



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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JOHN H. KORN, VICE-CHAIRPERSON
MARK SURPRENANT
RUTH WHITE DAVIS
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Friday, May 16, 2025

Mr. Mubashir Maqbool

Re: **Mubashir Maqbool VS.
Sewerage & Water Board
Docket Number: 9664**

Dear Mr. Maqbool:

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 - 5/16/2025 - 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 purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Ghassan Korban
MaryJo Lovie Roberts
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**MUBASHIR MAQBOOL,
Appellant**

Docket No. 9664

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Appellant, Mubashir Maqbool, brings this appeal pursuant to 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 one-day suspension communicated by letter dated September 26, 2024. (Exs. HE-1, Appellant-3). At all relevant times, Appellant had permanent status as an engineer at the Sewerage & Water Board draining engineering department. (Tr. at 23). A Hearing Examiner, appointed by the Commission, presided over a hearing on December 3, 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 March 18, 2025, and controlling Louisiana law.

For the reasons set forth below, Mr. Maqbool's appeal is DENIED.

I. FACTUAL BACKGROUND

The pertinent facts are undisputed. Mr. Maqbool attended the Governor's Sewerage & Water Board Task Force public meeting on March 14, 2024. (Tr. at 16-17). Mr. Maqbool spoke during the public comment portion of the meeting, and he called the leadership of the Sewerage & Water Board a "bunch of criminals." (Tr. at 16-17; Ex. SWBNO-2). When asked to identify

his employer, Mr. Maqbool identified himself as an employee of the Sewerage & Water Board, but he stated that he was speaking as a private citizen. (Tr. at 42).

The Professionalism Policy at the Sewerage & Water Board provides as follows:

Professionalism

While performing their duties for the Board, employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual they are interacting. Employees shall not unnecessarily inconvenience or demean an individual or otherwise act in a manner which brings discredit to the Board.

(Ex. SWBNO-1).

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

Appellant does not dispute that the complained-of conduct, referring to officials at the Sewerage & Water Board as “criminals.” (Tr. at 16-17). The Sewerage & Water Board has shown that the comments impaired its efficient operations, demeaning the Executive Director and bringing discredit to the Sewerage & Water Board. This conduct is also likely to impair Mr. Maqbool’s working relationship with his superiors and his subordinates.

1. The discipline is commensurate with the infraction

The Commission finds that a one-day suspension for Maqbool's violation of the Professionalism Policy is commensurate with the violation.

Mr. Maqbool's appeal is DENIED.

WRITER: *Mark C. Surprenant*
Mark C. Surprenant (May 12, 2025 14:18 CDT)
MARK SURPRENANT, COMMISSIONER

CONCUR: *BR*
Brittney Richardson (May 16, 2025 08:35 CDT)
BRITTNEY RICHARDSON, CHAIRPERSON

Ruth White Davis
Ruth Davis (May 12, 2025 19:20 CDT)
RUTH DAVIS, COMMISSIONER