



# CITY OF NEW ORLEANS

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

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, November 13, 2023

Mr. Kendrick Jones

Re: **Kendrick Jones VS.  
Department of Fire  
Docket Number: 9488**

Dear Mr. Jones:

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 - 11/13/2023 - 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, Sec.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  
William R. H. Goforth  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**KENDRICK JONES,  
Appellant**

**Docket No. 9488**

**v.**

**DEPARTMENT OF FIRE,  
Appointing Authority**

**DECISION**

Appellant, Kendrick Jones, 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 \$327 fine imposed by the Department of Fire. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Fire Captain. (Ex. HE-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on September 11, 2023. 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 October 26, 2023, and controlling Louisiana law.

For the reasons set forth below, Captain Jones's appeal is GRANTED.

**I. FACTUAL BACKGROUND**

In or about February or March of 2023, Operator Craig Collignon, who serves as the quartermaster for the supply annex, inspected the personal protective equipment assigned to individual firefighters. (Tr. at 39). Operator Collignon discovered that Captain Jones had replaced the original face shield of his helmet with another face shield, including drilling new holes in the

helmet. (Tr. at 22, 29). Collignon re-issued Captain Jones a new helmet without the modifications. (Tr. at 49). At some point before May 26, 2023, Captain Jones also lost his flashlight. (Tr. at 37-38).

Operator Collignon prepared a spreadsheet of the equipment that failed the inspection, and supplied the information to his superior, Captain Jason Dufrene. (Tr. at 47). Chief Armand Bourdais, the Deputy Superintendent of Operations, informed the Fire Administrator, who facilitates Human Resources for the Department of Fire, of the results of Collignon's compliance check. (Tr. at 69). The Fire Administrator determined that Captain Jones had violated NOFD and CAO policies and sought reimbursement from Captain Jones in the amount of \$240 for the helmet and \$87 for the flashlight. (Tr. at 72, 76, 80). Chief Bourdais sent Captain Jones a letter dated May 18, 2023, setting forth the policies violated and the requirement of reimbursement for the helmet. (Ex. NOFD-4). By letter dated May 26, 2023, Chief Bourdais sought reimbursement for the lost flashlight from Captain Jones. (Ex. NOFD-5). Both of these letters recite that a "discussion regarding this letter has taken place at the time the letter was handed to you." (Ex. NOFD-4; Ex. NOFD-5).

After the Department of Civil Service informed the Department of Fire that the fine was disciplinary, the Department of Fire sent Captain Jones a disciplinary letter dated June 26, 2023, informing him of the fine and his right of appeal. (Ex. HE-1).

## II. ANALYSIS

### A. Firefighter Bill of Rights, La. R.S. 33:2181

As a threshold issue, any discipline of Captain Jones by the Department of Fire must comply with the Firefighter Bill of Rights, La. R.S. 33:2181 *et seq.* 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). Any discipline imposed without strict compliance with the minimum standards is an absolute nullity. La. R.S. § 33:2181(C). Because the Department of Fire did not initially consider the fine disciplinary in nature, it failed to comply with several provisions of the Firefighter Bill of Rights, including providing a copy of the statute to Captain Jones and advising him that he could have a representative present during the May 18 and May 24 investigations. La. R.S. 33:2181(B)(4-6).

Although the Department of Fire now argues that the reimbursement sought from Captain Jones was not a fine, the June 26, 2023, letter of discipline states that the discipline is based on Rule IX. (Ex. HE-1). Civil Service Rule IX, section 1.1(f) includes “fine” as one of the seven listed types of discipline. Louisiana prohibits employers from imposing fines on employees, except when the employee negligently or intentionally damages the property of the employer. La. R.S. 23:635. When an employee damages his employer’s property, “the *fin*es shall not exceed the actual damage done.” La. R.S. 23:635 (emphasis added). Therefore, a request for “reimbursement” for damage to the Department of Fire’s property is a fine.

Because the fine is a disciplinary action under Civil Service Rule IX, Section 1.1(f), the Department of Fire should have complied with the Firefighter Bill of Rights. Because the Department of Fire failed to comply with the Firefighter Bill of Rights, the discipline is an absolute nullity.

Captain Jones’s appeal is GRANTED. The Department of Fire shall reimburse Captain Jones for any deductions from his wages under the June 26, 2023, letter of discipline.

This the 13<sup>th</sup> day of November, 2023.

WRITER:

J H Korn

J H Korn (Nov 10, 2023 10:07 CST)

JOHN KORN, VICE-CHAIRPERSON

CONCUR:

Mark C. Surprenant

Mark C. Surprenant (Nov 9, 2023 11:46 CST)

MARK SURPRENANT, COMMISSIONER

Ruth White Davis

Ruth Davis (Nov 12, 2023 21:09 CST)

RUTH DAVIS, COMMISSIONER