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

Tuesday, March 23, 2021

Mr. Paul Lambert

Re: **Paul Lambert VS.**
Department of Human Services
Docket Number: 8896

Dear Mr. Lambert:

Attached is the decision of the City Civil Service Commission in the matter of your 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 - 3/23/2021 - 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,

Stacie Joseph
Management Services Division

cc: Kyshun Webster
Michael J. Laughlin
Alexandra Mora
file

CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS

PAUL LAMBERT **DOCKET NO. 8896**

VERSUS

NEW ORLEANS YOUTH STUDY CENTER

DECISION

Appellant, Paul Lambert (hereinafter "Appellant"), brings the instant appeal pursuant to Article X, §8(A) of the Louisiana Constitution and this Commission's Rule II, §4.1, asking this Commission to find that the New Orleans Youth Study Center (hereinafter "Appointing Authority") did not have sufficient cause to reprimand him. At all times relevant to the instant appeal, Appellant was employed as an Executive Assistant to the Director and had permanent status as a classified employee.

The below Commissioners have reviewed the transcript from the April 10, 2019, hearing, all exhibits introduced into the record, and the May 21, 2019 hearing officer's report. After reviewing this record, we DENY the Appellant's appeal.

An appointing authority may discipline an employee with permanent status in the classified service for sufficient cause. La. Con. Art. X, § 8(A). If an employee believes that an appointing authority issued discipline without sufficient cause, he may bring an appeal before this Commission. *Id.* It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, an 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).

If the Commission finds that an appointing authority has met its initial burden and had sufficient cause to issue discipline, it must then determine if that discipline "was commensurate with the infraction." *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197 (citing *Walters v. Dep't of Police of City of New Orleans*, 454 So.2d 106, 113 (La. 1984)). Thus, the analysis has three distinct steps with the appointing authority bearing the burden of proof at each step.

The evidence presented at the hearing was clear that the appellant was part of a group asked by Dr. Webster on December 17, 2018 to develop and implement a plan to make sure that the facility's vehicles were kept clean and maintained on a regular basis. As of January 9, 2019, the appellant had failed to take any specific action in compliance with the directive received on December 17, 2018. (Tr. at 4, 5, 25-26, 53, 59, 65-66). Therefore, the Appointing Authority met its burden of showing the occurrence of the complained-of conduct and the impairment to the efficient operation of the Youth Study Center. The discipline was commensurate with the violation. The January 10, 2019 written letter of reprimand (Defendant's Exhibit 1) was appropriately issued to the appellant.

New Orleans, Louisiana, this 23 day of March, 2021.

WRITER:
Mark C. Surprenant
Mark C. Surprenant (Mar 12, 2021 10:20 CST)
MARK SURPRENANT
COMMISSIONER

CONCUR:
CJ Moore
CJ Moore (Mar 17, 2021 05:55 CDT)
CLIFTON J. MOORE, JR.
VICE-CHAIRPERSON

J. H. Korn
J. H. Korn (Mar 23, 2021 15:24 CDT)

JOHN KORN
COMMISSIONER