



CITY OF NEW ORLEANS

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CITY CIVIL SERVICE COMMISSION
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DIRECTOR OF PERSONNEL

Wednesday, June 3, 2026

Mr. Darius Bradley

Re: **Darius Bradley VS.
Department of Fire
Docket Number: 9837**

Dear Mr. Bradley:

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 - 6/3/2026 - 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: Roman Nelson
Elizabeth A Weigand
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**DARIUS BRADLEY,
Appellant**

Docket No. 9837

v.

**DEPARTMENT OF FIRE,
Appointing Authority**

DECISION

Darius Bradley appeals the Department of Fire’s (NOFD) termination of his employment effective December 27, 2025.¹ (Ex. HE-1). Permanent classified employees may appeal discipline pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1. At all relevant times, Appellant was a permanent employee working as a Firefighter. (Tr. at 65).

A Hearing Examiner, appointed by the Commission, presided over a hearing on March 10, 2026. 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 post-hearing brief submitted by NOFD, the Hearing Examiner’s report dated May 13, 2026, and controlling Louisiana law.

For the reasons set forth below, Mr. Bradley’s appeal is DENIED.

I. FACTUAL BACKGROUND

Mr. Bradley concedes that he visited his daughter’s mother (“BW”) on August 19, 2025, and forced his way into her home while in uniform. (Tr. at 7). Mr. Bradley acknowledges that BW

¹ The termination was communicated by letter dated December 19, 2025. (Ex. HE-1).

had texted him prior to the visit, informing him that it was not necessary for him to deliver a dress to her home. (Tr. at 7; Ex. NOFD-1). Mr. Bradley also concedes that he struck BW with a closed fist. (Tr. at 8). Mr. Bradley further admits that he then tried to tamper with BW's Ring camera. (Tr. at 9). Video of Mr. Bradley's entry and his battery of BW was entered into evidence as Exhibit NOFD-2. Video of Mr. Bradley tampering with the camera was entered into evidence as NOFD-3. BW reported the battery to NOPD on August 19, 2025, and NOPD charged Mr. Bradley with simple battery (domestic) and issued a warrant for his arrest. (Ex. NOFD-10).

On August 19, 2025, Mr. Bradley pulled off the door handle of BW's sister's vehicle when BW refused to exit the vehicle. (Tr. at 10). The New Orleans Police Department arrested Mr. Bradley for criminal damage and simple battery on August 21, 2025. (Tr. at 10; Ex. NOFD-11; Ex. Appellant-1).

The Orleans Parish District Attorney refused the charges on November 19, 2025, because BW refused to prosecute. (Exs. Appellant-1, Appellant-2).

II. ANALYSIS

A. NOFD Complied with the Firefighter Bill of Rights

NOFD's termination of Mr. Bradley must comply with the Firefighter Bill of Rights. La. R.S. § 2181 *et seq.* “[T]he Firefighter[] Bill of Rights, confers specific procedural protections upon firefighters under disciplinary investigation.” *Murphy v. New Orleans Fire Dep't*, 2025-0722 (La. App. 4 Cir. 4/28/26) (quoting *Pitre v. Dep't of Fire*, 2021-0632, p. 8 (La. App. 4 Cir. 4/20/22), 338 So.3d 70, 76). This Louisiana statute requires that any investigation of a fire employee be concluded within 60 days, with an exception for an extension of time. La. R.S. § 33:2186(A). This statute also addresses criminal investigations: “Nothing in this Section shall limit any investigation of alleged criminal activity.” La. R.S. § 33:2186(C).

The minimum standards during an investigation address the written notice to a fire employee (including the charges against the firefighter), recording of the interrogation, and the presence of counsel and/or a representative. La. R.S. § 33:2181. The Bill of Rights applies only to a “fire employee” defined as an employee of a fire department “under investigation with a view to possible disciplinary action, demotion, or dismissal.” La. R.S. § 33:2181(A)(1). Any discipline imposed without strict compliance with the minimum standards is an absolute nullity. La. R.S. § 33:2181(C).

NOFD first provided a Notice of Investigation to Mr. Bradley on August 25, 2025, and terminated Mr. Bradley’s employment on December 19, 2025. (Ex. NOFD-4; Ex. HE-1). The District Attorney officially refused the charges on November 19, 2025. (Ex. Appellant-1). NOFD provided a second Notice of Investigation on November 13, 2025. (Ex. NOFD-5). NOFD conducted a Pre-Disciplinary Hearing on December 18, 2025. (Ex. NOFD-9).

Superintendent of Fire Roman Nelson testified that under normal circumstances, the instant NOFD investigation would not have complied with the Firefighter Bill of Rights. (Tr. at 45). The time period from August 25, 2025, to December 18, 2025, exceeds 60 days in violation of La. R.S. § 33:2186(A). Superintendent Nelson testified that in this case, NOFD allowed NOPD to complete its criminal investigation before beginning its administrative investigation. (Tr. at 48). Under the analogous Police Officer Bill of Rights, “a criminal investigation tolls the time limit for the administrative investigation.” *O’Hern v. Dep’t of Police*, 2013-1416 (La. 11/8/13), 131 So. 3d 29, 31. “[T]his Court has repeatedly found that when the appointing authority initiates an investigation into an officer due to alleged criminal activity, the sixty-day timeframe for the administrative investigation does not run until the charges against the officer, related to the alleged criminal

activity, have reached a conclusion. *Schuler v. New Orleans Police Dep't*, 2020-0563 (La. App. 4 Cir. 4/7/21), 365 So. 3d 653, 659.

The Commission finds that the administrative investigation under the Firefighter Bill of Rights was tolled until the criminal investigation had concluded, just as under the Police Officer Bill of Rights. The language about investigations into criminal activity is almost identical in both statutes. The Police Officer Bill of Rights provides that “[n]othing in this Paragraph shall limit any investigation of alleged criminal activity.” La. R.S. 40:2531(B)(7). The Firefighter Bill of Rights provides that “[n]othing in this Section shall limit any investigation of alleged criminal activity.” La. R.S. 33:2186(C).

Therefore, NOFD’s investigation was tolled between August 25, 2025, and November 13, 2025. NOFD’s investigation concluded on December 19, 2025, within 60 days.

B. Legal Standard for Commission’s Review of Discipline

1. The Appointing Authority must show cause for 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, 574 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). The Appointing Authority has the burden of proof of showing cause: “On appeal, the appointing authority ‘must prove by a preponderance of the evidence good or lawful cause for taking disciplinary action.’” *Jackson v. Sewerage & Water Bd. of New Orleans*, 2024-0801 (La. App. 4 Cir. 4/25/25), 414 So. 3d 984, 988–89; *Whitaker*, 863 So. 2d at 574. “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). “Simplified, before the Commission, the appointing authority has the burden of proving a trio of elements—(1) the occurrence of the complained-of conduct—misconduct; (2) the impairment, as a result of the misconduct, of the department's efficiency; and (3) the imposition of discipline commensurate with the misconduct—punishment.” *Do v. Dep't of Safety & Permits*, 2025-0062 (La. App. 4 Cir. 7/14/25), 424 So. 3d 103, 109, *writ denied*, 2025-01098 (La. 11/12/25), 420 So. 3d 714.

a. The Appointing Authority must show the impairment of the efficiency of the public service

“Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Whitaker*, 863 So. 2d at 574. “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “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.*

2. 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. *Do*, 424 So. 3d at 109; *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”).

a. Factors considered by Commission

“In determining whether discipline is commensurate with the infraction, the Civil Service Commission considers the nature of the offense as well as the employee’s work record and previous disciplinary record.” *Matusoff v. Dep’t of Fire*, 2019-0932 (La. App. 4 Cir. 5/20/20), 2020 Westlaw 2562940, *writ denied*, 2020-00955 (La. 10/20/20), 303 So. 3d 313. The Commission considers the nature of the offense, the employee’s work ethic, prior disciplinary records, job evaluations, and any grievances filed by the employee.” *Honore v. Dep’t of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So. 3d 1120, 1131, *writ denied*, 2015-2161 (La. 1/25/16), 185 So. 3d 749.

C. NOFD has Shown Cause for Termination of Mr. Bradley

Mr. Bradley admitted that he engaged in the complained-of conduct. Mr. Bradley’s conduct impaired the efficient operation of the Department of Fire. As Superintendent Nelson testified, Mr. Bradley violated the law, and his conduct of striking a civilian in uniform had a negative effect on the public’s trust in firefighters in general. (Tr. at 38, 58).

1. Termination is commensurate with the violation

Superintendent Nelson characterized Mr. Bradley’s behavior as “egregious.” (Tr. at 57). The public must be able to trust that New Orleans firefighters will uphold the law and work to protect people and property. Mr. Bradley’s violation of law by engaging in domestic violence, as documented by video evidence, renders him unfit to be a firefighter. Termination of employment is commensurate with Mr. Bradley’s violation of NOFD policy.

Mr. Bradley’s appeal is DENIED.

WRITER: *Mark Surprenant, Commissioner*
Mark Surprenant, Commissioner (Jun 1, 2026 13:56:48 CDT)
MARK SURPRENANT, COMMISSIONER

CONCUR: *John Korn*
John Korn (Jun 3, 2026 12:37:28 CDT)
JOHN KORN, VICE-CHAIRPERSON

Ruth Davis
Ruth Davis (Jun 2, 2026 07:54:42 CDT)
RUTH DAVIS, COMMISSIONER