



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION

REV. KEVIN W. WILDES, S.J.,
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LISA M. HUDSON
DIRECTOR OF PERSONNEL

MITCHELL J. LANDRIEU
MAYOR

Wednesday, April 23, 2014

Mr. Greer Rolland

Re: **Greer Rolland VS.
New Orleans Public Library
Docket Number: 8111**

Dear Mr. Rolland:

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 - 4/23/2014 - 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, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Brown
Shawn Lindsay
Jay Ginsberg
file

GREER ROLAND

CIVIL SERVICE COMMISSION

VS.

CITY OF NEW ORLEANS

NEW ORLEANS PUBLIC LIBRARY

NO. 8111

The Appointing Authority employs the Appellant as a Library Associate III with permanent status. Her primary responsibility is to assist library patrons. The Appellant suspended the Appellant for four days after determining that she was rude and argumentative towards a co-worker while a library patron was present. The discipline is progressive. The Appellant had received a written reprimand for similar behavior during the previous year.

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. The hearing was held on May 9, 2013, and August 8, 2013. The testimony presented at the hearing was transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

The disciplinary action involves an incident that occurred at the Rosa F. Keller Library on November 13, 2012. A library patron entered the library and sought assistance from the Appellant. The patron informed the Appellant that she wanted to renew a book that she had checked out and renewed once before. Also present in the library were Annie Webster, library page, April Martin, Assistant Branch Manager and, Yasco Sulemjmanagic, Library Associate II. The Appellant testified that she informed the patron in a professional manner that library policy did not allow her to renew the book a second time, but that she would allow her to do so anyway. According to the

Appellant, the patron was satisfied and left the library after thanking her. However, after the patron left, Ms. Webster offered an unsolicited opinion that library policy allowed the patron to renew the book as long as it was not requested upon return by another patron. The Appellant testified that an argument with Ms. Webster ensued over what the Appellant characterized as Ms. Webster's interference with how she performed her job functions.

The Appointing Authority's witnesses offered a different version of events. Ms. Webster testified that the Appellant was rude to the patron and informed her that she could not renew her book because it was contrary to library policy. Ms. Webster overheard the exchange and offered her opinion that library policy did allow the patron to renew the book as long as it was not on hold for someone else. She testified that the Appellant abruptly told her that she could check the patron out. Ms. Webster testified that she admonished the Appellant about her behavior after the patron left and a verbal altercation ensued. Mr. Sulemjmanagic observed and overheard the exchange. His version of events supported Ms. Webster's testimony, as did the testimony of Ms. Martin.

Linda Copeland, Human Resources Director, testified that she recommended a four day suspension to the Appointing Authority because of prior similar behavior including a written reprimand concerning interpersonal relationships between the Appellant and a co-worker. She testified that Ms. Webster received a written reprimand for her role in the incident because it was her first offence.

LEGAL PRECEPTS

An employer cannot subject an employee who has gained permanent status in the classified city civil service to disciplinary action except for cause expressed in writing. LSA Const. Art. X, sect. 8(A); *Walters v. Department of Police of New Orleans*, 454 So. 2d 106 (La. 1984). The employee may appeal from such a disciplinary action to the City of New Orleans Civil Service Commission. The burden of proof on appeal as to the factual basis for the disciplinary action is on the appointing authority. *Id.*; *Goins v. Department of Police*, 570 So 2d 93 (La. App. 4th Cir. 1990).

The Civil Service Commission has a duty to make an independent judgment, based on the facts presented, whether the appointing authority has good or lawful cause for taking disciplinary action and, if so, whether the punishment imposed is commensurate with the dereliction. *Walters v. Department of Police of New Orleans, supra*. Legal cause exists whenever the employee's conduct impairs the efficiency of the public service in which the employee is engaged. *Cittadino v. Department of Police*, 558 So. 2d 1311 (La. App. 4th Cir. 1990). The appointing authority has the burden of proving the occurrence of the complained of activity by a preponderance of the evidence and that the conduct complained of impaired the efficiency of the public service. *Id.* The appointing authority must also prove the actions complained of bear a real and substantial relationship to the efficient operation of the public service. *Id.* While these facts must be clearly established, they need not be established beyond a reasonable doubt. *Id.*

CONCLUSION

The Appointing Authority has established by a preponderance of evidence that it disciplined the Appellant for cause. Three witnesses testified that the Appellant was rude

G. Roland
#8111

to a patron and engaged in a verbal altercation with a co-worker while that patron was present.

Considering the foregoing, the appeal is DENIED.

RENDERED AT NEW ORLEANS, LOUISIANA THIS 23rd DAY OF
April, 2014.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION


RONALD P. MCCLAIN, COMMISSIONER

CONCUR:


MICHELLE D. CRAIG, COMMISSIONER


EDWARD P. COHN, COMMISSIONER