



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Tuesday, March 10, 2026

Mr. Fernando Johnson

Re: **Fernando Johnson VS.  
Sewerage & Water Board  
Docket Number: 9794**

Dear Mr. Johnson:

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 - 3/10/2026 - 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: Randy Hayman  
Tiffany Green  
Bryce Murray  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**FERNANDO JOHNSON,  
Appellant**

**Docket No. 9794**

v.

**SEWERAGE & WATER BOARD,  
Appointing Authority**

**DECISION**

Fernando Johnson 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 his employment on October 27, 2025, and his emergency suspension on September 29, 2025. (Ex. HE-1). At all relevant times, Appellant had permanent status at the Sewerage & Water Board as a Networks Maintenance Tech I. (Tr. at 9). The Hearing Examiner appointed by the Commission presided over a hearing on December 16, 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 January 14, 2026, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

On September 28, 2025, Mr. Johnson brought a Glock Model 27, .40 caliber semi-automatic handgun in a backpack to the Sewerage & Water Board Central Yard, located at 2900 Peoples Avenue. (Tr. at 10). The backpack had the Sewerage & Water Board logo on it, and Mr. Johnson testified he typically carried water and identification in the backpack. (Tr. at 10). Mr.

Johnson also testified he had visited a romantic partner in New Orleans East overnight, and he put the firearm in his backpack to take it inside her home for security. (Tr. at 47). Mr. Johnson testified he forgot he had put the firearm in the backpack when he traveled to work from her home. (Tr. at 47).

After he reported to work, Mr. Johnson left the backpack on the bed of a trailer when he helped a co-worker tie down a piece of equipment. (Tr. at 13). Mr. Johnson believes the backpack fell off the trailer. (Tr. at 14). Mr. Johnson then traveled to a job site off-premises. (Tr. at 14). Mr. Johnson realized he had lost the backpack when he returned to Central Yard, and he did not have his identification badge to enter the parking lot. (Tr. at 14). Mr. Johnson realized his weapon was missing the evening of September 28. (Tr. at 15).

On September 29, a Sewerage & Water Board employee reported to security that he had found an unattended backpack outside Garage 2 with a weapon, 15 rounds of ammunition in a magazine, and Mr. Johnson's identification badge inside. (Tr. at 18, 21). An investigator with Sewerage & Water Board Security reviewed video and confirmed Mr. Johnson left the bag on an excavator. (Tr. at 19-20).

Sewerage & Water Board policy prohibits firearms at the worksite, and Mr. Johnson was aware of this policy. (Tr. at 15). The penalty for the first offense of possession of a firearm on Sewerage & Water Board property is a 10-day suspension or termination. (Ex. Appellant-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 suspending 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’s Carried its Burden to Show Cause**

The Sewerage & Water Board has shown that Mr. Johnson brought a firearm to the worksite in violation of Sewerage & Water Board policy. This behavior impairs the efficient operation of the Sewerage & Water Board. The presence of weapons on the jobsite is a safety issue. (Tr. at 33-34). The Sewerage & Water Board policy prohibiting firearms at the workplace prevents poor decision-making. (Tr. at 24). In the past, employees have brandished weapons during confrontations, and one employee accidentally shot himself. (Tr. at 28).

#### **1. The penalty of termination is commensurate with the violation**

The Sewerage & Water Board penalty matrix provides for a penalty of a 10-day suspension or termination. (Ex. Appellant-1). The severe penalty of termination is commensurate with the level of danger posed by the presence of an unattended semi-automatic firearm with ammunition at the workplace.

Mr. Johnson’s appeal is DENIED.

WRITER:



[Mark Surprenant, Commissioner \(Mar 8, 2026 12:28:59 CDT\)](#)

MARK SURPRENANT, COMMISSIONER

CONCUR:



[Brittney Richardson, Chairperson \(Mar 10, 2026 11:07:37 CDT\)](#)

BRITTNEY RICHARDSON, CHAIRPERSON



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John Korn, Vice-Chairperson (Mar 10, 2026 14:16:00 CDT)

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JOHN KORN, VICE-CHAIRPERSON