



CITY OF NEW ORLEANS

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CITY CIVIL SERVICE COMMISSION
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DIRECTOR OF PERSONNEL

Monday, June 21, 2021

Ms. Stephanie Dovalina
700 Camp St., Ste 105
New Orleans, LA 70119

Re: **Kristen Morales VS.
Office of Inspector General
Docket Number: 9212**

Dear Ms. Dovalina:

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 - 6/21/2021 - 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: Edward Michel, Interim
Sharonda Williams
Alexandra Mora
Kristen Morales

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**KRISTEN MORALES,
Appellant**

Docket No. 9212

v.

**OFFICE OF INSPECTOR GENERAL,
Appointing Authority**

DECISION

Appellant, Kristen Morales, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from her letter of reprimand dated September 9, 2020. (Exhibit AA-7). At all relevant times, Appellant had permanent status as a Criminal Investigator IV at the Office of Inspector General. (Tr. at 149). A Hearing Examiner, appointed by the Commission, presided over a hearing on January 21, 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 January 22, 2021, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

Kristen Morales, an investigator at the Office of Inspector General (OIG) with a tenure of over nine years, was required to input her hours worked on individual investigations into a computer program called Wingswept. (Ex. AA-7; Tr. at 39). For a period of six months, Appellant did not enter hours into Wingswept. (Tr. at 12; Ex. AA-7). For this period of time, Appellant had entered a total of 19 hours. (Tr. at 64; Ex. AA-7).

Following a Quality Assurance Review Panel (QARC) report dated May 11, 2020, from the Ethics Review Board, which oversees the OIG, the Inspector General tasked William Bonney and Edward Michel with providing the number of hours the office had spent on each investigation. (Tr. at 12-13; Ex. AA-4; Ex. AA-11). The QARC stated that the OIG had “failed to identify costs incurred” on investigations. (Tr. at 23; Ex. AA-4). For investigations, the costs incurred include the number of hours spent by personnel on investigation. (Tr. at 30, 32).

William Bonney supervised Mike Centola, Morales’ direct supervisor. (Tr. at 11). Bonney, the Deputy Inspector General for Investigations, when complying with the Inspector General’s directive, discovered that Morales had not entered any time in Wingswept for six months. (Tr. at 12; Ex. AA-8). According to Bonney, Morales was the only person who was failing to input her hours into Wingswept. (Tr. at 65-66).

Morales failure to put her hours into Wingswept was a long-standing problem. For example, on April 8, 2016, a file review contains an instruction to “Update number of case hours worked.” (Ex. Appellant-2 at 16). On another file review dated October 25, 2017, former Inspector General Schwartz states, “Investigator Morales will dedicate hours strictly for wingswept maintenance and entries.” (Tr. at 223-24; Ex. Appellant-7). On December 6, 2017, at 9:32 AM, former Inspector General Schwartz informed Morales she had only entered time for two days in November 2017. (Ex. AA-6). Schwarz informed Morales, “this is not acceptable, ensure your time is entered and maintained up to date. Let me know by email when this is accomplished.” (Ex. AA-6). Following this email, Morales responded to Schwartz at 10:49 AM on December 6, stating that “[m]y time is current and to date as of 12/8/17.” (Ex. Appellant-3). In her Performance and Planning evaluation for 2019, the review read that “[h]owever, she does not update her hours on a consistent basis in Wingswept,” and “[s]he needs to update her work hours on a consistent basis

in Wingswept. (Ex. AA-2; Tr. at 42-43). The Performance and Planning evaluation for 2020 also contained several reminders about putting hours in the case management system. (Tr. at 46; Ex. AA-13).

Ed Michel, the Interim Inspector General and First Assistant of Criminal Investigations and Bonney's supervisor, testified that he instructed all investigators to put time in Wingswept at weekly coordination meetings. (Tr. at 96, 112). Bonney also testified that he orally discussed entry of hours into Wingswept with Morales. (Tr. at 53). In particular, Bonney called Morales in May 2020 to ask her to put her time in. (Tr. at 53).

Morales testified that she could not input hours into Wingswept for closed cases, but there were open cases that did not include Wingswept hours for Morales. (Tr. at 114, 118). Morales also testified she had issues keeping her time entries up to date because she was so busy. (Tr. at 156). However, Morales was able to enter her time for November 2017 in 2.5 hours. (Tr. at 215). Morales also testified that entry of hours was not the priority of the office. (Tr. at 153, 187).

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 suspending and terminating 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 Appointing Authority has carried its burden of showing that the complained-of conduct occurred. Morales was required to enter all her time from December 2019 to July 4, 2020, into Wingswept. As Morales admitted, she failed to enter the time, one of her job duties. (Tr. at 233). Morales tried to justify her failure by stating entering time was not a priority, but even if this statement is accurate, it does not lead to the conclusion that entering time was not a job requirement.

The Appointing Authority has also carried its burden of showing that the complained-of conduct impaired the efficient operation of the OIG. The governing body of the OIG required the OIG to provide the costs incurred for each investigation. The costs incurred includes the time of OIG personnel.

The Commission also finds that the discipline is commensurate with the infraction.

The appeal is DENIED.

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This the 21st day of June, 2021

WRITER:

BRD

Brittney Richardson (Jun 19, 2021 13:41 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:

Mark C. Surprenant

Mark C. Surprenant (Jun 18, 2021 14:18 EDT)

MARK SURPRENANT, COMMISSIONER

Ruth White Davis

Ruth Davis (Jun 20, 2021 13:23 CDT)

RUTH DAVIS, COMMISSIONER