



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
SUITE 900 – 1340 POYDRAS ST.  
NEW ORLEANS LA 70112  
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## CITY CIVIL SERVICE COMMISSION

BRITTNEY RICHARDSON,  
CHAIRPERSON  
CLIFTON J. MOORE, JR, VICE-  
CHAIRPERSON  
JOHN KORN  
MARK SURPRENANT  
RUTH WHITE DAVIS

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, May 3, 2021

Mr. Robert E. Piper  
210 Baronne St., Ste 609  
New Orleans, LA 70112

Re: **Janeka Booker VS.  
Department of Public Works  
Docket Number: 9022/9025**

Dear Mr. Piper:

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 - 5/3/2021 - 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: Keith J. LaGrange, Jr.  
Daniel T. Smith  
Jay Ginsberg  
Janeka Booker

file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**JANEKA BOOKER**  
**Appellant**

v.

**Docket Nos. 9022 & 9025**

**DEPARTMENT OF PUBLIC WORKS**  
**Appointing Authority**

**DECISION**

Appellant, Janeka Booker, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from an emergency suspension dated March 11, 2019 and her termination, effective April 11, 2019. At the time she was terminated, Appellant was employed as a Parking Enforcement Officer III and had permanent status as a classified employee. A Hearing Examiner, appointed by the Commission, presided over a hearing held on June 27, 2019. At this hearing, both parties had an opportunity to call witnesses and present evidence. The Hearing Examiner provided the Commission with his advisory report dated September 17, 2019.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the June 27, 2019 hearing, all exhibits submitted at the hearing, the Hearing Examiner's September 17, 2019, report, and controlling Louisiana law. For the reasons set forth below, we DENY the appeal.

**I. ANALYSIS**

The Appellant was involved in an incident with a co-employee during work hours at a Domino's Pizza restaurant on February 27, 2019. During the course of that incident, there was a verbal altercation between the Appellant and her co-employee, which escalated into both parties throwing a water bottle at each other.

Because of the above incident, the Appellant first received a thirty-day emergency suspension without pay as set forth in the March 3, 2019 letter (Ex. HE-1) to her from Keith LaGrange, Jr., the Director of the Department of Public Works. The Appellant was subsequently terminated by the Appointing Authority effective April 11, 2019, as indicated in Director LaGrange's April 5, 2019 letter (Ex. HE-2) to the Appellant.

The only issue for decision by this Commission, as so stated by Appellant's counsel at the June 27, 2019 hearing, is whether the discipline issued was commensurate with the offenses charged. (Tr. at 54). 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).

At the June 27, 2019 hearing, the Appellant admitted that she threw the water bottle at her co-employee. (Tr. at 141). According to Tamera Sylvain, at her pre-termination hearing before a three-person panel, the Appellant essentially admitted to the charges against her. (Tr. at 51). Although the pre-termination hearing panel recommended a demotion as opposed to termination, the ultimate discipline decision rested with Mr. LaGrange as Director for the applicable Appointing Authority.

At the June 27, 2019 hearing, Director LaGrange testified that he had a zero tolerance policy for actions such as that engaged in by the Appellant on February 27, 2019. (Tr. at 106-108). Upon a review of the entire record, the undersigned Commissioners find that the Appointing

Authority has carried its burden of proving that the 30-day emergency suspension and termination were commensurate discipline for Appellant's improper conduct while in uniform at the Domino's on February 27, 2019. Therefore, Appellant's appeal is DENIED.

This the 3<sup>rd</sup> day of May, 2021

WRITER:

Mark C. Surprenant  
Mark C. Surprenant (Apr 22, 2021 15:15 CDT)

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MARK SURPRENANT, COMMISSIONER

CONCUR:

Brd  
Brittney Richardson (Apr 22, 2021 15:36 CDT)

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BRITTNEY RICHARDSON, CHAIRPERSON

J H Korn  
J H Korn (Apr 23, 2021 21:30 CDT)

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JOHN KORN, COMMISSIONER