



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

Tuesday, July 13, 2021

Mr. Troyvan Williams

Re: **Troyvan Williams VS.
Sewerage & Water Board
Docket Number: 9049**

Dear Mr. Williams:

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 - 7/13/2021 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, Sec. 12(B) of the Louisiana Constitution. Further, any 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 that reads "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Ghassan Korban
Joseph Zanetti
Jim Mullaly
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**TROYVAN WILLIAMS,
Appellant**

Docket No. 9049

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Appellant, Troyvan Williams, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from his April 26, 2019 termination. At all relevant times, Appellant had permanent status as a Laborer. (Tr. at 11). A Hearing Examiner, appointed by the Commission, presided over a hearing on August 21, 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 July 20, 2020, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

On April 23, 2019, Troyvan Williams, a Laborer at the Sewerage & Water Board, was temporarily assigned to the crew Frederick Washington, III, at a job site in front of 3710 Rue Nadine. (Tr. at 52-53; Ex. B-2). Washington is the foreman of a crew and a heavy equipment operator. (Tr. at 52). His crew makes repairs to sewer and water services. (Tr. at 52). On April 23, the crew was making a repair to a water main. (Ex. B-7). The work day for this S&WB work crew ends at 3:00. (Tr. at 65). On April 22, 2019, Williams had asked Washington if he could go to the

yard and leave early to pick up his child. (Tr. at 12). Williams also called Byron Scott, Sr., Williams' supervisor, to ask for permission to leave on April 22. (Tr. at 13, 120). Williams believes that his phone call to Washington's supervisor was the cause of a crew meeting on April 23, 2019, from which Williams was excluded. (Tr. at 13-14). According to Williams, the meeting was about Williams being a "rat." (Tr. at 14). Williams testified that he overheard Washington tell the crew not to go over Washington's head. (Tr. at 14). Williams also testified that Washington stated to him that "your mama raising a rat." (Tr. at 15).

Washington testified that Williams had been disruptive on April 22, calling his co-workers lazy. (Tr. at 53). According to Washington, he had a meeting with his regular crew and told the crew to ignore Williams. (Tr. at 54). Washington denied calling Williams a rat, but Washington testified that a member of the crew called Williams a rat. (Tr. at 55).

Following the crew meeting on April 23, Washington asked Williams to help unload a flatbed, and Williams failed to comply. (Tr. at 56). Washington also testified that Williams interfered with the operator when Washington was in a hole with electrical wires. (Tr. at 57). Washington dug up an electrical line. (Tr. at 57). After this incident, Washington and Williams had a verbal altercation, with Williams using vulgar language, including calling Washington a "bitch." (Tr. at 57-58). One witness who gave a statement, Ed Harris, stated that Washington pushed Williams in the face. (Tr. at 47). Another crew member's statement reflects that Williams continued to "curse out" Washington and "disrespect" Washington. (Ex. B-7).

Washington instructed Williams to go to the truck. (Tr. at 58). Williams failed to comply with this directive. (Tr. at 59). Williams testified he did not go to sit in the truck because it was too hot. (Tr. at 16). Washington asked Ed Levy, who was on site for another reason, to drive Williams

back to Central Yard. (Tr. at 59, 88, 95). Levy drove Williams back to Central Yard about noon. (Tr. at 59).

Williams returned to the jobsite about 3:15 or 3:30 in a private vehicle. (Tr. at 60). Washington was on a bobcat when Williams arrived, and Williams confronted him. (Tr. at 60). Washington described the confrontation as follows: "So I swung around and he like, you know, mother fucker's not over, bitch, you gonna get it. I said, gonna get what, who you gonna do that to. He said you gonna fucking see." (Tr. at 60). Williams denies yelling at Washington. (Tr. at 18). Williams went to his car and returned to confront Washington. (Tr. at 60-62). Washington believed Williams had a gun in his right pocket because Williams' hand was in his pocket and Williams said "I got it," after he returned from his vehicle. (Tr. at 60-62). Because he believed Williams had a gun, Washington called the New Orleans Police Department. (Tr. at 64). Williams left the job site before the police officers arrived. (Tr. at 18-19).

The police report reflects that Washington reported to NOPD that Williams "approached the worksite from the sidewalk and began to yell at Mr. "I'ma hurt ya." (Ex. B-2). Washington also reported that he could see what he thought was the magazine of a gun in Williams' pants pocket. (Ex. B-2). A witness also informed NOPD that he "observed the black clip of a gun sticking out of Mr. Williams' pocket." (Ex. B-2). Williams denies having a gun. (Tr. at 20-21).

Two members of the crew testified at the hearing, corroborating that (1) Williams refused to go to the truck after Washington instructed him to do so; (2) Ed Levy drove Williams to Central Yard; and (3) Williams returned to the job site about 3:00 or 3:30. (Tr. at 98, 111-12). According to crew member Ashton Bolton, Washington and Williams were "passing words" when Williams returned. (Tr. at 112).

A supervisor, Jonathan Morgan, asked Williams to come back to work for the police to interview him. (Tr. at 19). Williams refused to return because he had a warrant out for his arrest in Jefferson Parish. (Tr. at 20).

Later, Williams went to Byron Scott's home to try to talk to him about 4:30 or 5:00. (Tr. at 21-22).

The Sewerage & Water Board's April 26, 2019, letter states that Williams was terminated for demonstrating threatening behavior toward his co-workers. The S&WB further informed Williams that his termination was based on a violation of the Professional Conduct Policy and the S&WB's Carrying of Dangerous Weapons on S&WB Property Policy.

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 Commission finds that the Sewerage & Water Board has carried its burden of showing the complained-of activity occurred. Williams cursed at Washington before he left the job site, and when Williams returned, Williams threatened Washington. At a minimum, this conduct violates the Professionalism Policy. In addition, the appearance of a disgruntled employee at the work site to threaten employees, resulting in NOPD arriving on the scene, is disruptive to the efficient operation of the Sewerage & Water Board.

The Commission further finds that the discipline is commensurate with the violation.

Therefore, Williams' appeal is DENIED.

This the 13th day of July, 2021

WRITER:


Brittney Richardson (Jul 7, 2021 17:29 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:


CJ Moore (Jul 6, 2021 10:43 CDT)

CLIFTON J. MOORE, JR., VICE-CHAIRPERSON


J. H. Korn (Jul 12, 2021 10:20 CDT)

JOHN KORN, COMMISSIONER