



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION

REV. KEVIN W. WILDES, S.J.,
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LISA M. HUDSON
DIRECTOR OF PERSONNEL

MITCHELL J. LANDRIEU
MAYOR

Wednesday, April 23, 2014

Ms. Cedrica Sartin

Re: **Cedrica Sartin VS.
Facilities, Infrastructure & Communit
Docket Number: 8153**

Dear Ms. Sartin:

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 - 4/23/2014 - 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, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Cedric S. Grant
Elizabeth S. Robins
Jay Ginsberg
file

CEDRICA SARTIN

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

FACILITIES, INFRASTRUCTURE &
COMMUNITY DEVELOPMENT

DOCKET NO. 8153

Facilities, Infrastructure & Community Development (“Appointing Authority”) employs Cedrica Sartin (“Appellant”) as an Office Assistant in the Office of Community Development with permanent status. The Appointing Authority suspended the Appellant for two days by letter dated April 9, 2013, after determining that she was insubordinate towards her immediate supervisor.

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. The hearing was held on July 11, 2013. Testimony presented at the hearing was transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

The Appellant’s immediate supervisor, Zivah Bauman, is the Deputy Director of the Office of Community Development. She testified that she received a leave request form from the Appellant that contained incorrect information and a signature on the wrong line. As a consequence, she required the Appellant to prepare a corrected leave slip form. According to Ms. Bauman, the Appellant refused to take the form when she handed it to her, slapped the form out of her hand, and abruptly left the room without completing the task after accusing Ms. Bauman of yelling at her.

Joyce Atkins, the Manager for the OCP Fiscal Unit, testified that she was present in Ms. Bauman’s office when the incident occurred. She testified that Ms. Bauman called the Appellant into her office to correct a leave slip form. She testified that Ms. Bauman extended her arm with

the form in her hand and the Appellant failed to take it. After Ms. Bauman insisted that the Appellant take the form, the Appellant slapped the form from Ms. Bauman's hand, accused Ms. Bauman of yelling at her and left the room. Ms. Atkins stated that Ms. Bauman did not yell at the Appellant, but became annoyed when the Appellant refused to comply with her instruction.

The Appellant testified that she did not immediately take the form from Ms. Bauman because she was trying to determine what she had done wrong regarding the completion of the form. The Appellant denies slapping the form out of Ms. Bauman's hand. She stated that after she hesitated in taking the form, Ms. Bauman yelled at her and she left because it was a hostile environment.

LEGAL PRECEPTS

An employer cannot subject an employee who has gained permanent status in the classified city civil service to disciplinary action except for cause expressed in writing. LSA Const. Art. X, sect. 8(A); *Walters v. Department of Police of New Orleans*, 454 So. 2d 106 (La. 1984). The employee may appeal from such a disciplinary action to the city Civil Service Commission. The burden of proof on appeal as to the factual basis for the disciplinary action is on the appointing authority. *Id.*; *Goins v. Department of Police*, 570 So 2d 93 (La. App. 4th Cir. 1990).

The Civil Service Commission has a duty to make an independent judgment, based on the facts presented, whether the appointing authority has good or lawful cause for taking disciplinary action and, if so, whether the punishment imposed is commensurate with the dereliction. *Walters v. Department of Police of New Orleans, supra*. Legal cause exists whenever the employee's conduct impairs the efficiency of the public service in which the employee is

engaged. *Cittadino v. Department of Police*, 558 So. 2d 1311 (La. App. 4th Cir. 1990). The appointing authority has the burden of proving by a preponderance of the evidence the occurrence of the complained of activity and that the conduct complained of impaired the efficiency of the public service. *Id.* The appointing authority must also prove the actions complained of bear a real and substantial relationship to the efficient operation of the public service. *Id.* While these facts must be clearly established, they need not be established beyond a reasonable doubt. *Id.*

CONCLUSION

The Appointing Authority has established by a preponderance of evidence that it suspended the Appellant for legal cause. Clearly, the actions of both the Appellant and her supervisor are a matter of perception. In the instant case, Ms. Atkins' testimony supports Ms. Bauman's version of events. The Appellant should have remained in Ms. Bauman's office and complied with her instructions. If she was concerned regarding how Ms. Bauman was speaking to her, she should have addressed her concerns with her supervisor in a calm and reasonable manner instead of exiting the room.

C. Sartin
#8153

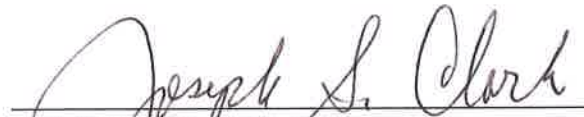
Considering the foregoing, the Appellant's appeal is DENIED.

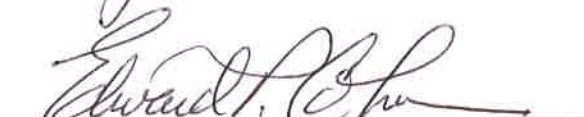
RENDERED AT NEW ORLEANS, LOUISIANA THIS 23rd DAY OF
April, 2014.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION


REV. KEVIN W. WILDES, S.J., CHAIRMAN

CONCUR:


JOSEPH S. CLARK, COMMISSIONER


EDWARD P. COHN, COMMISSIONER