



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
BRITNEY RICHARDSON, CHAIRPERSON
JOHN KORN, VICE-CHAIRPERSON
MARK SURPRENANT
RUTH WHITE DAVIS
ANDREW MONTEVERDE

Monday, August 12, 2024

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Ms. Rhonda Mollow
5821 Abbey Drive
New Orleans, LA 70131

Re: **Rhonda Mollow VS.**
Department of Finance
Docket Number: 9570

Dear Ms. Mollow:

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 - 8/12/2024 - 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: Romy Schofield-Samuel
William R. H. Goforth
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

RHONDA MOLLOW
Appellant

v.

Docket No. 9570

DEPARTMENT OF FINANCE
Appointing Authority

DECISION

Appellant, Rhonda Mollow, 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 February 20, 2024, letter of reprimand issued by the Department of Finance. (See Exhibit HE-1). At all relevant times, Appellant was employed as a Revenue Collection Supervisor at the Department of Finance and had permanent status as a classified employee. A Hearing Examiner, appointed by the Commission, presided over a hearing held on May 1, 2024. 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 24, 2024, and controlling Louisiana law. For the reasons set forth below, the Commission GRANTS the appeal.

I. FACTUAL BACKGROUND

Rhonda Mollow has served as a City of New Orleans employee for 38 years, and she has worked in the Department of Finance since 1991. (Tr. at 98). At all relevant times, she was the second-level supervisor of Ranshell Mathieu, a Management Development Specialist I hired on October 2, 2023. (Tr. at 6, 8-9, 17). On Monday, February 19, 2024, Samantha Thomas was sitting at Ms. Mollow's desk looking at a spreadsheet and discussing an error. (Tr. at 83-84). Ms. Mollow

was explaining to Ms. Thomas how to correct transactions that had posted incorrectly, as Ms. Thomas was responsible for directing the cashier to make these payments in Ms. Mollow's absence. (Tr. at 85, 89). One of the "subs" was scanned twice, and this error was throwing the balance sheet off. (Tr. at 88). Ranshell Mathieu overheard the discussion, including the mention of her name. (Tr. at 85-86). Ms. Mathieu had processed the payments at issue. (Tr. at 88). Ms. Mathieu started to explain what happened with the transaction, and Ms. Mollow responded by telling Ms. Mathieu she was currently talking to Ms. Thomas. (Tr. at 86). Ms. Mathieu testified that Ms. Mollow "put her hand up and said, don't butt in my conversation, I'm not talking to you." (Tr. at 9-10). According to Ms. Thomas, Ms. Mollow also told Ms. Mathieu she would talk to her after she finished her conversation with Ms. Thomas. (Tr. at 86). Ms. Thomas testified that Ms. Mollow said "please" to Ms. Mathieu at least twice when she asked her to refrain from interrupting the conversation with Ms. Thomas. (Tr. at 88). Despite this request, Ms. Mathieu kept talking. (Tr. at 88). According to Ms. Thomas, Ms. Mathieu "walked off, and she said she didn't want to talk about it anymore." (Tr. at 89). Ms. Mollow testified that Ms. Mathieu said, "I don't have to talk to you, as a matter of fact, when you ready to talk to me, I don't have to talk to you, and I don't have to answer to you." (Tr. at 110). Ms. Mathieu testified she said, "a conversation won't be needed later." (Tr. at 12).

Ms. Mathieu reported this incident to Tiffany Crawford, the Chief of Staff. (Tr. at 14). Ms. Mathieu felt that Ms. Mollow embarrassed her in front of her co-workers, and she was shaking and nervous. (Tr. at 15). Ms. Mathieu testified she wanted to resign her employment because of Ms. Mollow's "disrespect." (Tr. at 17). The Department of Finance transferred Ms. Mathieu to a different unit. (Tr. at 16-17).

The Department of Finance issued a letter of reprimand to Ms. Mollow on Friday, February 23, 2024. (Ex. HE-1). Before the Department of Finance issued the letter of reprimand, no one asked Ms. Mollow or Ms. Thomas about Ms. Mollow's interaction with Ms. Mathieu on February 19. (Tr. at 79-80, 113). Ms. Mollow testified that the Department of Finance did not address Ms. Mathieu's complaint appropriately, as she was not given an opportunity to respond to Ms. Mathieu's complaint. (Tr. at 113-114).

II. ANALYSIS

“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).

The Department of Finance has failed to carry its burden of showing the occurrence of the complained-of activity. The Commission credits the testimony of Samantha Thomas, a disinterested third party. According to Ms. Thomas, Ms. Mathieu inappropriately tried to interrupt a conversation Ms. Mathieu's second-level supervisor was having with Ms. Thomas about a specific work issue. When rebuffed, Ms. Mathieu failed to comply with the request to exit the conversation and then made insubordinate comments to her second-level supervisor. Before asking Ms. Mollow and Ms. Thomas for their version of events, the Department of Finance issued a letter of reprimand to Ms. Mollow based solely on the reaction of an employee with a tenure of four months. (Tr. at 111-12).

Based on the record evidence before the Commission, Ms. Mathieu's reaction to the conversation was unreasonable. *See, e.g., Sears v. Home Depot, USA, Inc.*, 2006-0201 (La. App. 4 Cir. 10/18/06), 943 So. 2d 1219, 1232, *writ denied*, 2006-2747 (La. 1/26/07), 948 So. 2d 168 (applying reasonable person standard in context of hostile work environment discrimination claim). Ms. Mathieu testified she was shaking and ready to resign. (Tr. at 15). Although the Department of Finance showed that subjectively, Ms. Mathieu found Ms. Mollow's conduct offensive, it failed to show that Ms. Mollow's conduct was objectively offensive. *See, e.g., Hare v. Paleo Data, Inc.*, 2011-1034 (La. App. 4 Cir. 4/4/12), 89 So. 3d 380, 386 (applying subjective and objective standard in context of hostile work environment discrimination claim).

For these reasons, the appeal is GRANTED. The Department of Finance shall remove the February 20, 2024, letter of reprimand from Ms. Mollow's record.

WRITER:



Brittney Richardson (Aug 12, 2024 09:44 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



J H Korn (Aug 9, 2024 15:49 CDT)

JOHN KORN, COMMISSIONER



Ruth Davis (Aug 9, 2024 19:13 CDT)

RUTH DAVIS, COMMISSIONER