



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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DIRECTOR OF PERSONNEL

Tuesday, February 11, 2025

Mr. Louis Robein  
2540 Severn Avenue, Suite 400  
Metairie, LA 70002

Re: **Patrick Dehon VS.  
Department of Fire  
Docket Number: 9568**

Dear Mr. Robein:

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 - 2/11/2025 - 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 blue ink that reads "Stacie Joseph".

Stacie Joseph  
Management Services Division

cc: Roman Nelson  
William R. H. Goforth  
Jay Ginsberg  
Patrick Dehon

file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**PATRICK DEHON,  
Appellant**

**Docket No. 9568**

v.

**DEPARTMENT OF FIRE,  
Appointing Authority**

**DECISION**

On March 4, 2024, Appellant, Patrick Dehon, filed a disciplinary appeal of the Department of Fire's (NOFD) decision to place him on leave without pay for his absences on February 8, 2024, and February 11, 2024, instead of granting him sick leave. (Ex. Appellant-11). At its regular meeting on May 30, 2024, the Commission heard oral argument on NOFD's motion for summary disposition, and the parties agreed to convert the disciplinary appeal into a request for investigation. The Commission entered an order on June 6, 2024, granting NOFD's motion for summary disposition as to the disciplinary appeal but converting the disciplinary appeal into a request for investigation. In accordance with this order, Captain Dehon filed a petition for investigation on June 10, 2024, pursuant to La. Const. art. X, § 10 into NOFD's alleged failure to comply with Civil Service Rules concerning sick leave. A Hearing Examiner, appointed by the Commission, presided over a hearing on August 7, 2024. 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 from the parties, the Hearing Examiner's report dated November 15, 2024, and controlling Louisiana law.

For the reasons set forth below, the Commission finds that NOFD has violated Civil Service Rule VIII, § 5.1(c).

### **I. FACTUAL BACKGROUND**

Captain Dehon was absent from work for two consecutive regularly scheduled shifts, on February 8, 2024, and February 11, 2024, with the flu. (Tr. at 32; Ex. Appellant-4). On February 8, 2024, he visited his sister-in-law, an emergency room physician at West Jefferson Medical Center. (Tr. at 16). The physician gave him a note dated February 8, 2024, on West Jefferson Medical Center letterhead excusing him from work from February 8-12 because of a viral illness. (Tr. at 33; Ex. Appellant-4). His physician did not enter the visit into the West Jefferson medical records system so that Captain Dehon would not be charged for the visit. (Tr. at 24; Ex. Appellant-6).

Captain Dehon provided the note to NOFD on his return to work on February 14, 2024. (Tr. at 46; Ex. Appellnat-11). According to the Superintendent of Fire, Roman Nelson, NOFD human resources' practice is to validate sick leave. (Tr. at 100). The human resources Fire Administrator, Tomekia Dunkley-Edmond, informed Captain Dehon on February 15 by email that she was "unable to validate" his note. (Ex. Appellant-1). Captain Dehon offered to allow Ms. Dunkley-Edmond to speak to his physician so that she could verify the note and the reason for the absence. (Tr. at 17). Captain Dehon's physician confirmed to Ms. Dunkley-Edmond that she treated Captain Dehon, and the physician offered to provide confirmation that she was working in the emergency room on the date on February 8, 2024. (Tr. at 32, 50, 82; Ex. Appellant-6). Even though his physician confirmed that Captain Dehon saw her at West Jefferson Medical Center and that he was ill with the flu, Ms. Dunkley-Edmond informed Captain Dehon that NOFD would not accept the doctor's note because it was not coded correctly through the hospital. (Tr. at 18; Exs.

Appellant-6, Appellant-8). Ms. Dunkley-Edmond requested on February 20, 2024, that Captain Dehon supplement his documentation for the February 8 and 11 absences by close of business that same day. (Ex. Appellant-2). Ms. Dunkley-Edmond explained that she requested follow-up paperwork from Captain Dehon because there was no coding on the bottom of the paperwork. (Tr. at 17, 41; Ex. Appellant-6). Ms. Dunkley-Edmond testified that West Jefferson Medical Center had no record of Captain Dehon's visit, and a representative of the hospital informed her by phone that physicians were not permitted to treat patients without entering the information into the medical records system. (Tr. at 55, 68-70). Ultimately, NOFD placed Captain Dehon on leave without pay (LWOP) for the dates of his absence from work because Captain Dehon failed to provide an official doctor's note under NOFD SOP ADM-31-24. (Tr. at 22, 103).

## II. ANALYSIS

City of New Orleans employees hired after December 31, 1978, accrue sick leave at a rate of half of a leave day for each bi-weekly pay period. Civil Service Rule VIII, § 2.1. This sick leave has cash value, and it may also be used for retirement credits. Civil Service Rule VIII, § 2. Civil Service Rule VIII, § 2.5 requires an employee who has taken sick leave to "file with his or her appointing authority a letter stating the cause of the absence from work." The Department of Fire adopted SOP ADM-31-24 because of sick leave abuse in the department. *See* Civil Service Rule VIII, § 2.5(b) (authorizing an appointing authority to require a "statement from a registered physician or some other acceptable proof that the employee was ill" if there is doubt about the validity of the use of sick leave). Civil Service Rule VIII, § 2.5(b) authorizes NOFD to require a statement from a registered physician for an absence of less than six working days if the employee has been notified of the policies and conditions under which a physician's certificate will be

required. Civil Service Rule VIII, § 5.1(c) allows an Appointing Authority to place an employee on leave without pay if the employee fails to obtain prior authorization for an absence:

At the discretion of the Appointing Authority, any employee who is absent from work without prior authorization may be carried on leave without pay for that time period on all payroll records. Such action shall not be termed as disciplinary and hence shall not warrant an appeal to the Commission.


Section 8.1.1 SOP ADM-31-24 requires a firefighter to inform the coordinating Fire Captain in the Platoon Deputy's Office of his inability to report to work by 6:30 AM of the morning of his assigned 24-hour shift. (Ex. Appellant-12). If a firefighter is absent for two consecutive shifts, then the firefighter must provide a doctor's note when he returns to work. (Ex. Appellant-12, SOP ADM-31-24, § 8.3.1(a)). The definition of a "doctor's note" in SOP ADM 31-24 includes an "official note from the treating physician" with the date the firefighter was seen by the physician and the diagnosis. (Ex. Appellant-12, SOP ADM-31-24 § 4.4).

In this case, Captain Dehon had prior authorization for his absence. Captain Dehon called in sick in advance of each shift, as required by SOP ADM-31-24. Then, in accordance with Civil Service Rule VIII, § 2.5(b) and SOP ADM-31-24, Captain Dehon provided an official doctor's note when he returned to work on February 14, 2024, reflecting the date of the visit and the diagnosis. (Ex. Appellant-4). Notably, NOFD has not disciplined Captain Dehon for sick leave abuse, suggesting that NOFD credits Captain Dehon's version of events. (Tr. at 58, 80-81).


Therefore, the Commission finds that NOFD has violated Civil Service Rule VIII, § 5.1(c), concerning use of sick leave, and Civil Service Rule VIII, § 2.5(b), concerning leave without pay, by carrying Captain Dehon on leave without pay for his absences on February 8, 2024, and February 11, 2024, even though he had prior authorization and supplied an official doctor's note


on his return to work. NOFD shall retroactively grant Captain Dehon sick leave for February 8, 2024, and February 11, 2024.

WRITER:

  
Brittney Richardson (Feb 10, 2025 18:48 CST)  
BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:

  
JOHN KORN, VICE-CHAIRPERSON

  
Ruth Davis (Feb 6, 2025 10:20 CST)  
RUTH DAVIS, COMMISSIONER