



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
SUITE 900 - 1340 POYDRAS ST.
NEW ORLEANS LA 70112
(504) 658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION
BRITTNEY RICHARDSON, CHAIRPERSON
JOHN H. KORN, VICE-CHAIRPERSON
CLIFTON J. MOORE, JR.
MARK SURPRENANT
RUTH WHITE DAVIS

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Thursday, March 31, 2022

Clarence Roby, Jr.
3701 Canal St., Suite U
New Orleans, La. 70119

Re: **Ja'von Williams VS.**
Department of Finance
Docket Number: 9270

Dear Mr. Roby:

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 - 3/31/2022 - 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: Norman White
Eraka Williams Delarge
Jay Ginsberg
Ja'von Williams

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JA'VON WILLIAMS,
Appellant**

Docket No. 9270

v.

**DEPARTMENT OF FINANCE,
Appointing Authority**

DECISION

Appellant Ja'Von 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 a three day emergency suspension imposed on May 10, 2021. (Exhibit HE-1). At all relevant times, Ja'Von Williams had permanent status as a Management Development Analyst. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on July 20, 2021. 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 December 20, 2021, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

Ja'Von Williams' job duties as a Management Development Analyst in the Department of Finance include delinquent sales tax collection, occupational licenses, and special events. (Tr. at 9). Ms. Williams has worked in the Department of Finance for 15 years. (Tr. at 7). She has participated in the lottery system for special events. (Tr. at 9). Ms. Williams testified she asked Jim Brown, her supervisor, for permission to issue an artist permit to Alina Allen, a co-worker, for

Jackson Square. (Tr. at 10-11, 26). On April 12, 2021, in advance of the lottery, Ms. Williams changed Ms. Allen's permit from Pirate Alley to Jackson Square. (Tr. at 55). Ms. Williams admitted at her hearing that requesting approval to grant Ms. Allen a permit was a dereliction of duty and changing the permit in the computer system was a violation of public trust. (Tr. at 13).

The City grants 200 Jackson Square artist permits. (Tr. at 27). The Department of Finance instituted a lottery system years ago because artists camped out at City Hall in order to obtain a permit for one of the spots. (Tr. at 29). In 2021, the lottery occurred on May 8, 2021, and all artists who applied for a permit at Jackson Square received a permit. (Tr. at 51). There were more available spots than applicants. (Tr. at 17, 51).

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 disciplining 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 Department of Finance carried its burden of showing that the complained-of conduct occurred. Ms. Williams admitted changing Ms. Allen's existing permit in advance of the lottery. (Tr. at 11). Ms. Williams also agreed that requesting approval from Mr. Brown to grant Ms. Allen the permit was a dereliction of duty. (Tr. at 13). Ms. Williams further agreed that changing Ms. Allen's permit in the computer system was a violation of the public trust. (Tr. at 13).

The conduct impaired the efficient operation of the Department of Finance. Romy Samuel, the Collector of Revenue, testified that granting the permit to Ms. Allen resulted in an appearance of impropriety and violated the public trust. (Tr. at 62-63). The penalty, a three-day suspension, is commensurate with the violation. Ms. Romy testified that she considered Ms. Williams' work performance and imposed a three-day suspension instead of termination. (Tr. at 64-65).

Ms. Williams' appeal is DENIED.

This the 31st day of March, 2022

WRITER:

Ruth White Davis
Ruth Davis (Mar 22, 2022 14:21 CDT)

RUTH DAVIS, COMMISSIONER

CONCUR:

Brittney Richardson
Brittney Richardson (Mar 31, 2022 12:16 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

J H Korn
J H Korn (Mar 23, 2022 21:19 CDT)

JOHN KORN, VICE-CHAIRPERSON