



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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JOHN H. KORN, VICE-CHAIRPERSON
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RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Tuesday, July 8, 2025

Mr. Christopher Chupina

Re: **Christopher Chupina VS.
Department of Property Management
Docket Number: 9589**

Dear Mr. Chupina:

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 - 7/8/2025 - 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: Howard E. Nobles, III
Max V. Camp
Imtiaz A. Siddiqui
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**CHRISTOPHER CHUPINA,
Appellant**

Docket No. 9589

v.

**DEPARTMENT OF PROPERTY
MANAGEMENT,
Appointing Authority**

DECISION

Appellant Christopher Chupina 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 suspension for the time period March 28, 2024, to the termination of his employment on April 19, 2024. (Ex. HE-1; Tr. at 52). At all relevant times, Mr. Chupina had permanent status as a Laborer in the Department of Property Management. (Tr. at 8). A Hearing Examiner, appointed by the Commission, presided over a hearing on July 15, 2024. 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 post-hearing brief submitted by the Appointing Authority, the Hearing Examiner's report dated April 8, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

On March 20, 2024, while working at the Department of Property Management maintenance facility at the warehouse on Tchoupitoulas Street, Mr. Chupina and another employee were inside a truck in the parking lot behind the warehouse. (Tr. at 10, 32). Mr. Chupina and the

other employee were using their cell phones in the truck while other employees were working. (Tr. at 12, 42). Mr. Chupina's supervisor, Eric Terry, instructed them to exit the truck, stop using their cell phones, and help unload another truck. (Tr. at 12). Mr. Terry repeated this instruction several times. (Tr. at 39). Mr. Chupina responded by "yelling and hollering and screaming," both when he exited the truck and proceeded to unload the other truck (Tr. at 12-13). Mr. Chupina testified he was cursing while he exited the truck. (Tr. at 84).

Mr. Terry sent Mr. Chupina home based on this behavior. (Tr. at 13). In response, inside the warehouse, Mr. Chupina yelled at Mr. Terry through a window in his office, stating, "I'll leave whenever I get my fucking stuff." (Tr. at 15, 84). Mr. Chupina proceeded to throw items from his locker in the warehouse. (Tr. at 14, 19). Mr. Terry testified that "[s]tuff was just all over the warehouse that he threw." (Tr. at 14). Mr. Terry took a photo of items scattered on the floor of the warehouse, which was entered into evidence as an attachment to Exhibit PM-1. Mr. Chupina also knocked an item off the front desk inside the warehouse. (Tr. at 34). Ronald Dixon, another employee who witnessed the incident in the parking lot and Mr. Chupina knocking an item off the desk, characterized his behavior as a "tantrum" or a "meltdown." (Tr. at 37).

A number of co-workers witnessed Mr. Chupina's behavior in the parking lot. (Tr. at 32). In addition, two members of the community were present for a burial. (Tr. at 33).

Mr. Terry testified that Mr. Chupina was suspended for inappropriate and insubordinate behavior. (Tr. at 25). The Deputy Director of Property Management, Enrico Sterling, testified that an emergency suspension was appropriate for the safety of the public. (Tr. at 61).

The Department of Property Management suspended Mr. Chupina on March 20, 2024, but failed to provide Mr. Chupina with written notice of the suspension within five days, as required by Civil Service Rule IX, section 1.3. Astrid Recasner, an Assistant Human Resources Manager,

testified that she hand-delivered the written notice of the suspension and the notice of the April 5, 2024, pre-termination hearing on April 2, 2024, to Mr. Chupina. (Tr. at 47; Ex. HE-1). The Department of Property Management rescheduled Mr. Chupina's pre-termination hearing because he was ill on April 5, 2024. (Tr. at 51, 74; Ex. HE-2). When Ms. Recasner drafted a new notice of pre-termination hearing, she realized that the original letter was not sent within five days of the suspension. (Tr. at 49-50). Therefore, the Department of Property Management paid Mr. Chupina for the time period March 20-27. (Tr. at 49-50, 78). Mr. Chupina attended the rescheduled pre-termination hearing on April 19, 2024. (Tr. at 79). The Department of Property Management terminated Mr. Chupina's employment on April 19, 2024, and Mr. Chupina did not appeal this termination. (Tr. at 52, 86).

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”).

B. The Department of Property Management has Shown Cause for the Discipline of Mr. Chupina

The Department of Property Management has shown that Mr. Chupina was insubordinate and behaved inappropriately. Mr. Chupina’s behavior impaired the efficient operation of the

Department of Property Management by disrupting the performance of work. In addition, Mr. Chupina's behavior occurred in the presence of other employees and members of the public, raising safety concerns.

1. The penalty of a suspension from March 28 to April 19 is commensurate with the violation

The suspension of Mr. Chupina is commensurate with his insubordinate and unacceptable behavior.

C. Mr. Chupina received timely notice of the suspension

The Department of Property Management complied with Civil Service Rule IX, section 1.3, by reimbursing Mr. Chupina for the time period March 20, 2024, to March 27, 2024. The April 1, 2024, disciplinary letter was mailed on April 1, 2024, and hand-delivered to Mr. Chupina on April 2, 2024, both within five working days of March 28, 2024. (Ex. HE-2).


Mr. Chupina's appeal is DENIED.

WRITER:


Ruth Davis (Jul 3, 2025 10:50 CDT)

RUTH DAVIS, COMMISSIONER

CONCUR:


Brittney Richardson (Jul 3, 2025 13:57 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON


Andrew Monteverde (Jul 8, 2025 11:38 CDT)

ANDREW MONTEVERDE, COMMISSIONER