

RONALD WHITE

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

DEPARTMENT OF POLICE

NO. 7915

Ronald White ("Appellant") is employed by the Department of Police ("Appointing Authority") as a Police Officer with permanent status. The Appellant received a twenty day suspension for violation of the Appointing Authority's internal rules concerning Courtesy and Professionalism - ten days for each violation. The factual basis for the violation is contained in the second paragraph of the August 8, 2011 disciplinary letter, which provides as follows:

The investigation determined that on January, 21, 2011, at approximately 5:45 a.m., while investigating the incident you engaged in an argument with the school principal in which you used profanity and vulgar language. Your demeanor and what you said was unprofessional and, you did not conduct yourself with the utmost concern for the dignity of the individual with whom you were interacting...

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. The hearing was held on December 8, 2011. The testimony presented at the hearing was transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

Sgt. Richard Hunter was the Appellant's supervisor and assigned to investigate the complaint. He testified that he arrived at the school in response to two telephone calls regarding an incident at the school. Appellant called and asked for assistance in an investigation at Gregory Elementary School where the Appellant was having difficulty obtaining the principal's cooperation in his investigation of a simple battery charge. A separate call was also placed by the school principal in complaint of the Appellant.

Sgt. Hunter determined that the Appellant spoke in a demeaning fashion with an unprofessional tone towards the principal.¹ According to Sgt. Hunter, among other statements, the Appellant reacted to the principal's interference with his investigation by stating to her, "As the principal you don't know anything."

LEGAL PRECEPTS

An employer cannot discipline an employee who has gained permanent status in the classified city civil service except for cause expressed in writing. LSA Const. Art. X, sect. 8(A); *Walters v. Department of Police of New Orleans*, 454 So. 2d 106 (La. 1984). The employee may appeal from such a disciplinary action to the city Civil Service Commission. The burden of proof on appeal, as to the factual basis for the disciplinary action, is on the appointing authority. *Id.*; *Goins v. Department of Police*, 570 So 2d 93 (La. App. 4th Cir. 1990).

The Civil Service Commission has a duty to decide independently, from the facts presented, whether the appointing authority has good or lawful cause for taking disciplinary action and, if so, whether the punishment imposed is commensurate with the dereliction. *Walters, v. Department of Police of New Orleans, supra*. Legal cause exists whenever the employee's conduct impairs the efficiency of the public service in which the employee is engaged. *Cittadino v. Department of Police*, 558 So. 2d 1311 (La. App. 4th Cir. 1990). The appointing authority has the burden of proving by a preponderance of the evidence the occurrence of the complained of activity and that the conduct complained of impaired the efficiency of the public service. *Id.* The appointing authority

¹ In addition to interviewing the principal (Complainant), Sgt. Hunter also interviewed the Dean of Students, Dr. Edmond Donald, the school teacher, Christopher Walker, and later on, the school secretary, Rhonda Labat—all of whom provided similar accounts to the Complainant.

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must also prove the actions complained of bear a real and substantial relationship to the efficient operation of the public service. *Id.* While these facts must be clearly established, they need not be established beyond a reasonable doubt. *Id.*

CONCLUSIONS

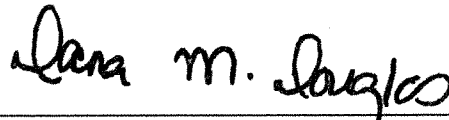
The Appointing Authority has established by a preponderance of evidence that it suspended the Appellant for cause. The Appointing Authority, after interviewing four witnesses to the incident, determined that the Appellant was in violation of Moral Conduct and, specifically, the rules requiring employees to be, "courteous, civil and respectful in their conduct towards all persons."

Considering the foregoing, the Appellant's appeal is DENIED.

RENDERED AT NEW ORLEANS, LOUISIANA THIS 1ST DAY OF JUNE,

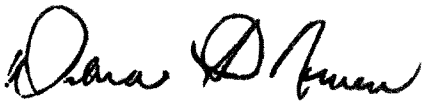
2012.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION



DANA M. DOUGLAS, VICE-CHAIRMAN

CONCUR:



DEBRA S. NEVEU, COMMISSIONER



JOSEPH S. CLARK, COMMISSIONER