



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Friday, August 15, 2025

Mr. Anthony Roche'

Re: **Anthony Roche' VS.
Sewerage & Water Board
Docket Number: 9609**

Dear Mr. Roche':

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 - 8/15/2025 - 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: Randy Hayman
Harrece Gassery
Ashley Ian Smith
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**ANTHONY ROCHE',
Appellant**

Docket No. 9609

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Appellant, Anthony Roche', 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 effective April 18, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Networks Maintenance Tech I. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on March 21, 2025.¹ 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 June 13, 2025, and controlling Louisiana law.

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

¹ This matter was originally set for hearing on August 20, 2024, but Mr. Roche' failed to appear. The Sewerage & Water Board filed a Motion to Dismiss for Lack of Prosecution. The Commission denied this motion at its regular meeting on December 13, 2024, based on Mr. Roche's representation that he appeared at City Council chambers on August 20, where he believed the hearing was being conducted. The Commission entered a written order denying the motion on January 8, 2025.

I. FACTUAL BACKGROUND

The Sewerage & Water Board hired Mr. Roche' on July 23, 2018, as a Network Maintenance Tech I. (Ex. HE-1; Tr. at 72). During his entire tenure at the Sewerage & Water Board, Mr. Roche' has worked with the same crew. (Tr. at 72). Mr. Roche' explained that his crew fixes leaks by performing "whatever has to be done." (Tr. at 72).

Mr. Roche' failed to report to work from February 21, 2024, to April 4, 2024. (Tr. at 34; Ex. S&WB-1). According to the Sewerage & Water Board's letter of termination, Mr. Roche' worked only nine days in 2024, but was absent for 56 scheduled days. (Ex. HE-1). The Sewerage & Water Board treated these absences as unapproved leave without pay, as Mr. Roche' had exhausted his sick leave and had minimal accrued annual leave. (Tr. at 38, 77; Ex. S&WB-1). Mr. Roche' testified that he had used his accrued leave to care for his mother, who received treatment for a brain tumor in 2023 and 2024. (Tr. at 78). Mr. Roche' testified that he informed the Sewerage & Water Board by text message each day he was unable to report to work. (Tr. at 19; Ex. S&WB-2). Mr. Roche' also testified that he was injured at work on his last day, February 21, 2024, when he was carrying sewer pipe on Tulane's uptown campus, and that he informed Mr. Stemley of this injury. (Tr. at 22, 26). Mr. Roche' received medical treatment on February 23, 2024, and his treating physician released him to return to work on February 26. (Tr. at 26). He was eventually diagnosed with a pinched nerve in his neck. (Tr. at 81).

Mr. Roche' testified that he was not able to return to work by the date of his pre-termination hearing on April 4, 2024, but that he is currently able to return to work. (Tr. at 83, 86).

The Sewerage & Water Board Workers' Compensation Manager, Korye DeLarge-Dickerson, testified that the last on-the-job injury reported by Mr. Roche' was in 2018. (Tr. at 32).

Likewise, Mr. Roche's supervisors, including Mr. Stemley, testified that Mr. Roche' never reported an on-the-job injury. (Tr. at 34-36, 42, 53).

Mr. Roche' also testified that he requested FMLA, and the Sewerage & Water Board discussed FMLA with him at his pre-termination hearing. (Tr. at 65). The Sewerage & Water Board Interim Employee Relations Manager testified that Mr. Roche' never submitted a FMLA form. (Tr. at 66).

Mr. Roche' further testified that he requested light duty, but the Sewerage & Water Board informed him it did not offer light duty. (Tr. at 81).

II. ANALYSIS

A. Termination under Civil Service Rule IX

The Sewerage & Water Board terminated Mr. Roche's employment under Civil Service Rule IX based on his inability or unwillingness to perform his job duties. Civil Service Rule IX, Section 1.1 provides as follows, in pertinent part:

When an employee in the classified service is *unable or unwilling to perform the duties of his/her position in a satisfactory manner . . .* the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

(a) termination from the service.

(emphasis added). Mr. Roche' failed to report to work from February 21, 2024, to April 4, 2024, and never requested any type of leave from the Sewerage & Water Board based on his medical condition. (Tr. at 58). The Sewerage & Water Board has no record of a report of an on-the-job injury of Mr. Roche' on February 21, 2024, or thereafter, or a request by Mr. Roche' for leave under the Family and Medical Leave Act. Further, the text messages entered into evidence reflect that Mr. Roche' informed the Sewerage & Water Board he would not be reporting to work on a number

of days in January 2024 and February 2024, prior to the date Mr. Roche' testified he was injured. (Ex. S&WB-2).

The Sewerage & Water Board has met the requirements of Rule IX. “[A]n employer seeking to terminate an employee under Civil Service Rule IX must prove that the employee either: 1) is unwilling or unable to perform job functions; or 2) failed to submit the proper medical documentation. *Wilson v. Dep't of Prop. Mgmt.*, 2016-1124 (La. App. 4 Cir. 5/10/17), 220 So. 3d 144, 150. Even if Mr. Roche' is currently able to return to work at full duty, he failed to submit proper medical documentation to the Sewerage & Water Board for his absences from February 21, 2024, to April 4, 2024. “Louisiana jurisprudence does expressly provide that employees may exhaust their sick leave before termination.” *Wilson*, 220 So. 3d at 151. Mr. Roche' has exhausted all his sick leave, and the Sewerage & Water Board carried him on leave without pay from February 21, 2024, to April 4, 2024.

Therefore, the Sewerage & Water Board has carried its burden of showing that Mr. Roche' is unable or unwilling to perform his job duties under Civil Service Rule IX.

Mr. Roche''s appeal is DENIED.

WRITER:



Ruth Davis, Commissioner (Aug 11, 2025 11:03:12 CDT)

RUTH DAVIS, COMMISSIONER

CONCUR:



Mark Surprenant (Aug 11, 2025 10:36:38 CDT)

MARK SURPRENANT, COMMISSIONER



Andrew Monteverde, Commissioner (Aug 15, 2025 10:53:15 CDT)

ANDREW MONTEVERDE, COMMISSIONER