At all relevant times, Appellant was a permanent employee working as a Circulation Specialist at the Robert Smith branch. (Tr. at 35). A Hearing Examiner, appointed by the Commission, presided over a hearing on April 9, 2025. 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 June 19, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

At all relevant times, Ms. Laska's physical work location was the Robert Smith branch in Lakeview. (Tr. at 37-38). Ms. Laska does not dispute that NOPL counseled her about tardiness, issued her a letter of reprimand in October of 2024, and suspended her for one day in November of 2024. (Tr. at 62). Likewise, Ms. Laska does not dispute that she was tardy on more than five

occasions in a quarter following this discipline, in violation of NOPL policy. (Tr. at 22, 42-43). Ms. Laska testified, “I don’t contest that I come in late and that I have an excessive number of tardies.” (Tr. at 45). Ms. Laska lives in Lacombe, so she is tardy due to traffic on occasion. (Tr. at 38-39). Ms. Laska testified that she sometimes experiences dizziness in the mornings because of Postural Tachycardia Syndrome (POTS). (Tr. at 56). Because her treating physician is not familiar with this disorder, she has been unable to submit the medical information required to obtain an accommodation under the Americans with Disabilities Act. (Tr. at 47, 65).

Ms. Laska exhausted her annual and sick leave in October of 2024. (Tr. at 46). NOPL characterizes the time Ms. Laska is tardy as leave without pay or allows her to make up the time at the end of her shift. (Tr. at 34, 46).

II. ANALYSIS

A. Legal Standard for Commission’s Review of Discipline

1. The Appointing Authority must show cause for discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police Dep’t*, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.* “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).

2. The Appointing Authority must show the discipline was commensurate with the infraction

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. *Durning v. New Orleans Police Dep't*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *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 Appointing Authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep't of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

a. Factors considered by Commission

“In determining whether discipline is commensurate with the infraction, the Civil Service Commission considers the nature of the offense as well as the employee’s work record and

previous disciplinary record.” *Matusoff v. Dep’t of Fire*, 2019-0932 (La. App. 4 Cir. 5/20/20), 2020 Westlaw 2562940, *writ denied*, 2020-00955 (La. 10/20/20), 303 So. 3d 313. The Commission considers the nature of the offense, the employee’s work ethic, prior disciplinary records, job evaluations, and any grievances filed by the employee.” *Honore v. Dep’t of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So. 3d 1120, 1131, *writ denied*, 2015-2161 (La. 1/25/16), 185 So. 3d 749

3. NOPL has shown cause for the discipline of Ms. Laska

Ms. Laska does not dispute the excessive number of occasions she was tardy to work in violation of NOPL policy. Therefore, Ms. Laska concedes that she engaged in the complained-of activity.

NOPL offered evidence that Ms. Laska’s tardiness impairs the efficient operation of NOPL because NOPL must staff the Robert Smith branch when it is open. (Tr. at 19). Emily Painton, the Executive Director, testified that Ms. Laska’ tardiness is disruptive because it interferes with the workflow, such as emptying the book drop. (Tr. at 34). Ms. Painton also testified that NOPL needs employees present to serve the public. (Tr. at 29-30).

In addition, Ms. Laska’s job duties include supporting management when the manager not present. (Tr. at 20). Sarah Simpkins, a Librarian II, testified that Ms. Laska’s is “kind of part of the management team who are supposed to be able to step in, help make decisions in the absence of a manager or to be a resource for other staff to come to with questions, which is not something that other staff can do when Jennifer would be out or coming in late.” (Tr. at 20).

4. The penalty is commensurate with the violation.

The five-day suspension is commensurate with the violation, as NOPL has engaged in progressive discipline of Ms. Laska, including counseling, a letter of reprimand, and one-day suspension.

Ms. Laska's appeal is DENIED.

WRITER:



John Korn, Vice-Chairperson (Aug 11, 2025 12:53:10 CDT)

JOHN KORN, VICE-CHAIRPERSON

CONCUR:



Ruth Davis, Commissioner (Aug 11, 2025 11:01:30 CDT)

RUTH DAVIS, COMMISSIONER



Andrew Monteverde, Commissioner (Aug 15, 2025 10:50:37 CDT)

ANDREW MONTEVERDE, COMMISSIONER