



CITY OF NEW ORLEANS

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

Friday, October 8, 2021

Ms. Rowena Jones
1340 Poydras St., Suite 600
New Orleans, LA 70112

Re: **Lexus LeGrone VS.
Department of Public Works
Docket Number: 8998, 9006**

Dear Ms. Jones:

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 - 10/8/2021 - 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,


Stacie Joseph
Management Services Division

cc: Josh Hartley
Erica A. Therio
Alexandra Mora
Lexus LeGrone

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**LEXUS LEGRONE,
Appellant**

Docket Nos. 8998, 9006

v.

**DEPARTMENT OF PUBLIC WORKS,
Appointing Authority**

DECISION

Appellant, Lexus Legrone, 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 30-day suspension beginning March 12, 2019, and her termination effective April 11, 2019. (Exhibits HE-1, HE-2). At all relevant times, Appellant had permanent status as a Parking Enforcement Officer. (Tr. at 12). A Hearing Examiner, appointed by the Commission, presided over a hearing on August 14, 2019. 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 November 19, 2020, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

Lexus Legrone was working as a Parking Enforcement Officer on February 27, 2019, during the Mardi Gras season. (Tr. at 12-13). The Department of Public Works assigns Parking Enforcement Officers to work on one side of the street. (Tr. at 13). On Legrone's way to have lunch with her co-worker Daraneika Williams, Legrone was approached by a citizen about a vehicle parked illegally. (Tr. at 14). Legrone wrote a ticket, even though the vehicle was out of her

area. (Tr. at 14). Legrone met Williams at the Domino's on Carondelet, and another co-worker, Janeka Booker, was already present at Domino's. (Tr. at 14). Legrone, Williams, and Booker were all in uniform. (Tr. at 14). At the restaurant, Legrone received a phone call from her supervisor about writing a ticket out of her area. (Tr. at 15). When she completed the call, Legrone said "stupid ass hos" or words to that effect. (Tr. at 15). Booker believed Legrone was referring to her, and a verbal altercation occurred. (Tr. at 15). Legrone admitted the exchange was heated and both parties used profanity. (Tr. at 17). Booker told Legrone, "I can beat your ass now." (Tr. at 17). Both Williams and a Domino's employee separated Booker and Legrone. (Tr. at 17-18). Legrone threw a water bottle in Booker's direction, and Booker threw the bottle back at Legrone. (Tr. at 18). The manager of Domino's called the Parking Administrator to report the conduct. (Tr. at 101).

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 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 suspension letter states that discipline is based on “your involvement in an altercation between you and a fellow Parking Enforcement Officer on Wednesday, February 27, 2019.” (Ex. HE-1). The termination letter states that the discipline is based on “your involvement in an altercation between you and a fellow parking Enforcement Officer, Janeka Booker, on Wednesday, February 27, 2019.” (Ex. HE-2). The Appointing Authority has carried its burden of showing this underlying conduct occurred. Legrone admitted she had a heated verbal altercation with a co-worker at Domino’s and that she threw a water bottle at her co-worker. (Tr. at 17-18). Legrone and the other Parking Enforcement Officer were in uniform and on the clock, even though they were on a break. (Tr. at 78-80). A Domino’s employee intervened in the altercation. (Tr. at 31).

The Appointing Authority has also carried its burden of showing that the conduct impaired the efficiency of the Department of Public Works. Tamera Sylvain, the DPW Human Resources Manager, testified Legrone was “in a public place in uniform acting in a way that brought discredit to the Department.” (Tr. at 89). This position is strengthened by the fact that a citizen, the Domino’s manager, reported this altercation to the Parking Administrator. (Tr. at 101).

The Commission also finds that the suspension and termination of Legrone are commensurate with the violation.


The appeal is DENIED.

This the 9th day of October, 2021

WRITER:


Brittney Richardson (Jun 25, 2021 09:46 CDT)
BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:


CJ MOORE (Oct 7, 2021 16:30 CDT)
CLIFTON J. MOORE, JR., VICE-CHAIRPERSON


Mark C. Surprenant (Jul 25, 2021 10:59 EDT)
MARK SURPRENANT, COMMISSIONER