



CITY OF NEW ORLEANS

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

Thursday, July 31, 2025

Mr. Eric Hessler
PANO 320 N. Carrollton Avenue #202
New Orleans, LA 70119

Re: **Donald Wise VS.**
Department of Police
Docket Number: 9689

Dear Mr. Hessler:

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 - 7/31/2025 - 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 blue ink, reading "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Anne E. Kirkpatrick
Elizabeth A Weigand
Jay Ginsberg
Donald Wise

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**DONALD WISE,
Appellant**

Docket No. 9689

v.

**DEPARTMENT OF POLICE,
Appointing Authority**

DECISION

Appellant, Officer Donald Wise, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from the termination of his employment by the Department of Police on December 17, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Senior Police Officer. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on February 20, 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 May 8, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

The Department of Police hired Officer Wise in July of 2014, and he completed the Police Academy in 2015. (Tr. at 8). In 2024, Officer Wise was working as a patrolman in the Sixth District, assigned to the night shift. (Tr. at 7, 33). Officer Wise self-reported an alcohol abuse problem to his supervisor after he allowed his spouse to drive his police vehicle. (Tr. at 10, 29, 121). Following a two-week absence after Officer Wise had exhausted all leave, on May 21, 2024,

Captain Eric Gillard reported Officer Wise's excessive absences and his failure to attend a meeting scheduled for May 202, 2024, with Officer Chris Abbott, with the Officer Assistance Program, concerning Officer Wise's alcohol use. (Tr. at 9, 25; Ex. NOPD-1). Captain Gillard requested a psychological evaluation pursuant to NOPD Policy 22.12, Supervisory Referral for Mandatory Psychological Evaluation, by William McDermott, Ph.D., the Department of Police's contracted clinical psychologist,. (Tr. at 37, 39; Ex. NOPD-1). The Department of Police placed Officer Wise on limited duty in June of 2024, pending the psychological evaluation. (Tr. at 13, 30, 125).

Dr. McDermott performed a fitness for duty evaluation of Officer Wise. (Tr. at 39). Dr. McDermott informed the Department of Police Officer Wise was unfit for duty. (Tr. at 47; Ex. NOPD-4). Dr. McDermott testified that Officer Wise's judgment and memory were impaired, and that Officer Wise would be unable to perform the duties of a police officer in the future in the absence of treatment. (Tr. at 50). Dr. McDermott diagnosed Officer Wise with alcohol use disorder, recommending a residential treatment program or an intensive outpatient program. (Tr. at 49; Ex. Nopd-4). Dr. McDermott also opined that Officer Wise exhibited behavioral and psychological denial of his alcoholism. (Tr. at 60; Ex. NOPD-4). Dr. McDermott also noted Officer Wise's unsuccessful earlier attempts to maintain sobriety, including treatment by Dr. McDermott in 2022 through the Officer Assistance Program. (Ex. NOPD-4; Tr. at 52).

Officer Wise completed one week of an intensive outpatient program in October of 2024. (Tr. at 51). Officer Wise testified it was difficult for him to maintain "100% sobriety," which the program required. (Tr. at 130). Officer Wise testified that he is not fit to return to full duty. (Tr. at 148).

The Department of Police held a hearing to determine whether Officer Wise should be terminated from his employment because of his inability to perform his job duties in September of

2024. (Tr. at 69). Officer Wise continued to work the limited-duty assignment at the Sixth District police station. (Tr. at 71). Deputy Chief Jonette Williams testified that Officer Wise made no progress in his treatment between September and December 2024. (Tr. at 69). The panel of Deputy Chiefs, including Chief Williams, were looking for Officer Wise to take “active steps” for his recovery. (Tr. at 71).

Limited duty assignments are temporary. (Tr. at 72). Under the Department of Police Operations Manual, Chapter 22.2, a limited duty assignment should not exceed six months. (Tr. at 72; Ex. NOPD-5). The panel of Deputy Chiefs could have extended Officer Wise’s limited duty assignment in December of 2024, but at this hearing concerning whether Officer Wise’s employment should be terminated, the Deputy Chiefs observed a lack of concrete plans for recovery by Officer Wise. (Tr. at 84). Officer Wise had failed to complete an inpatient treatment program or an outpatient intensive treatment program, as recommended by Dr. McDermott. (Tr. at 93). Therefore, based on the recommendation of the panel of Deputy Chiefs, the Superintendent of Police terminated Officer Wise’s employment on December 17, 2024, based on his inability to perform his job duties. (Ex. HE-1). Superintendent Kirkpatrick noted that Officer Wise had “failed to take advantage” of the “resources and treatment opportunities” offered by the Department of Police. (Ex. HE-1).

II. ANALYSIS

The Department of Police terminated Officer Wise’s employment under Civil Service Rule IX based on his inability to return to full duty as a police officer. (Ex. HE-1). Civil Service Rule IX, Section 1.1 provides as follows, in pertinent part:

When an employee in the classified service is *unable or unwilling to perform the duties of his/her position in a satisfactory manner* . . . the appointing authority

shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

(a) termination from the service.


(emphasis added). In *Muhammad v. New Orleans Police Dep't*, 2000-1034 (La. App. 4 Cir. 7/11/01), 791 So. 2d 788, the Department of Police terminated Officer Muhammad's employment based on his admitted inability to perform his job duties because of his medical condition. The Commission denied Officer Muhammad's appeal of his termination based on Civil Service Rule IX, and the Fourth Circuit Court of Appeal affirmed the Commission's decision. *Id.*, 791 So. 2d at 792. The Fourth Circuit Court of Appeal also affirmed the Commission's reinstatement of an employee who was not permanently disabled and who had not yet exhausted all her accrued leave. *Wilson v. Dep't of Property Mgmt.*, 2016-1124 (La. App. 4 Cir. 5/10/17), 220 So. 3d 144. Unlike the situation in *Wilson*, Officer Wise has negligible leave, and he has been unable to perform his duties as a police officer since June of 2024. This appeal is also distinguishable from *Laviolette v. Dep't of Police*, 2016-0095 (La. App. 4 Cir. 8/24/16), 200 So. 3d 962, 967, where the Fourth Circuit Court of Appeal affirmed the Commission's grant of Captain Laviolette's appeal of his termination. Captain Laviolette had "ample sick leave" and "was taking affirmative steps to return to work." *Id.* Despite the Department of Police's re-assignment of Officer Wise for six months so that he could obtain treatment, Officer Wise has failed to obtain the treatment recommended by Dr. McDermott. At the hearing of this matter, Officer Wise conceded that he is not fit to return to full duty.

"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). Officer Wise's frequent absenteeism prior to June of 2024 and his inability to perform all the duties of a police officer has impaired the efficiency of Department of Police because the Department of Police is understaffed.


Officer Wise's appeal is DENIED.

WRITER:


Andrew Monteverde (Jul 31, 2025 22:53:42 GMT+2)
ANDREW MONTEVERDE, COMMISSIONER

CONCUR:


John Korn (Jul 31, 2025 14:33:01 CDT)
JOHN KORN, VICE-CHAIRPERSON


Ruth Davis (Jul 31, 2025 16:15:38 CDT)
RUTH DAVIS, COMMISSIONER