



CITY OF NEW ORLEANS

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

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Tuesday, March 24, 2026

Mr. Dylan Bryan
1340 Poydras St., Suite 720
New Orleans, LA 70112

Re: **Jada Phoenix VS.**
Department of Public Works
Docket Number: 9686

Dear Mr. Bryan:

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 - 3/24/2026 - 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: Steve Nelson
Max V. Camp
Jay Ginsberg
Jada Phoenix
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JADA PHOENIX,
Appellant**

Docket No. 9686

v.

**DEPARTMENT OF PUBLIC WORKS,
Appointing Authority**

DECISION

Appellant, Jada Phoenix, brings this sex discrimination appeal pursuant to Article X, § 8(B) of the Louisiana Constitution and this Commission's Rule II, § 4.6 seeking relief from her probationary period failure as a laborer on December 13, 2024. (Exhibit HE-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on October 1, 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 November 28, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

The Department of Public Works (DPW) hired Phoenix in March of 2024 to work on traffic lights. DPW assigned her to the Signal Shop. (Tr. at 9). Phoenix was the only woman working in the Signal Shop. (Tr. at 13). Her immediate supervisor was Donald Fields, who reports to Joe Butler, the Signal Shop manager. (Tr. at 9, 105). Phoenix testified that Butler assigned cleaning duties to her, including cleaning restrooms, but not to male employees. (Tr. at 14). She described this work as follows:

Well, I went from being in Shop 2 building in Signal Shops, to going to Shop 1: Cleaning the restrooms, cleaning inside everybody's office which is three offices, cleaning the restrooms, the break room area, cleaning the trucks, picking up trash around the yard, cutting the little grass that they have; just stuff around the yard.

(Tr. at 10). According to Phoenix, she performed cleaning duties for about two months. (Tr. at 14). Phoenix complained directly to Butler about the disparate treatment. (Tr. at 10-11). Following this complaint, Phoenix testified she received no more training and increased scrutiny of her work performance. (Tr. at 12-13). Butler continued to assign training to the male employees. (Tr. at 12).

Butler documented a verbal warning about Phoenix's cell phone use on July 11, 2024. (Tr. at 83). Butler recommended terminating Phoenix to Shannon Blanks, the Deputy Director of DPW, on September 22, 2024, based on Phoenix's cell phone use, disruptive behavior, and failure to follow instructions. (Tr. at 106). Blanks testified she denied the request to terminate Phoenix's employment. (Tr. at 107).

Phoenix testified that Fields erroneously believed she had complained about him, and on October 17, 2024, he called her a "rat" and a "bitch." (Tr. at 17). Phoenix complained to Butler and then reported this incident to Human Resources, filing a written complaint. (Tr. at 21-22; Ex. Appellant-1). On October 31, 2024, Phoenix had a panic attack after an interaction with Fields while she was cleaning the shop, and an ambulance transported her to the emergency room. (Tr. at 25; Ex. Appellant-2).

The Deputy Director of DPW moved Phoenix to a desk at City Hall and assigned her to work on 311 complaints. (Tr. at 110). Roslyn Duplessie assigned clerical duties to Ms. Phoenix, such as preparing Excel spreadsheets of 311 complaints. (Tr. at 29, 32, 94-95). Blanks personally observed (1) Phoenix's absences from her assigned work area; (2) Phoenix socializing with other employees; and (3) Phoenix's loud, inappropriate conversations. (Tr. at 112-13, 116-17). Blanks

testified that she would text Phoenix when Phoenix was not at her desk, and Phoenix would then explain her absence, which were sometimes not work-related. (Tr. at 113). Duplessie testified that Phoenix was often using her cell phone, and that she was absent from work for long periods of time. (Tr. at 96). Duplessie complained about Phoenix to Blanks and the Director of DPW. (Tr. at 117). Blanks recommended the termination of Phoenix's employment. (Tr. at 120).

Phoenix filed a discrimination appeal with the Civil Service Commission on December 12, 2024. (Ex. Appellant-6).

Blanks testified that Fields received verbal counseling, and Fields' behavior improved following mandated classes. (Tr. at 122-23).

II. ANALYSIS

A. Phoenix Has No Right of Appeal under Civil Service Rule II, § 4.1

Civil Service Rule II, Section 4.1 grants a right of appeal to “[r]egular employees in the classified service.” A “regular employee” is “an employee who has been appointed to a position in the classified service in accordance with the Law and these Rules and who has completed the working test period.” Because Phoenix had not completed her probationary period of one year, she does not have a right to a disciplinary appeal.

B. Phoenix Has a Right to Appeal Alleged Discriminatory Treatment as a Probationary Employee

Louisiana Constitution article X, Section 8 and Civil Service Rule II, Section 4.5 grant a right of appeal to probationary employees who allege they have suffered discrimination based on political beliefs, religious beliefs, sex, or race. Therefore, Phoenix may appeal her termination of employment based on sex discrimination.

1. Standard for Sex Discrimination Appeal

Phoenix has not stated a prima facie case of sex discrimination. In disciplinary actions where the classified employee alleges discrimination, the burden of proof on appeal, **as to the factual basis for the discrimination**, is on the employee. La. Const. art. X, § 8(B); *East v. Office of Inspector Gen.*, 2011-0572 (La. App. 4 Cir. 2/29/12), 87 So. 3d 925, 927 (quoting *Goins v. Dep't of Police*, 570 So.2d 93, 94 (La. App. 4th Cir.1990)). *See also* Civil Service Rule II, §§ 4.4, 4.8.

a. *McDonnell Douglass* burden-shifting

i. *Prima facie* case of discrimination

In order to show a *prima facie* case of discrimination under the *McDonnell Douglass* framework, Richardson must show that (1) she is a member of a protected class; (2) she was qualified for her position; (3) she suffered an adverse employment decision; and (4) similarly situated male employees were treated more favorably. *Richardson v. New Orleans Police Dep't*, 2024-0556 (La. App. 4 Cir. 3/31/25), 418 So. 3d 74, 78, *writ denied*, 2025-00528 (La. 9/10/25), 415 So. 3d 1276 (citing *Guidry v. Glazer's Distributors of Louisiana, Inc.*, 2010-218 (La. App. 3 Cir. 11/3/10), 49 So. 3d 586, 590–91). Phoenix has shown that she is a member of a protected class (female), that she was qualified, and that she suffered an adverse employment action (termination of employment). However, Phoenix has not shown that male employees who were chronically absent from their assigned work area and engaged in excessive cell phone use remained employed.¹ *Richardson*, 418 So. 3d at 78 (holding Appellant not similarly situated to male employees and relying on *Lee v. Kansas City S. Ry. Co.*, 574 F.3d 253, 259–60 (5th Cir. 2009)).

¹ Phoenix has shown that while she was assigned to the Signal Shop, male employees experienced more favorable working conditions. In particular, she has shown that male employees were not assigned menial duties, such as cleaning the restrooms, instead of training. Phoenix has also shown that her supervisor addressed her in a derogatory manner on one occasion based on her sex. Even if these actions rise to the level of a hostile working environment, the

ii. DPW’s legitimate non-discriminatory reason for the probationary period failure

Even if Phoenix has stated a *prima facie* case of discrimination, the burden shifts to DPW to offer a legitimate non-discriminatory reason for the termination of Phoenix’s employment. *Majors v. Dillard Univ.*, 2022-0789 (La. App. 4 Cir. 5/8/23), 368 So. 3d 116, 121. DPW’s Deputy Director testified she observed Phoenix’s absences and inappropriate conduct at City Hall. Duplessie testified about Phoenix’s absences and excessive cell phone use, which Butler had counseled her about in July in 2024.

iii. Whether DPW’s legitimate non-discriminatory reason was pretextual or unworthy of credence

Phoenix is unable to show that DPW’s legitimate non-discriminatory reason is pretextual. In *McDonnell Douglass* burden-shifting, if the employer meets its burden of articulating a legitimate non-discriminatory reason for the adverse employment action, the employee then must show that the reason is a pretext for discrimination. *Robinson v. Bd. of Supervisors for Univ. of Louisiana Sys.*, 2016-2145 (La. 6/29/17), 225 So. 3d 424, 431. “This may be accomplished either directly, by showing that a discriminatory reason more than likely motivated the employer, or indirectly, by showing that the asserted reason is unworthy of credence.” *Id.*

Phoenix has not offered direct evidence that the Deputy Director of DPW, who recommended her termination, was motivated by discriminatory animus. Therefore, she must show that DPW’s reason for her termination is pretextual.

Commission lacks the authority to award relief to Phoenix. *Akins v. Hous. Auth. of New Orleans*, 2003-1086 (La. App. 4 Cir. 9/10/03), 856 So. 2d 1220, 1222, *writ denied*, 2003-2781 (La. 12/19/03), 861 So. 2d 574.

Although Phoenix denies a number of the stated reasons for the termination of her employment, the Commission credits the testimony of Deputy Director Blanks, who testified she personally observed Phoenix's absences and received responses to text messages to Phoenix with explanations such as "I had to go." (Tr. at 113). Blanks also testified she personally observed excessive socializing and loud, inappropriate conversations. (Tr. at 116, 118). The Commission also credits the testimony of Roslyn Duplessie, who testified that she observed absences and excessive cell phone use, especially since Butler had counseled Phoenix about her cell phone use. (Tr. at 96). Phoenix has failed to show that DPW's legitimate, non-discriminatory reasons for her termination of employment were pretextual.

Even under the more lenient *McDonnell Douglass* standard, Phoenix has failed to meet her burden of proof to show the facts constituting the discrimination. La. Const. art. X, § 8(b).

Therefore, Phoenix's appeal based on sex discrimination is denied.

WRITER:



[Mark Surprenant, Commissioner \(Mar 20, 2026 10:34:45 CDT\)](#)

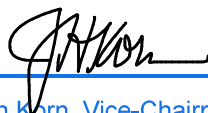
MARK SURPRENANT, COMMISSIONER

CONCUR:



[Brittney Richardson, Chairperson \(Mar 22, 2026 11:06:48 CDT\)](#)

BRITTNEY RICHARDSON, CHAIRPERSON



[John Korn, Vice-Chairperson \(Mar 20, 2026 22:10:32 CDT\)](#)

JOHN KORN, VICE-CHAIRPERSON