



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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Thursday, September 15, 2022

CITY CIVIL SERVICE COMMISSION  
BRITNEY RICHARDSON, CHAIRPERSON  
JOHN H. KORN, VICE-CHAIRPERSON  
CLIFTON J. MOORE, JR.  
MARK SURPRENANT  
RUTH WHITE DAVIS

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Mr. Eddie Williams Jr.

Re: **Eddie Williams Jr. VS.  
Sewerage & Water Board  
Docket Number: 9237**

Dear Mr. Williams:

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 - 9/15/2022 - 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: Ghassan Korban  
Ashley Ian Smith  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**EDDIE WILLIAMS,  
Appellant**

**Docket No. 9237**

v.

**SEWERAGE & WATER BOARD,  
Appointing Authority**

**DECISION**

Appellant, Eddie Williams, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from a five-day suspension. (Ex. HE-1). The Sewerage & Water Board informed Williams of the suspension by letter dated December 9, 2020, and the Sewerage & Water Board imposed the suspension from December 14-18, 2020. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Management Development Supervisor I. (Tr. at 104) A Hearing Examiner, appointed by the Commission, presided over a hearing on April 7, 2022. 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 21, 2022, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

Eddie Williams has been employed by the Sewerage & Water Board for over 32 years. (Tr. at 106). As the Commission has noted in an earlier decision, Williams believes he has suffered retaliation from Fred Tharp for filing an internal grievance against Tharp on in 2019. (Tr. at 157-

58). Williams alleges the Sewerage & Water Board involuntarily transferred Williams to a different classification. (Tr. at 152). The Commission takes notice that the Civil Service Department informed the Sewerage & Water Board on July 2, 2019, that the Sewerage & Water Board had transferred Williams to the Networks Technical Service Unit (org code 6500) from the Networks Administration/Chief of Networks Unit (org code 6000) in January of 2019, even though this position did not have the required duties and responsibilities necessary for a Management Development Supervisor I.

Dissatisfied with the Sewerage & Water Board's response to Williams' allegations of retaliation, Williams began sending multiple long emails to Sewerage & Water Board management, attorneys, and others critical of the Sewerage & Water Board's response to his request to investigate retaliation. Mr. Williams' appeal of his five-day suspension is the third occasion in the past three years the Commission has considered an appeal of discipline of Mr. Williams by the Sewerage & Water Board concerning insubordinate and/or unprofessional conduct by Mr. Williams, including emails sent by Mr. Williams.

On October 8, 2019, the Sewerage & Water Board directed Williams to "cease and desist sending offensive and inflammatory emails to individuals anyone outside your chain of leadership. (Ex. HE-1). On October 9, 2019, the Sewerage & Water Board issued a Letter of Reprimand to Williams directing Williams to "1) cease using the Board's time, equipment, and email to air your grievances to individuals outside your chain of command and the Board, 2) maintain a respectful and professional tone in any future correspondence and 3) refrain from name calling and using inappropriate characterizations." (Ex. HE-1; Tr. at 9).<sup>1</sup> Following the letter of reprimand, the

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<sup>1</sup> This reprimand also concerned Mr. Williams' refusal to attend a meeting after he was instructed not to record the meeting. Mr. Williams appealed the letter of reprimand, and the Commission denied this appeal on October 27,

Sewerage & Water Board considered 16 of Williams' emails to be in violation of this instruction. (Ex. HE-1). The Sewerage & Water Board imposed a three-day suspension for this conduct. (Ex. HE-1; Tr. at 9).<sup>2</sup> Following the three-day suspension, Mr. Williams continued sending emails outside his chain of command that were not respectful in tone, including email chains dated March 31, 2020, April 1, 2020, August 17, 2020, September 25, 2020, and October 1, 2020. (Tr. at 18, 22; Ex. S&WB-2, Ex. S&WB-3, Ex. S&WB-4, Ex. S&WB-5, Ex. S&WB-6).

For example, Mr. Tharp stated to Mr. Williams by email on September 25, 2020, that “[y]our unsolicited commentary is not helpful and only serves to obfuscate the issue. Please refrain from this behavior and simply complete the assignment. If you have questions, I will attempt to provide additional instruction or clarity.” (Ex. S&WB-5). In response, Mr. Williams characterized Mr. Tharp's 2019 evaluation of him as a “lynching ceremony,” and complained of Mr. Tharp's “reign of terror.” (Ex. S&WB-5). Mr. Williams' described Mr. Tharp's behavior as “outrageous, hateful junior-high-school-flunk-out lack of any concern for any rules . . .” (Ex. S&WB-5). Continuing to complain of retaliation, Mr. Williams stated that Mr. Tharp's statements were “**slavery talk, Jim Crowe talk, in the thinnest of disguises.**” (Ex. S&WB-5).

In addition, Fred Tharp testified that Mr. Williams refused to prepare the Capital Budget, even though Mr. Williams holds a degree in business and had experience preparing budgets. (Tr. at 111, 124). Mr. Tharp assigned this task to Mr. Williams on August 14, 2020. (Tr. at 13). According to Mr. Tharp, Mr. Williams was only required to assemble the dollar amounts that were

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2020. *Williams v. Sewerage & Water Board*, No. 9097 (Civil Service Commission 10/27/20), *aff'd*, 2021-0020 (La. App. 4 Cir. 1/5/22). (Ex. S&WB-11).

<sup>2</sup> Mr. Williams appealed the three-day suspension, and the Commission denied this appeal on July 13, 2021. *Williams v. Sewerage & Water Board*, No. 9155 (Civil Service Commission 7/13/21), *aff'd*, No. 2021-0517 (La. App. 4 Cir. 2/9/22). (Ex. S&WB-11).

produced by the engineering team. (Tr. at 125). Mr. Tharp informed Williams he possessed the “experience, education, and training” to complete the task. (Tr. at 148; Ex. S&WB-4).

Mr. Williams testified that he did not complete the Capital Budget assignment. (Tr. at 113). Mr. Williams, who is no longer under Mr. Tharp’s supervision, testified that he was not offered assistance with the Capital Budget. (Tr. at 112). Mr. Williams conceded that he did not ask Mr. Tharp for help with the Capital Budget. (Tr. at 118). Mr. Williams also testified that he does not believe the emails at issue were offensive. (Tr. at 120).

Mr. Tharp requested that the Sewerage & Water Board suspend Mr. Williams for insubordination and Mr. Williams’ persistent behavior of using Sewerage & Water Board time, equipment, and email to air personal grievances. (Tr. at 11).

According to the Board’s Disciplinary Specialist, Byron Iverson, Mr. Williams’ emails were in violation of the Sewerage & Water Board’s Professional Conduct Policy. (Tr. at 61; Ex. S&WB-9). According to the Sewerage & Water Board’s Progressive Discipline Policy, the third offense of a violation of the Professional Conduct Policy is a five-day suspension. (Tr. at 64-65; Ex. S&WB-10).

## 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 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 the Sewerage & Water Board has carried its burden of showing the occurrence of the complained-of activity, namely, insubordination and unprofessional and inflammatory emails to individuals outside Williams' chain of command. While Williams may be frustrated with the Sewerage & Water Board's response to his request for an investigation into retaliation, Williams must abide by the Sewerage & Water Board's work rules. The undersigned Commissioners also find that Williams' conduct impaired the efficient operation of the Sewerage & Water Board. Sending multiple lengthy emails to higher management of the Sewerage & Water Board about the same topic is disruptive to its operations.

The undersigned Commissioners also find that the penalty is commensurate with the infraction, based on the progressive discipline policy of the Sewerage & Water Board.

Therefore, the appeal is DENIED.

This the 15<sup>th</sup> day of September, 2022

WRITER:

  
Ruth Davis (Aug 30, 2022 16:08 CDT)

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RUTH DAVIS, COMMISSIONER

CONCUR:



Brittney Richardson (Sep 2, 2022 17:10 CDT)

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BRITTNEY RICHARDSON, CHAIRPERSON



J H Korn (Aug 31, 2022 19:50 CDT)

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JOHN KORN, VICE-CHAIRPERSON