



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

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Monday, May 3, 2021

Mr. Anthony Woods

Re: **Anthony Woods VS.
French Market Corporation
Docket Number: 9067/9082**

Dear Mr. Woods:

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 - 5/3/2021 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, 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 "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Leslie T. Alley
Daniel T. Smith
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

ANTHONY WOODS
Appellant

v.

Docket No. 9082

FRENCH MARKET CORPORATION
Appointing Authority

DECISION

Appellant, Anthony Woods, 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 30-day suspension beginning August 29, 2019, and his termination effective September 28, 2019. (See Exhibit HE-1, HE-2). The French Market Corporation provided Woods with written notice of his emergency suspension and pre-termination hearing by letter dated September 5, 2019. (Ex. HE-1). The French Market Corporation scheduled Woods' pre-termination hearing for September 11, 2019. (Ex. HE-1). Following the date of the scheduled pre-termination hearing, which Woods failed to attend, The French Market Corporation provided Woods with written notice of his September 28, 2019, termination by letter dated September 20, 2019. (Ex. HE-2). At all relevant times, Appellant was employed as a Painter at the French Market Corporation and had permanent status as a classified employee. A Hearing Examiner, appointed by the Commission, presided over a hearing. 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, and controlling Louisiana law. For the reasons set forth below, we DENY the appeal.

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 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 French Market Corporation suspended and then terminated Woods following an August 23, 2019, incident between Woods and his supervisor, Robert Matthews. (Ex. HE, HE-2; Tr. at 11). Woods visited the worksite on August 23 to provide Matthews with documentation of an absence the previous week caused by a court appearance. (Tr. at 34-35, 97). Matthews was seated behind a desk at Building C of the French Market. (Tr. at 33). According to Matthews, Matthews was on the phone, and Wood said “here is the Fing ticket.” (Tr. at 35). Woods became angry when Matthews asked Woods to photocopy the document “on his day off.” (Tr. at 99). Woods said to Matthews, “If I don’t get paid, something is going to happen.” (Tr. at 36). Woods threw Matthews against the wall, grabbing Matthews with one hand by Matthews’ neck. (Tr. at 39). Yolanda Diaz, who is employed by the janitorial company and witnessed this incident,

testified at the hearing, corroborating these incidents, including the use of profanity and the physical altercation. (Tr. at 55, 68-69).

Rhonda Sidney, the Human Resources Director for the French Market Corporation, testified that Matthews was shaken and upset when he reported this incident to her on August 23. (Tr. at 12). Ms. Sidney interviewed Yolanda Diaz the same day. (Tr. at 14). Ms. Sidney also reported the incident to the New Orleans Police Department, (Tr. at 15), who came to the French Market and interviewed Matthews. (Tr. at 42, 44). Matthews elected not to press criminal charges against Woods. (Tr. at 44).


Kathleen Turner, the Executive Director, testified that this incident, which she described as a physical assault with a witness, results in an atmosphere of intimidation, impairing the efficiency of the French Market Corporation. (Tr. at 77, 84).

The Appointing Authority has carried its burden of proof that the complained-of conduct occurred and that it impaired the efficiency of the public service. Because of the incident involved a physical assault on a supervisor, the penalties of a suspension and termination are commensurate with the infraction.

Appellant's appeal is denied.

This the 3rd day of May, 2021

WRITER:


CJ Moore (Apr 30, 2021 16:40 CDT)
CLIFTON J. MOORE, JR., VICE-CHAIRPERSON

CONCUR:


Mark C. Surprenant (Apr 22, 2021 15:15 CDT)
MARK SURPRENANT, COMMISSIONER

J H Korn
J H Korn (Apr 23, 2021 21:30 CDT)

JOHN KORN, COMMISSIONER