



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
SUITE 900 – 1340 POYDRAS ST.  
NEW ORLEANS LA 70112  
(504) 658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
JOHN KORN, VICE-CHAIRPERSON  
MARK SURPRENANT  
RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Friday, November 14, 2025

Mr. Eric Hessler  
PANO 320 N. Carrollton Avenue #202  
New Orleans, LA 70119

Re: **Dwight Boudreaux VS.  
Sewerage & Water Board  
Docket Number: 9710**

Dear Mr. Hessler:

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 - 11/14/2025 - 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, 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: Randy Hayman  
Ashley Ian Smith  
Jay Ginsberg  
Dwight Boudreaux

file



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
SUITE 900 – 1340 POYDRAS ST.  
NEW ORLEANS LA 70112  
(504) 658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
JOHN KORN, VICE-CHAIRPERSON  
MARK SURPRENANT  
RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Friday, November 14, 2025

Mr. Eric Hessler  
PANO 320 N. Carrollton Avenue #202  
New Orleans, LA 70119

Re: **Dwight Boudreaux VS.  
Sewerage & Water Board  
Docket Number: 9711**

Dear Mr. Hessler:

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 - 11/14/2025 - 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, 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: Randy Hayman  
Ashley Ian Smith  
Jay Ginsberg  
Dwight Boudreaux

file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**DWIGHT BOUDREAUX, JR.,  
Appellant**

**Docket Nos. 9710 & 9711**

v.

**SEWERAGE & WATER BOARD,  
Appointing Authority**

**DECISION**

Dwight Boudreaux, Jr. brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from a March 24, 2025, emergency suspension and a May 1, 2025, termination of his employment by the Sewerage & Water Board. (Ex. HE-1(a)-(b)). The emergency suspension and termination of employment were consolidated for hearing. At all relevant times, Appellant had permanent status as a Utility Plant Worker assigned to the Chemical House at the Carrollton Water Plant. (Tr. at 97, 107-08). A Hearing Examiner, appointed by the Commission, presided over a hearing on July 15, 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 October 21, 2025, and controlling Louisiana law.

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

**I. FACTUAL BACKGROUND**

Mr. Boudreaux concedes he tested positive for a marijuana metabolite after a co-worker's March 17, 2025, complaint about drug use by Mr. Boudreaux on duty during the March 16-17, 2025, overnight shift. (Tr. at 4-5). Mr. Boudreaux had a prescription for marijuana, which was

accepted by the Medical Review Officer as medical justification for the positive test result. (Tr. at 4-5; Ex. Appellant-1; Ex. SWB-6).

Mr. Boudreaux worked in the Water Purification Chemical House of the Sewerage & Water Board at the Carrollton Water Plant. (Tr. at 9, 97). His job duties included maintenance, hosing 15-foot deep water basins, cleaning lime lines, moving 300-lb. pumps in and out of water basins, and operating a dredge. (Tr. at 8-10). Mr. Boudreaux was certified to work with dangerous chemicals. (Tr. at 20).

Mr. Boudreaux testified that on March 13, 2025, he reported that his co-workers Rodney Albert and Marvin Jones were sleeping on duty, reporting to work late, and leaving early. (Tr. at 119). He provided video and photos of this misconduct to Kenneth Hopel, the Manager of the Water Purification Chemical House. (Tr. at 8, 119).

During the overnight shift ending March 17, 2025, Mr. Boudreaux was working outdoors with Mr. Albert and Mr. Jones. (Tr. at 10-11). They were operating the dredge, which the Sewerage & Water Board was running 24/7. (Tr. at 10-11). Mr. Boudreaux's supervisor, Mr. Hopel, testified that the dredge "pumps sediment out of the bottom of the basin that settles into a pump that pumps to the river." (Tr. at 10).

Mr. Albert was running the dredge the night of March 16. (Tr. at 44). Mr. Albert testified he observed Mr. Boudreaux smoking marijuana during this overnight shift at approximately 1:30 or 2:00 A.M on March 17. (Tr. at 45). Mr. Albert testified he first smelled marijuana and then observed Mr. Boudreaux with a marijuana cigarette when Mr. Boudreaux came near him to get a chair. (Tr. at 46). He testified Mr. Boudreaux was four or five feet from him when he observed him smoking marijuana. (Tr. at 45). Mr. Albert testified he said to Mr. Boudreaux, "You can't be out here smoking weed." (Tr. at 46).

Mr. Boudreaux denies smoking marijuana on duty and that Mr. Albert made any comment at all to him about marijuana. (Tr. at 114-15). Mr. Boudreaux testified that Mr. Albert falsely accused him in retaliation for Mr. Boudreaux's complaint to Mr. Hopel about Mr. Albert sleeping on duty. (Tr. at 119). Mr. Albert testified he was unaware Mr. Boudreaux had reported him for sleeping on duty. (Tr. at 49).

Mr. Albert reported Mr. Boudreaux's use of marijuana on duty to Mr. Kenneth Hopel at 7:00 A.M. on March 17 2025. (Tr. at 12). Following this report, when Mr. Boudreaux came to the office to sign his time sheet, Mr. Hopel observed that Mr. Boudreaux was quiet and leaning on furniture. (Tr. at 14). Mr. Boudreaux was also wearing dark glasses. (Tr. at 13).

Mr. Hopel contacted Sharita Curtis in Employee Relations about testing Mr. Boudreaux for drug use based on reasonable suspicion. (Tr. at 58). As part of his investigation, Mr. Hopel asked Mr. Jones about whether he observed Mr. Boudreaux smoking marijuana during the overnight shift, and Mr. Jones said he did not want to be involved. (Tr. at 32).

The Sewerage & Water Board suspended Mr. Boudreaux on March 24, 2025, and terminated his employment on May 1, 2025. (Ex. HE-1(a)-(b)).

## II. ANALYSIS

### A. Legal Standard for Commission's Review of 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 (quoting *Stevens v. Dep't of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee's conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, §

8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “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.* “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).

**1. 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. *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”).

**B. The Sewerage & Water Board has Carried its Burden of Showing Cause**

The Sewerage & Water Board has shown the occurrence of the complained-of conduct, marijuana use by Mr. Boudreaux on duty. Kenneth Hopel investigated Mr. Albert’s complaint about the use of marijuana on duty by Mr. Boudreaux. Mr. Hopel observed Mr. Boudreaux leaning on furniture, wearing dark sunglasses, and acting sedate (which was out of character for Mr. Boudreaux, according to Mr. Hopel). (Tr. at 13-14). Mr. Boudreaux concedes he tested positive for a marijuana metabolite but claims this positive test result was caused by his use of marijuana off-duty, as prescribed by a physician. (Tr. at 109-11). However, Mr. Boudreaux also testified that he had not directly informed his co-workers of the marijuana prescription. (Tr. at 125-26).

The Commission credits the testimony of Mr. Albert that Mr. Boudreaux was smoking marijuana on duty. The Commission also credits the testimony of Mr. Hopel that Mr. Boudreaux was wearing dark glasses, leaning on furniture, and acting sedate when he signed his time sheet on March 17, 2025. Based Mr. Hopel’s investigation of Mr. Albert’s complaint, the Commission finds that the Sewerage & Water Board had reasonable suspicion to require Mr. Boudreaux to undergo drug testing. *Crayton v. Sewerage & Water Bd. of New Orleans*, 2023-0728 (La. App. 4 Cir. 7/9/24), 398 So. 3d 68, 75 (Sewerage & Water Board lacked reasonable suspicion when it failed to investigate complaint of alcohol use on duty before requiring employee to submit to drug test).

Although a Louisiana statute prohibits termination of employment when an employee uses marijuana off-duty with a prescription, the statute excepts use of marijuana while on duty. La. R.S. 49:1016.

This conduct impaired the efficient operation of the Sewerage & Water Board. Mr. Boudreaux was receiving extra compensation for a certification to handle chemicals on the shift at issue, so the Sewerage & Water Board considered this position a safety-sensitive position. (Tr. at 20, 99). Mr. Hopel testified that Mr. Boudreaux was working with dangerous chemicals and large basins of water. (Tr. at 20). Mr. Boudreaux could have injured himself or another employee. (Tr. at 106). Further, Mr. Boudreaux could have compromised the safety of the drinking water for the City or caused the Sewerage & Water Board to cease providing water to the City. (Tr. at 98, 106). Alton DeLarge, III, the Assistant Water Purification Superintendent testified that “what we consider a safety sensitive job, anything could happen on that job that could harm the water purification process or others, or that person that we would – that is under the influence at the time.” (Tr. at 99).

**1. The discipline is commensurate with the infraction**

Termination of employment is appropriate for the use of marijuana on duty, especially when the employee is working in a safety-sensitive position with dangerous chemicals.

Mr. Boudreaux’s appeal is DENIED.

WRITER:

  

---

[Brittney Richardson, Chairperson \(Nov 14, 2025 09:53:59 CST\)](#)  

---

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:

  

---

[John Korn, Vice-Chairperson \(Nov 13, 2025 14:29:33 CST\)](#)  

---

JOHN KORN, VICE-CHAIRPERSON



---

Andrew Monteverde, Commissioner (Nov 13, 2025 19:09:25 CST)

---

ANDREW MONTEVERDE, COMMISSIONER