



# CITY OF NEW ORLEANS

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

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, July 21, 2025

Ms. Rhonda Oliver

Re: **Rhonda Oliver VS.  
Sewerage & Water Board  
Docket Number: 9684**

Dear Ms. Oliver:

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 - 7/21/2025 - 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, reading "Doddie K. Smith".

Doddie K. Smith  
Chief, Management Services Division

cc: Ron Spooner, Interim  
Harrece Gassery  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**RHONDA OLIVER,  
Appellant**

**Docket No. 9684**

**v.**

**SEWERAGE & WATER BOARD,  
Appointing Authority**

**DECISION**

Appellant, Rhonda Oliver, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from the termination of her employment effective November 21, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status as an Office Worker. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on January 30, 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, the Hearing Examiner's report dated April 20, 2025, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

The facts giving rise to this appeal are largely undisputed. Ms. Oliver left her permanent position as an Office Worker at the Sewerage & Water Board to take a position as a Tax Specialist I in the Finance Department on September 3, 2023. (Tr. at 113, 115). The Department of Finance removed Ms. Oliver from her probationary position of Tax Specialist I on January 26, 2024. (Tr.

at 115). Ms. Oliver returned to her permanent position at the Sewerage & Water Board on January 29, 2024. (Tr. at 116).

Initially, the Sewerage & Water Board assigned Ms. Oliver to the K&B Building. (Tr. at 118, 133). Ms. Oliver objected to physically returning to the billing department at the St. Joseph location. (Tr. at 133). Ms. Oliver testified, “I don’t want to go back around those people.” (Tr. at 133).

Ms. Oliver appealed the Department of Finance’s removal of her from the position of Tax Specialist I during her probationary period to the Commission. The Commission dismissed her appeal on April 12, 2024, ruling that Ms. Oliver had no right of appeal because she had not completed her probationary period. *See Oliver v. Dep’t of Finance*, 2024-CA-0290 (La. App. 4 Cir. 1/16/25), 2025 WL 211277, *rev’d* 2025-C-000338 (La. 5/29/25), 409 So.3d 746. Ms. Oliver appealed the Commission’s decision to the Fourth Circuit Court of Appeal. *Id.* Ms. Oliver testified that she believed she would return to the Department of Finance as a result of her appeal to the Fourth Circuit Court of Appeal. (Tr. at 116). “I was just holding on for the Fourth Circuit Court of Appeal to overturn that decision, because I know they were.” (Tr. at 150).

The Sewerage & Water Board had informed Ms. Oliver she would be performing bill review beginning on October 21, 2024. (Tr. at 54, 59).

Beginning on Monday, October 21, 2024, Ms. Oliver informed her supervisor, Nicole Kelly, the Utility Customer Service Manager, and Susannah Kirby, Interim Chief Customer Service Officer, that she would not be reporting to work because of a personal matter. (Tr. at 10; Ex. SWB-2 at 1). Ms. Oliver sent similar emails the remainder of the workweek. (Tr. at 10-11; Ex. SWB-2 at 2-4). On October 28, 2024, Ms. Oliver informed her supervisor she would be absent for personal reasons the entire week. (Tr. at 11; Ex. SWB-2 at 5). Ms. Oliver informed her

supervisor by email on November 4, 2024, that she would be absent again the entire week for personal reasons. (Tr. at 11; Ex. SWB-2 at 6).

On November 4, 2024, Nicole Kelly advised Ms. Oliver to contact the Sewerage & Water Board benefits department to inquire about whether she was eligible for approved leave, such as leave under the Family Medical Leave Act. (Tr. at 42; Ex. SWB-2 at 7). Ms. Kelly also asked Ms. Oliver for an expected return date. (Ex. SWB-2 at 7).

Ms. Oliver had accrued leave, but when she approved her timesheets, she coded the missed days as leave without pay. (Tr. at 39-41, 80; Ex. SWB-2 at 5).

The Sewerage & Water Board terminated Ms. Oliver's employment on November 24, 2024, for job abandonment. (Ex. HE-1).

The Fourth Circuit Court of Appeal reversed the Commission's dismissal of Ms. Oliver's appeal on January 16, 2025. *Oliver*, 2025 WL 211277. The Louisiana Supreme Court reversed the Fourth Circuit Court of Appeal, reinstating the Commission's decision on May 29, 2025. *Oliver*, 409 So.3d 746.

## 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. The Sewerage & Water Board has Carried its Burden of Showing Cause**

Ms. Oliver has admitted that she failed to report to work from October 21, 2024, to November 8, 2024. Under the Sewerage & Water Board Attendance Policy, an absence of three consecutive working days without notice or approval constitutes job abandonment. Although Ms. Oliver informed her supervisor she did not intend to report to work in advance of the absences, the Sewerage & Water Board never approved a three-week absence without an anticipated return date. The Commission notes that the Sewerage & Water Board advised Ms. Oliver to contact the benefits department to ensure she was not eligible for leave on November 4, 2024, and did not schedule a pre-termination hearing until November 21, 2024, giving Ms. Oliver ample opportunity to request any leave to which she might be entitled. Notably, in Ms. Oliver’s November 20, 2024, written submission to the Sewerage & Water Board, she failed to offer any explanation for her absences.

Ms. Oliver also coded her absences as leave without pay. According to Civil Service Rule VIII, section 5.1(a)-(c), the appointing authority must authorize leave without pay.

Ms. Oliver’s absence affected the efficient operation of the Sewerage & Water Board, as her failure to report to work exacerbated the timeliness of sending out bills subject to review. (Tr. at 44).

**1. The discipline is commensurate with the infraction**

Termination of employment is commensurate with Ms. Oliver’s three-week absence based solely on “personal reasons.”

WRITER:

  
Mark C. Surprenant (Jul 17, 2025 11:55 CDT)

MARK SURPRENANT, COMMISSIONER

CONCUR:



Ruth Davis (Jul 19, 2025 14:22 CDT)

RUTH DAVIS, VICE-CHAIRPERSON



Andrew Monteverde (Jul 17, 2025 11:09 CDT)

ANDREW MONTEVERDE, COMMISSIONER