



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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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

Ms. Brandi Leonard

Re: **Brandi Leonard VS.**  
**Department of Emergency Medical**  
**Docket Number: 9008**

Dear Ms. Leonard:

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: Emily Nichols, M. D.  
Elizabeth S. Robins  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**BRANDI LEONARD,**

**Appellant**

**v.**

**Docket No. 9008**

**EMERGENCY MEDICAL SERVICES,**

**Appointing Authority**

**DECISION**

Appellant, Brandi Leonard, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from her termination imposed by Emergency Medical Services (EMS) effective March 20, 2019. (See Exhibit HE-1). At the time she was terminated, Appellant was employed as a paramedic and had permanent status as a classified employee. (Tr. at 60). A Hearing Examiner, appointed by the Commission, presided over a hearing held on June 12, 2019. At this hearing, both parties had an opportunity to call witnesses and present evidence. The Hearing Examiner provided the Commission with her advisory report dated February 27, 2019.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the June 12, 2019, hearing, all exhibits submitted at the hearing, the Hearing Examiner's report, and controlling Louisiana law. For the reasons set forth below, we DENY the appeal.

## I. FACTUAL BACKGROUND

Brandi Leonard's partner reported on March 13, 2019, that Leonard had slapped a patient. Leonard's partner, also a paramedic, responded with Leonard to a call near St. Louis Cathedral on March 13, 2019. (Tr. at 10-11). When Leonard and her partner arrived on the scene, New Orleans firefighters were present. (Tr. at 12). The patient had been drinking all day, according to at least one bystander, and he was confused and oppositional. (Tr. at 11-12). He appeared to be a vagrant. (Tr. at 15). Leonard's partner testified that the patient was not physically aggressive, so she and Leonard decided not to restrain him. (Tr. at 14, 16). Leonard and her partner put the patient in the ambulance on a stretcher. (Tr. at 13-14). Leonard was located at the foot of the stretcher, and her partner was located in a captain's chair at the patient's head. (Tr. at 13-14). According to her partner, Leonard slapped the patient, and then said, "[I]f you're gonna act like a child I'm gonna treat you like a child."

Appellant's testimony differed from her partner's testimony, and she tried to explain that the contact with the patient was defensive in nature. (Tr. at 44, 69). Emily Nichols, the Medical Director of EMS, testified that the act was egregious and a threat to public safety. (Tr. at 49-51). Dr. Nichols testified that Leonard should not have slapped a patient under any circumstances, and she found the fact that no restraints were used before or after the incident dispositive to her evaluation of Leonard's actions and the actual severity of the patient's behavior. (Tr. at 43, 47-48). If a patient were physically aggressive, Dr. Nichols would have expected for the patient to be placed in restraints. (Tr. at 48).

## II. ANALYSIS

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). 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 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).

The Appointing Authority carried its burden of showing the occurrence of the complained-of conduct, and that the conduct impaired the efficiency of the public service, namely, public safety. In light of the egregious nature of the conduct, the Commissioners find that termination was commensurate with Leonard's conduct.

### III. CONCLUSION

For the reasons stated herein, Ms. Leonard's appeal is DENIED.

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

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

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BRITTNEY RICHARDSON, COMMISSIONER

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

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JOHN KORN, COMMISSIONER

  
CJ Moore (Apr 30, 2021 16:40 CDT)

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CLIFTON J. MOORE, JR., VICE-CHAIRPERSON