



# CITY OF NEW ORLEANS

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

Friday, November 7, 2025

Ms. Tracy Mosley

Re: **Tracy Mosley VS.  
Department of Safety & Permits  
Docket Number: 9745/9757**

Dear Ms. Mosley:

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 - 11/7/2025 - 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,

Stacie Joseph  
Management Services Division

cc: Tammie Jackson  
Jalen Harris  
Bruce Hamilton  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**TRACY MOSLEY,  
Appellant**

**Docket Nos. 9745, 9757**

**v.**

**DEPARTMENT OF SAFETY &  
PERMITS,  
Appointing Authority**

**DECISION**

Appellant, Tracy Mosley, 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 two-day suspension imposed by the Department of Safety & Permits on June 13, 2025, and a four-day suspension imposed on July 21, 2025. (Exhibits HE-1, HE-2). At all relevant times, Appellant had permanent status as an Office Worker in the Department of Safety & Permits. (Tr. at 8). A Hearing Examiner, appointed by the Commission, presided over a hearing on September 4, 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 October 7, 2025, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

Tammie Jackson, the Director of Safety & Permits, assigned Ms. Mosley to the Trade License Division of the Department of Safety & Permits on June 2, 2025. (Ex. HE-1). This division processes licenses for electricians and mechanical tradespeople. (Tr. at 7). Elizabeth Ballard, a supervisor with a 27-year tenure, was tasked with training Ms. Mosley. (Tr. at 6-7). Ms.

Mosley's job duties were to process renewal applications; answer the agent telephone line and the main division telephone line; and assist constituents in person and by email. (Tr. at 9).

Ms. Ballard was absent for a week at the beginning of Ms. Mosley's assignment to this division. During this time, Ms. Mosley had a verbal altercation with Lamonshell Minor. Ms. Minor testified that she was vomiting in a trash can, and Ms. Mosley yelled at Ms. Minor to pick up the phone "because it's ringing loud in her damn ear." (Tr. at 53). Ms. Minor responded in kind. (Tr. at 85). An employee recorded this verbal altercation with the employee's cell phone and provided the recording to Ms. Jackson. (Tr. at 69-70).

Ms. Ballard testified that when she returned, Ms. Mosley was not receptive to training. Ms. Mosley told Ms. Ballard to "get out of [her] face," to "leave her alone," and "don't tell her nothing." (Tr. at 10). Ms. Ballard also testified that Ms. Mosley would shake her hand at Ms. Ballard and put her hand in Ms. Ballard's personal space. (Tr. at 10). Ms. Mosley also told Ms. Ballard which duties she would and would not perform. (Tr. at 10-11). Further, Ms. Mosley asked Ms. Ballard for documentation of the licenses she had processed. (Tr. at 31).

The Department of Safety & Permits issued a two day suspension to Ms. Mosley on June 13, 2025, based on the unprofessional behavior toward Ms. Minor and insubordination toward Ms. Ballard. (Ex. HE-1). The Department of Safety & Permits also disciplined Ms. Minor for her part in the verbal altercation.

Following this discipline of Ms. Mosley, on July 10, 2025, when Ms. Ballard tried to assist Ms. Mosley with a constituent, Ms. Mosley informed Ms. Ballard that she is a "grown ass woman," and asked Ms. Ballard to get out of her face. (Tr. at 14, 17). Elisha Collier, another employee in the Trade License division, corroborated this incident. (Tr. at 61). Ms. Collier also testified she witnessed other incidents of Ms. Mosley "bullying" and displaying "rude" behavior to Ms. Ballard.

(Tr. at 62). The Department of Safety & Permits issued a four-day suspension to Ms. Mosley for this unprofessional and insubordinate behavior on July 21, 2025. (Ex. HE-2, Tr. at 78).

## 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 Department of Safety & Permits has carried its burden of showing cause**

The Department of Safety & Permits has shown the occurrence of the complained-of conduct. As for the conduct underlying the June 13, 2025, suspension, the Department of Safety & Permits offered a recording of the incident with Ms. Minor, in addition to Ms. Minor’s testimony about the dispute over the ringing phone. The Commission also credits the testimony of Ms. Ballard about Ms. Mosley’s refusal to perform job duties and her disrespectful and recalcitrant behavior toward Ms. Ballard.

As for the conduct underlying the July 21, 2025, suspension, the Department of Safety & Permits has shown the occurrence of Ms. Mosley’s rejection of Ms. Ballard’s assistance following

the interaction with a constituent through the testimony of Ms. Ballard and a corroborating witness, Elisha Collier

Ms. Mosley's unprofessional and insubordinate behavior impaired the efficient operation of the Department of Safety & Permits. Ms. Jackson testified that Ms. Mosley's unprofessional behavior was disruptive to its operations. (Tr. at 76). Insubordination impairs the efficient operation of any department, as employees must perform the tasks assigned to them.

**1. The two-day and four-day suspensions are commensurate with the violations**

The two-day suspension is commensurate with Ms. Mosley's unprofessional and insubordinate behavior, which continued despite a meeting with Ms. Jackson and Ms. Ballard on June 10, 2025. (Tr. at 43). Ms. Jackson also testified that she counseled Ms. Mosley on a number of occasions before imposing formal discipline. (Tr. at 80).

The four-day suspension is commensurate with Ms. Mosley's continued unprofessional and insubordinate behavior, as Ms. Mosley failed to improve her behavior after the two-day suspension. Ms. Jackson explained that she imposed a four-day suspension because Ms. Mosley's behavior had escalated. (Tr. at 78).

Ms. Mosley's appeal is DENIED.

WRITER:

  
Andrew Monteverde, Commissioner (Nov 7, 2025 09:45:41 CST)  
ANDREW MONTEVERDE, COMMISSIONER

CONCUR:

Mark Surprenant, Commissioner

Mark Surprenant, Commissioner (Nov 6, 2025 14:33:46 CST)

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MARK SURPRENANT, COMMISSIONER

Ruth Davis, Commissioner (Nov 6, 2025 14:39:03 CST)

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RUTH DAVIS, COMMISSIONER