



# CITY OF NEW ORLEANS

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

Thursday, August 7, 2025

Mr. William Niemeck

Re: **William Niemeck VS.  
Department of Emergency Medical Se  
Docket Number: 9681**

Dear Mr. Niemeck:

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 - 8/7/2025 - 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: Dr. Megan Marino, Interim  
Jalen Harris  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**WILLIAM NIEMECK,  
Appellant**

**Docket No. 9681**

v.

**DEPARTMENT OF EMERGENCY  
MEDICAL SERVICES,  
Appointing Authority**

**DECISION**

Appellant, Captain William Niemeck, 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 letter of reprimand issued by Department of Emergency Medical Services (EMS) on October 29, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status as an EMS Captain.<sup>1</sup> (Tr. at 79). A Hearing Examiner, appointed by the Commission, presided over a hearing on February 19, 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 (including the video evidence), the Hearing Examiner's report dated April 30, 2025, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

On May 17, 2024, Captain Niemeck was driving a "sprint car" to a call for emergency medical service with his lights flashing. (Tr. at 81). Captain Niemeck testified that there was a possible tornado, and EMS had been called to assist extricate people trapped in a mobile home.

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<sup>1</sup> Captain Niemeck's official title is Emergency Medical Coordinator, Assistant

(Tr. at 81). When Captain Niemeck reached the intersection of Haynes Boulevard and Downman Road, he turned on his siren. (Tr. at 18). The caution light indicating floodwater on the underpass was blinking. (Tr. at 47, 93). Captain Niemeck began driving through the intersection, but when he realized the depth of the water, he reversed the vehicle and drove away. (Tr. at 90). The water detached the splash guard under the front bumper, and the splash guard floated away in the floodwater. (Tr. at 14, 22-23; Ex. 1). Major Gerardo Figueroa testified that Captain Niemeck violated EMS policy 1) when he failed to use his siren during the entire trip; 2) when he failed to stop at a traffic light; 3) when he drove into floodwater; and 4) when he failed to discover the lost splash guard when checking his vehicle. (Tr. at 26).

Later, Cedric Palmisano noticed the damage to the vehicle, and he asked Mayor Figueroa to use Samsara (the in-vehicle camera system) to determine the cause of the damage. (Tr. at 9-10). Major Figueroa reviewed the video from the camera outside EMS headquarters to determine the date the vehicle was damaged. (Tr. at 11). On May 17, 2024, Captain Niemeck was driving the damaged vehicle. (Ex. EMS-4). Major Figueroa then reviewed the Samara dash-cam footage from May 17, 2024, and he discovered Captain Niemeck drove through floodwaters, resulting in the loss of the splash guard to the vehicle. (Tr. at 13-14).

Captain Niemeck attended an Accident Review Board meeting on October 24, 2024, and the panel recommended a letter of reprimand. (Ex. EMS-4). By letter dated October 29, 2024, and delivered to Captain Niemeck on November 1, 2024, Meg Marino, M.D., the Director of EMS and Jennifer Avegno, M.D., the Director of the Health Department, issued a letter of reprimand.

## II. ANALYSIS

### A. Legal Standard for Commission's Review of 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).

#### 1. 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 disciplining 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. EMS has carried its burden of showing cause for the letter of reprimand**

The underlying factual issues are not in dispute. In violation of EMS policy, Captain Niemeck attempted to drive through a flooded intersection, ignoring the blinking caution light indicating a high level of water. This decision resulted in the loss of the vehicle’s splash guard in the floodwaters. When reviewing the video, Major Figueroa noticed that Captain Niemeck failed to use his siren until he entered the intersection.

Captain Niemeck’s conduct impaired the efficient operation of EMS by causing damage to EMS property.

**1. The penalty imposed by EMS is commensurate with the violation**

The penalty imposed by EMS is commensurate with the violation. Captain Niemeck violated EMS policy when he drove into floodwater and damaged the EMS sprint vehicle. Captain Niemeck’s damage to the vehicle was minor and not intentional. A letter of reprimand commensurate with this violation because it is the least severe form of formal discipline under Civil Service Rule IX.

Captain Niemeck's appeal is DENIED.

WRITER:



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[Brittney Richardson, Chairperson \(Aug 7, 2025 11:10:52 CDT\)](#)

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BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



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[Mark Surprenant \(Aug 5, 2025 11:26:30 CDT\)](#)

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MARK SURPRENANT, COMMISSIONER



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[Ruth Davis, Commissioner \(Aug 5, 2025 11:50:22 CDT\)](#)

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RUTH DAVIS, COMMISSIONER