



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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JOHN KORN, VICE-CHAIRPERSON
MARK SURPRENANT
RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Tuesday, September 2, 2025

Ms. Tanyell Allen

Re: **Tanyell Allen VS.
Sewerage & Water Board
Docket Number: 9678**

Dear Ms. Allen:

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 - 9/2/2025 - 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, Sec.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: Randy Hayman
Ashley Ian Smith
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**TANYELL ALLEN,
Appellant**

Docket No. 9678

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Appellant, Tanyell Allen, 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 November 14, 2024, letter of reprimand. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Management Development Specialist II. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on May 28, 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 June 30, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

Ms. Allen is responsible for managing the Board Relations Department, and she has held this position for five years. (Tr. a 28). When Renee Lapeyrolerie became Chief of Staff, the Executive Director placed Governmental Affairs and Board Relations under her supervision. (Tr. at 6-7). At the hearing, Ms. Allen testified she was under Ms. Lapeyrolerie's supervision for about one year. (Tr. at 28).

Ms. Lapeyrolerie testified Ms. Allen was difficult and insubordinate. (Tr. at 8). Ms. Lapeyrolerie testified that Ms. Allen ordered her two subordinates to work remotely for at least two days and had initiated a work order for a deep cleaning of the office. (Tr. at 10-11). Sewerage & Water Board policy did not allow Ms. Allen to instruct her subordinates to work from home or to order a deep clean of the office. (Tr. at 11). On July 23, 2024, Ms. Allen failed to copy Ms. Lapeyrolerie on an email to board members about a pension fund training, and Ms. Lapeyrolerie counseled Ms. Allen for this incident. (Tr. at 14, 32). Ms. Allen testified that she inadvertently failed to copy Ms. Lapeyrolerie on the July 23 email. (Tr. at 32). Ms. Allen failed to copy Ms. Lapeyrolerie on an email to a board member about his appointment after this July 23 incident. (Tr. at 33).

Ms. Lapeyrolerie testified she believed Ms. Allen's failure to include her in communications with board members was intentional. (Tr. at 16). The Executive Director or board members would contact her about issues, and she would always be "in the dark." (Tr. at 16).

Ms. Allen disagreed with Ms. Lapeyrolerie's decision about the purchase of cubicles. (Tr. at 34-35). Ms. Allen complained to the Executive Director about this issue without first addressing the issue with Ms. Lapeyrolerie. (Tr. at 21).

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 Sewerage & Water Board has Carried its Burden of Showing Cause

The Sewerage & Water Board has shown the occurrence of the complained-of conduct. Ms. Allen testified that she instructed her staff to work from home and that she initiated a deep cleaning of the office. Ms. Lapeyrolerie testified that Sewerage & Water Board policy did not provide for the deep cleaning or working from home.

More importantly, Ms. Allen also admitted she failed to copy Ms. Lapeyrolerie on the July 23, 2024, email to all board members, and then failed to copy Ms. Lapeyrolerie on a subsequent email to a new board member, even though Ms. Lapeyrolerie had counseled her about the issue. (Tr. at 33). The undersigned Commissioners agree with Ms. Lapeyrolerie’s assessment that Ms. Allen’s failure to include Ms. Lapeyrolerie on communications with board members was intentional.

Ms. Allen also testified that she complained to the Executive Director about the issue with the cubicles without first discussing the issue with Ms. Lapeyrolerie. (Tr. at 36).

Ms. Allen’s conduct impaired the efficient operation of the Sewerage & Water Board because Ms. Allen’s failure to include Ms. Lapeyrolerie on communications with board members impaired Ms. Allen’s ability to manage Board Relations. More generally, insubordination impairs the efficient operation of any organization because requested tasks are not performed.

1. The discipline is commensurate with the infraction

A letter of reprimand is commensurate with the infraction because this discipline is the least severe penalty.

WRITER:



Andrew Monteverde, Commissioner (Aug 29, 2025 22:35:42 CDT)

ANDREW MONTEVERDE, COMMISSIONER

CONCUR:



John Korn, Vice-Chairperson (Sep 2, 2025 09:49:26 CDT)

JOHN KORN, VICE-CHAIRPERSON



Ruth Davis, Commissioner (Aug 26, 2025 15:55:17 CDT)

RUTH DAVIS, COMMISSIONER