



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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JOHN KORN, VICE-CHAIRPERSON
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Thursday, August 14, 2025

Mr. Zachary Shepherd
2540 Severn Ave., Suite 400
Metairie, LA 70002

Re: **Jonathan Broom VS.**
Department of Fire
Docket Number: 9627

Dear Mr. Shepherd:

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 - 8/14/2025 - 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: Roman Nelson
Max V. Camp
Jay Ginsberg
Jonathan Broom

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JONATHAN BROOM,
Appellant**

Docket No. 9627

v.

**DEPARTMENT OF FIRE,
Appointing Authority**

DECISION

Appellant, Firefighter Jonathan Broom, brings this appeal pursuant to Article X, § 8(B) of the Louisiana Constitution and this Commission's Rule II, § 4.6 seeking relief from the termination of his employment on June 24, 2024. (Exhibit HE-1). Firefighter Broom asserts that he suffered race discrimination and that the Department of Fire (NOFD) violated the Firefighter Bill of Rights. At all relevant times, Appellant was a probationary firefighter. A Hearing Examiner, appointed by the Commission, presided over a hearing on April 22, 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 post-hearing briefs submitted by the parties, the Hearing Examiner's report dated June 21, 2025, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

NOFD hired Jonathan Broom as a firefighter on October 9, 2023. (Tr. at 9). Firefighter Broom disclosed in his June 24, 2023, application that he resigned from the New Orleans Police Department in March 2019 while under investigation for an "unauthorized police pursuit." (Tr. at

57). The NOFD investigators failed to disqualify Firefighter Broom from employment, even though NOFD policy is to disqualify applicants who resign in lieu of discipline. (Tr. at 53, 58).

Firefighter Broom was arrested by St. Tammany law enforcement on May 9, 2024, and he informed NOFD of this arrest on May 10, 2024. (Ex. App-1). NOFD placed him on emergency suspension on May 13, 2024, while it investigated his arrest. (Tr. at 15; Ex. App-4). Firefighter Broom testified that his former fiancée reported to law enforcement in St. Tammany Parish that he had stolen property, even though the property belonged to Firefighter Broom. (Tr. at 11-12; Ex. App-1). He had informed NOFD of the circumstances of the disputed ownership of items of property by a special report dated May 13, 2024. (Ex. App.-1). Firefighter Broom testified that the St. Tammany District Attorney's office refused the charges for felony theft. (Tr. at 13).

Laval Franklin testified he discovered the oversight of NOFD background investigators when he reviewed Firefighter Broom's personnel file during the course of the investigation of the arrest of Firefighter Broom for felony theft. (Tr. at 83).

Despite the dismissal of the theft charges, NOFD Firefighter Broom's employment based on a "personnel records review." (Ex. HE-1).

II. ANALYSIS

A. Application of Firefighter Bill of Rights. La. R.S. 33:2181 *et seq.*

As a threshold issue, the Commission must determine whether the Firefighter Bill of Rights applies to a probationary firefighter. The Firefighter Bill of Rights applies to a "fire employee," defined as "any person employed in the fire department of any municipality . . . under investigation with a view to possible disciplinary action, demotion, or dismissal." La. R.S. § 33:2181(A)(1). The Fourth Circuit Court of Appeal has held that the Police Officer Bill of Rights does not apply to probationary police officers:

It is the opinion of this Court that had the legislature intended to make the sixty-day investigatory period found in La. R.S. 40:2531 applicable to probationary employees and thereby override Civil Service Rules and consistent jurisprudence of long standing concerning appeals, it would have used more explicit language in doing so. Officer Boutte cites no cases recognizing appeal rights for probationary employees under facts analogous to those of this case.

Boutte v. Dep't of Police, 2006-0859 (La. App. 4 Cir. 1/10/07), 950 So. 2d 861, 862. The Police Officer Bill of Rights applies to a “police employee” and a “law enforcement officer,” *inter alia*. La. R.S. 40:2531. This language is analogous to a “fire employee,” so the Firefighter Bill of Rights also does not apply to probationary fire employees. Despite the Fourth Circuit’s invitation, the Louisiana legislature has amended neither the Police Officer Bill of Rights nor the Firefighter Bill of Rights to include probationary firefighters or police officers. Thus, the intent of the legislature is for the Firefighter Bill of Rights and the Police Bill of Rights to apply only to permanent firefighters and police officers.

Therefore, as a probationary employee, Firefighter Broom has no right of appeal under the Firefighter Bill of Rights.

B. Standard for Race Discrimination Appeal

Firefighter Broom has failed to carry his burden of proof to show race discrimination under Civil Service Rule II, § 4.6. 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.

Firefighter Broom argues that NOFD’s discipline based on arrests is a *per se* violation of Title VII of the Civil Rights Act of 1964 and Louisiana law. (Appellant’s Post-Hearing Brief).

NOFD terminated Firefighter Broom because it discovered he resigned from NOPD while under investigation for unauthorized police pursuit, which it had overlooked when hiring Firefighter Broom. (Tr. at 53, 58). Firefighter Broom offered no evidence that disqualifying applicants who resigned while under investigation from NOPD constitutes racial discrimination. Therefore, Firefighter Broom has failed to carry his burden to show that his termination was based on racial discrimination.

Firefighter Broom's appeal is DENIED.

WRITER:

Mark Surprenant, Commissioner
Mark Surprenant, Commissioner (Aug 13, 2025 10:00:15 CDT)

MARK SURPRENANT, COMMISSIONER

CONCUR:

John Korn
John Korn, Vice-Chairperson (Aug 13, 2025 14:42:18 CDT)

JOHN KORN, VICE-CHAIRPERSON

Ruth White Davis
Ruth Davis, Commissioner (Aug 14, 2025 14:31:28 CDT)

RUTH DAVIS, COMMISSIONER