



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 H. KORN, VICE-CHAIRPERSON
MARK SURPRENANT
RUTH WHITE DAVIS
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Monday, August 10, 2026

Ms. Rhonda Oliver

Re: **Rhonda Oliver VS.
Sewerage & Water Board
Docket Number: 9684 c/w 9880**

Dear Ms. Oliver:

Attached is the action of the Civil Service Commission on Monday, August 10, 2026.

Yours very truly,

A handwritten signature in purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Randy Hayman
Ashley Ian Smith
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**RHONDA OLIVER,
Appellant**

Docket No. 9684 c/w 9880

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

ORDER

Ms. Oliver filed a Motion to Enforce under Civil Service Rule II, Section 11.1 on April 22, 2026, seeking reinstatement, back pay, and emoluments. Rule II, § 11.1 provides that the Appointing Authority “where appropriate” must pay “reimbursement for all back wages and emoluments due.” The Commission heard oral argument on this motion at its June 12, 2026, regular meeting.

The Sewerage & Water Board terminated Oliver’s employment on November 21, 2024. The Commission denied Oliver’s appeal on July 21, 2025. The Fourth Circuit Court of Appeal reversed the Commission’s decision on March 4, 2026, on procedural due process grounds. *Oliver v. Sewerage & Water Board*, 2025-CA-0551 (La. App. 4 Cir. 3/4/26). Specifically, the Fourth Circuit relied on the discrepancies in the pre-termination notice and the letter of termination and the Sewerage & Water Board’s failure to consider Ms. Oliver’s written submission at the pre-termination hearing. The Fourth Circuit remanded the appeal to the Sewerage & Water Board to “reinstitute the termination proceedings against Ms. Oliver consistent with this opinion.” The Sewerage & Water Board terminated Ms. Oliver’s employment on May 14, 2026, and Ms. Oliver appealed this termination (docket number 9880).

The Commission granted Ms. Oliver's Motion to Enforce on June 22, 2026, remanding the matter to the hearing examiner for a calculation of back pay and emoluments following receipt of evidence of same and any interim earnings under La. R.S. 49:113 from November 21, 2024, to May 14, 2026. *Perkins v. Sewerage & Water Bd.*, 95-1031 (La. App. 4 Cir. 2/29/96), 669 So. 2d 736, 730. The hearing examiner issued a report on July 6, 2026, with a partial calculation of back pay and emoluments. This report is attached. In his report, the hearing examiner left the record open for submission of the cost of health insurance if Ms. Oliver had remained employed. The Sewerage & Water Board has now provided the total cost of health insurance for an employee during the relevant time period.

The Commission adopts the recommendations and legal analysis of the hearing examiner. Based on the documents submitted by the parties, which are made a part of the record, and the hearing officer's examiner's report, the Commission calculates the back wages and emoluments due to Ms. Oliver as follows:

Gross Wages	\$ 50,095.72
Gross Terminal Leave	\$ 4,185.89
Gross cost of health insurance (COBRA)	\$10,725.71
Gross Total	\$ 65,007.32

Employee health insurance contribution	- \$ 1,539.58
W-2 Wages 2024 for 28 working days	- \$ 2,591.08
Self-employment income 2024 for 28 working days	- \$ 80.77
Total offset	- \$ 4,211.43

NET BACK PAY AND EMOLUMENTS OF EMPLOYMENT: \$ 60,795.89

The Sewerage & Water Board shall reimburse Ms. Oliver for back pay and emoluments of employment in the amount of \$60,795.89 for the time period November 21, 2024, to May 14, 2026, within ten (10) days of this Order.



Brittney Richardson (Aug 9, 2026 11:17:39 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON



John Korn (Jul 30, 2026 13:28:36 CDT)

JOHN KORN, VICE-CHAIRPERSON



Mark c. Surprenant (Jul 30, 2026 12:05:19 CDT)

MARK SURPRENANT, COMMISSIONER



Ruth Davis (Jul 30, 2026 23:39:42 CDT)

RUTH DAVIS, COMMISSIONER



Andrew Monteverde (Jul 30, 2026 18:27:50 GMT+2)

ANDREW MONTEVERDE, COMMISSIONER

RHONDA OLIVER

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

SEWERAGE & WATER BOARD

DOCKET NO. 9684 C/W 9880

HEARING EXAMINER'S REPORT

I. INTRODUCTION

By Order dated June 18, 2026, the Civil Service Commission granted the Appellant's Motion to Enforce and remanded this matter to the Hearing Examiner for the limited purpose of calculating the amount of back pay and emoluments due to Ms. Rhonda Oliver. The Commission directed that the calculation encompass the period from November 21, 2024, the date of Ms. Oliver's original termination, through May 14, 2026, the date of her second termination. The Commission further directed that any award be reduced by the amount of interim earnings, as provided by La. R.S. 49:113, based upon the Appellant's tax returns and other records of earnings. (Commission June 18, 2026 Order.)

This Report is submitted in compliance with the Commission's Order. Its purpose is limited to determining the amount of back pay and emoluments due, together with the appropriate offset, if any, for interim earnings. The Commission has already determined that the Appellant is entitled to back pay and emoluments. Accordingly, that issue is not before the Hearing Examiner, whose sole responsibility is to calculate the amount due in accordance with the Commission's Order and applicable law.

II. APPLICABLE LAW

The Commission directed that the calculation of back pay and emoluments be made in accordance with La. R.S. 49:113. Under that statute, an employee who has been illegally discharged is entitled to recover the salaries, wages, and emoluments withheld during the period of the illegal separation. The statute further provides that the award shall be reduced by the amount of wages and salaries earned by the employee in private employment during the same period.

Accordingly, the Hearing Examiner's responsibility on remand is limited to determining: (1) the salaries, wages, and emoluments the Appellant would have received during the applicable period; (2) the amount of any interim earnings that must be credited as an offset pursuant to La. R.S. 49:113; and (3) the net amount of back pay and emoluments due under the Commission's Order.

Because the Commission has already determined the Appellant's entitlement to back pay and emoluments, issues relating to entitlement are not before the Hearing Examiner. Likewise, claims for relief that fall outside the Commission's Order or the remedies authorized by La. R.S. 49:113 are beyond the scope of this proceeding and are not addressed in this Report.

III. APPOINTING AUTHORITY'S CALCULATIONS

The Appointing Authority submitted a detailed draft calculation of the Appellant's back pay and emoluments for the period of November 21, 2024, through May 14, 2026.

The submission identifies the applicable rates of pay during the relevant periods, calculates the gross wages the Appellant would have earned, applies the appropriate payroll deductions, and calculates accrued annual and sick leave, including the value of terminal leave. Based upon those calculations, the Appointing Authority concludes that the Appellant is entitled to gross wages in the amount of **\$50,095.72** and gross terminal leave in the amount of **\$4,185.89**, for total gross back pay and emoluments of **\$54,281.61**, before any offset for interim earnings. (Appointing Authority's Draft Back pay calculations)

The Appointing Authority's calculations do not include the value of the employer-provided health insurance benefit during the period of separation. Health insurance constitutes an employment emolument. The Hearing Examiner recommends that the Commission include, as an employment emolument, the value of the Appellant's health insurance benefit during the period of separation, measured by the Appellant's COBRA premium payments, less the amount the Appellant would have been required to contribute toward those premiums had she remained employed.

IV. APPELLANT'S SUBMISSION

Pursuant to the Commission's Order, the Appellant submitted copies of her federal income tax returns for tax years 2024 and 2025, together with a spreadsheet reflecting her calculation of the amount she contends is due. The tax returns were submitted for the purpose of determining the appropriate offset for interim earnings. The Appellant did

not submit copies of her Forms W-2, but the W-2 wages are reflected on the tax returns.

(Appellant's Federal Income Tax Returns for Tax Years 2024 and 2025.)

The Appellant's spreadsheet is not limited to the issue of interim earnings. Rather, it includes various items that the Appellant contends should be included in the back pay award, including reimbursement of COBRA premiums, court filing fees, preparation of the appellate record, postage, leave-related amounts, and other miscellaneous items. To the extent those claims fall outside the Commission's Order or the remedies authorized by La. R.S. 49:113, they are not considered in calculating the amount of back pay and emoluments due. The issue of health insurance benefits has been addressed separately in this Report. (Appellant's Back Pay Calculation Spreadsheet.)

The remaining sources of income require separate consideration. Under *Balancier v. Sewerage & Water Bd. of New Orleans*, 2024-0154 (La. App. 4 Cir. 9/23/24), 399 So. 3d 792, interim earnings subject to offset include wages and salaries earned in private employment as well as earnings derived from independent contractor or self-employment during the relevant period. Accordingly, the Appellant's self-employment income constitutes interim earnings subject to the statutory offset. Unemployment compensation and investment income, however, do not constitute wages or salaries earned in private employment within the meaning of La. R.S. 49:113.

V. FINDINGS OF FACT

The Hearing Examiner finds that the Appointing Authority's calculation accurately identifies the wages, leave benefits, and terminal leave the Appellant would have earned during the period from November 21, 2024, through May 14, 2026, subject to the inclusion of the value of the Appellant's health insurance benefit as discussed herein. (Appointing Authority's Draft Back Pay Calculation.)

The Hearing Examiner further finds that the Appellant's federal income tax returns constitute competent evidence of her interim earnings during the relevant period. Although the Appellant did not submit copies of her Forms W-2, the wages reported on her federal income tax returns provide a sufficient evidentiary basis for determining wages earned in private employment. (Appellant's Federal Income Tax Returns for Tax Years 2024 and 2025.)

The Hearing Examiner further finds that the Appellant's spreadsheet does not constitute reliable evidence of interim earnings. Rather, it primarily reflects the Appellant's position regarding additional amounts she believes should be included in the back pay award. To the extent those claims exceed the scope of the Commission's Order or the remedies authorized by La. R.S. 49:113, they are not considered in determining the amount of back pay and emoluments due. (Appellant's Back Pay Calculation Spreadsheet.)

The Hearing Examiner further finds that the appropriate statutory offset should include all interim earnings recognized under La. R.S. 49:113, including wages earned in private employment and self-employment income during the relevant period. The Appellant's 2024 federal income tax return reflects such interim earnings. The Appellant's 2025 federal income tax return reflects no interim earnings during the relevant period, and the Appellant has represented that she had no earnings during the period of January 1, 2026, through May 14, 2026. Accordingly, the statutory offset is limited to the Appellant's 2024 interim earnings. (Appellant's Federal Income Tax Returns for Tax Years 2024 and 2025.)

VI. ANALYSIS AND RECOMMENDATION

The evidence submitted by the parties provides a sufficient basis for the Commission to determine the amount of back pay and emoluments due the Appellant pursuant to its Order of June 18, 2026. The Hearing Examiner finds that the Appointing Authority's calculations provide an appropriate foundation for determining the award, with the modifications recommended in this Report.

The Hearing Examiner recommends that the Appointing Authority's calculations be supplemented to include the value of the Appellant's health insurance benefit during the period of separation as an employment emolument. That amount should be measured by the Appellant's COBRA premium payments, less the amount the Appellant would

have been required to contribute toward health insurance premiums had she remained employed.

The Hearing Examiner further recommends that the statutory offset include all interim earnings recognized under La. R.S. 49:113, including wages earned in private employment and self-employment income during the relevant period. Consistent with *Balancier*, the statutory offset encompasses earnings received as an employee and as an independent contractor or through self-employment. Unemployment compensation and investment income should not be included in the statutory offset.

Based upon the foregoing findings and recommendations, the Hearing Examiner recommends that the Commission direct the Appointing Authority to revise its back pay calculations consistent with this Report and submit the revised calculations to the Commission for entry of a final award. Because the remaining issues involve the application of these findings to the mathematical calculation of back pay and the statutory offset for interim earnings, the Hearing Examiner does not believe that further evidentiary proceedings are necessary.

Should the Commission determine that additional proceedings are necessary, the Hearing Examiner remains available to assist the Commission as directed.

July 6, 2026

DATE



HEARING EXAMINER
JAY GINSBERG