



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION

BRITTNEY RICHARDSON,
CHAIRPERSON
CLIFTON J. MOORE, JR, VICE-
CHAIRPERSON
JOHN KORN
MARK SURPRENANT
RUTH WHITE DAVIS

Wednesday, August 18, 2021

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Robert J. Ellis, Jr.
650 Poydras St., Suite 2015
New Orleans, LA 70130

Re: **Lindsay Raspino VS.**
Office of Housing Policy and Commu
Docket Number: 9140

Dear Mr. Ellis:

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 - 8/18/2021 - 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, 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: Marjorianna Willman
William R. H. Goforth
Jay Ginsberg
Lindsay Raspino

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**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**LINDSAY RASPINO,
Appellant**

v.

DOCKET NO. 9140

**OFFICE OF HOUSING POLICY AND
COMMUNITY DEVELOPMENT,
Appointing Authority**

DECISION

Appellant, Lindsay Raspino, brings this appeal pursuant to Article X, § 8 of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from her termination effective January 24, 2020 and her five-day suspension, both imposed by letter dated January 29, 2020 . (Ex. HE-1). At all relevant times, Appellant was an Accountant II in the fiscal unit. (Ex. HE-1)). A Hearing Examiner, appointed by the Commission, presided over a hearing on August 3, 2020. 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 November 30, 2020, and controlling Louisiana law.

For the reasons set forth below, Ms. Raspino's appeal is DENIED.

I. FACTUAL BACKGROUND

The Appointing Authority terminated Ms. Raspino's employment because she falsified the signature of her superior, Natasha Muse, on a payment voucher. (Ex. HE-1). Ms. Muse testified that she discovered a payment voucher for Veterans Construction carried a forged signature of her name on December 13, 2019, when Accounting returned the voucher to the Office of Community

Development for correction of the department code. (Tr. at 55, 57, 119). Ms. Muse asked Ms. Raspino's co-workers if they had prepared the voucher, and then had a conversation with Raspino in the hallway outside Muse's office. (Tr. at 58). During this conversation, Ms. Raspino admitted forging the signature. (Tr. at 57). Ashton Laurent, an Accountant II for the fiscal unit, testified that she overheard the conversation between Ms. Muse and Ms. Raspino, and that Ms. Raspino responded, "Oops, I did a bad job, huh?" (Tr. at 130). Ms. Laurent also testified that the signature was not Muse's handwriting, and that the forgery was a poor job. (Tr. at 132). Ms. Laurent further denied that she had prepared the voucher, noting that she does not use all caps and she refers to her department as "MDHCD," instead of "OCD." (Tr. at 127).

Ms. Raspino testified that she did not prepare the payment voucher and that she did not see the document on December 13. (Tr. at 26). Ms. Raspino denied she ever had a conversation with Ms. Muse on December 13, 2019. (Tr. at 34). However, Ms. Raspino submitted a letter at her pre-termination hearing which stated the response was "sarcastic." (Tr. at 35). In addition, at her pre-termination hearing, according to Marjoriana Willaman, Ms. Raspino gave "disjoined" answers, sometimes admitting and sometimes denying the conversation with Muse. (Tr. at 155-56).

Ms. Raspino has a history of a one-day suspension in November 2019 for an unexplained absence of four hours and a three-day suspension in March 2018 because of her behavior toward her supervisor Joyce Atkins. (Ex. HE-1; Tr. at 147-51). In addition, when Ms. Raspino was assigned to Zivah Bauman, she put Ms. Raspino on a Performance Improvement Plan on November 18, 2019, so that Ms. Raspino would be aware of the expectations of her employer. (Tr. at 97-100). One of these expectations was completing transactions within three days. (Tr. at 100).

I. 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 Appointing Authority has carried its burden of showing that Ms. Raspino forged her superior's signature on a payment voucher. Without question, dishonesty in processing payments to vendors impairs the efficient operation of the Appointing Authority. (Tr. at 152). The Appointing Authority must be able to trust that its employees processing payments to vendors are honest and trustworthy, so that the Appointing Authority is a good steward of the public's funds. (Tr. at 152). As Ms. Willman testified, it would be negligent for an Appointing Authority to fail to discipline an employee who forged a payment voucher. (Tr. at 152). The undersigned Commissioners find that termination is commensurate with the violation.

Because the undersigned Commissioners are denying Ms. Raspino's appeal of her termination, it is not necessary to address the five-day suspension imposed on January 29, 2020, as the termination was effective on January 24, 2020. (Ex. HE-1).

The undersigned Commissioners DENY Ms. Raspino's appeal of her termination. The appeal of her five-day suspension DENIED as moot.

This the 18th day of August, 2021

WRITER:

Ruth White Davis
Ruth Davis (Aug 9, 2021 17:37 CDT)

RUTH WHITE DAVIS, COMMISSIONER

CONCUR:

Brittney Richardson
Brittney Richardson (Aug 18, 2021 12:14 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

Mark C. Surprenant
Mark C. Surprenant (Aug 9, 2021 10:27 CDT)

MARK SURPRENANT