



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Monday, November 3, 2025

Mr. Joseph Jenkins III

Re: **Joseph Jenkins III VS.**
Department of Public Works
Docket Number: 9718

Dear Mr. Jenkins:

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 - 11/3/2025 - 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: Clinton R. Hathaway
Sherri Hutton
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

JOSEPH JENKINS, III
Appellant

Docket No. 9718

v.

DEPARTMENT OF PUBLIC WORKS,
Appointing Authority

DECISION

Appellant, Joseph Jenkins, III, brings this appeal pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1 of the termination of his employment on April 26, 2025, by the Department of Public Works (DPW) (Ex. HE-1). At all relevant times, Appellant was a permanent employee as a Tow Truck Operator. (Tr. at 7).

A Hearing Examiner, appointed by the Commission, presided over a hearing on June 17, 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 August 25, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

DPW hired Mr. Jenkins as a Tow Truck Operator on December 17, 2018. (Tr. at 7). On February 12, 2021, Mr. Jenkins suffered an on-duty injury to his left shoulder and his head. (Tr. at 10). Mr. Jenkins received workers' compensation benefits, undergoing surgery in October of 2021 on his shoulder. (Tr. at 11, 29). DPW placed him on transitional duty at a Department of Recreation facility in 2022 for a "week or two." (Tr. at 12). DPW then assigned Mr. Jenkins to

transitional duty at the DPW automobile impound facility located on Almonaster Avenue. (Tr. at 13, 16). He checked in vehicles as the tow truck drivers delivered them to the lot and assisted with parking the vehicles. (Tr. at 16).

Mr. Jenkins returned to full duty on September 22, 2022, but his treating physician placed him on light duty in November of 2023 because of his re-injury of his rotator cuff. (Tr. at 14-15). Mr. Jenkins testified that he could not pick up the dollies because of his torn rotator cuff. (Tr. at 14). Mr. Jenkins' treating physician, Joshua Kaufman, M.D., opined on May 23, 2024, that Mr. Jenkins had reached maximum medical improvement. (Tr. at 35; Ex. DPW-3). Dr. Kaufman also recommended a functional capacity exam in response to an inquiry from Hammerman & Gainer, the City of New Orleans' third-party administrator for workers' compensation benefits. (Ex. DPW-3). Mr. Jenkins underwent a functional capacity exam on October 14, 2024. (Ex. DPW-4). A certified functional capacity operator determined that Mr. Jenkins is unable to return the position of Tow Truck Operator, and he is only able to work in a light duty position. (Ex. DPW-4). To work as a Tow Truck Operator, Mr. Jenkins must be able to lift more than 20 pounds and engage in "light or heavy physical labor." (Tr. at 33; Ex. DPW-2).

In 2024, DPW assigned Mr. Jenkins to the automobile impound lot on Claiborne Avenue ("Yard 3"). (Tr. at 13). At Yard 3, Mr. Jenkins' supervisor objected to Mr. Jenkins' practice of asking the customers to place the boot in the trunk of the vehicle so that Mr. Jenkins could drive the vehicle to the rack for storage. (Tr. at 14). Mr. Jenkins testified he was avoiding carrying the boots from the gate to the rack. (Tr. at 22). Mr. Jenkins also testified he is unable to lift the boots because they are too heavy. (Tr. at 18). Mr. Jenkins' supervisor instructed him not to let the customers lift the boots. (Tr. at 14). On November 1, 2024, Mr. Jenkins informed his supervisor

that he was unable to lift or carry the boots because of his shoulder injury and “walking the yard is a problem also” because of his right foot injury. (Ex. DPW-1).

DPW provides transitional duties only for a total period of one year. (Tr. at 41, 44-45). Mr. Jenkins has exhausted the year of transitional duty. (Tr. at 41). DPW has no other full-time positions for Mr. Jenkins based on the results of the functional capacity exam. (Tr. at 44).

II. ANALYSIS

The Department of Public Works terminated Mr. Jenkins’ employment under Civil Service Rule IX based on his inability to return to full duty as a Tow Truck Operator. (Ex. HO-1). 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). In *Muhammad v. New Orleans Police Dep’t*, 2000-1034 (La. App. 4 Cir. 7/11/01), 791 So. 2d 788, the Department of Police terminated Officer Muhammad’s employment based on his admitted inability to perform his job duties because of his medical condition. The Commission denied Officer Muhammad’s appeal of his termination based on Civil Service Rule IX, and the Fourth Circuit Court of Appeal affirmed the Commission’s decision. *Id.*, 791 So. 2d at 792. The Fourth Circuit Court of Appeal also affirmed the Commission’s reinstatement of an employee who was not permanently disabled and who had not yet exhausted all her accrued leave. *Wilson v. Dep’t of Property Mgmt.*, 2016-1124 (La. App. 4 Cir. 5/10/17), 220 So. 3d 144. Unlike the situation in *Wilson*, Mr. Jenkins has reached maximum medical improvement, and he is not able to return to the position of Tow Truck Operator. (Exs. DPW-3, DPW-4). This appeal is also

distinguishable from *Laviolette v. Dep't of Police*, 2016-0095 (La. App. 4 Cir. 8/24/16), 200 So. 3d 962, 967, where the Fourth Circuit Court of Appeal affirmed the Commission's grant of Captain Laviolette's appeal of his termination. Captain Laviolette had "ample sick leave" and "was taking affirmative steps to return to work." *Id.* DPW re-assigned Mr. Joseph to transitional duty for a year to give him an opportunity to return to full duty, but Mr. Jenkins will not be able to return to work as a Tow Truck Operator.

Mr. Jenkins' appeal is DENIED.

WRITER:



[Brittney Richardson, Chairperson of CSC \(Nov 2, 2025 10:31:54 CST\)](#)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:

~~Ruth Davis~~
[Ruth Davis, Commissioner \(Oct 31, 2025 12:33:33 CDT\)](#)

RUTH DAVIS, COMMISSIONER



[Andrew Monteverde, Commissioner \(Oct 31, 2025 12:28:14 EDT\)](#)

ANDREW MONTEVERDE, COMMISSIONER