



CITY OF NEW ORLEANS

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CITY CIVIL SERVICE COMMISSION
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Wednesday, March 4, 2026

Mr. Christopher Ross

Re: **Christopher Ross VS.
Sewerage & Water Board
Docket Number: 9778**

Dear Mr. Ross:

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 - 3/4/2026 - 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 purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Randy Hayman
Tiffany Green
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**CHRISTOPHER ROSS,
Appellant**

Docket No. 9778

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Christopher Ross 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 three-day suspension communicated by letter from the Sewerage & Water Board dated August 18, 2025. (Ex. SWB-2). At all relevant times, Appellant had permanent status at the Sewerage & Water Board as a Senior Tech II in Networks. (Tr. at 15). The Hearing Examiner appointed by the Commission presided over a hearing on November 5, 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 Hearing Examiner's report dated January 2, 2026, and controlling Louisiana law.

For the reasons set forth below, Mr. Ross's appeal is GRANTED.

I. FACTUAL BACKGROUND

Mr. Ross, a 15-year employee of the Sewerage & Water Board, drove a Sewerage & Water Board vehicle to the off-premises worksite on May 13, 2025. (Tr. at 13; Ex. SWB-4). Mr. Ross takes the same route as the work crew to the worksite. (Tr. at 29). En route to the worksite on May 13, Mr. Ross stopped at the Chevron gas station next to Church's Chicken on Chef Menteur

Highway. (Tr. at 19-20). Mr. Ross admitted that he failed to wear his seatbelt on this occasion. (Tr. at 19).

Mr. Ross and his immediate supervisor, Cory Lagarde, testified that Mr. Lagarde gave Mr. Ross permission to stop to pick up ice because the ice machine was not working. (Tr. at 19-20, 46). Mr. Lagarde also testified that when Mark McAcy, the Networks Zone Supervisor, later asked him if he had given Mr. Ross permission to stop and get ice, he informed Mr. McAcy that he had given Mr. Ross permission. (Tr. at 46-47). Mr. Lagarde also testified that he always gives Mr. Ross permission to stop when Mr. Ross requests such permission. (Tr. at 45).

Mr. McAcy, who was not at the worksite on May 13, requested that a Sewerage & Water Board staff member pull the in-cab video from Mr. Ross's trip in the vehicle on May 13. (Tr. at 28, 51). Mr. McAcy testified that he reviewed the video, discovering that Mr. Ross had stopped on the way to the worksite and that Mr. Ross was not wearing a seatbelt. (Tr. at 32). This video was entered into evidence as SWB-4. According to Mr. McAcy, when questioned about permission for the stop on May 13, Mr. Lagarde informed him that he had not given Mr. Ross permission to stop. (Tr. at 32).

Jerome Marshall, who supervises Mr. Lagarde, testified that he recalled giving Mr. Ross permission to stop and get ice, but he believed the permission was given the week of May 5. (Tr. at 59).

The Sewerage & Water Board suspended Mr. Ross for three days for making an unauthorized stop and for failing to wear his seatbelt. (Ex. SWB-2).

II. ANALYSIS

A. Legal Standard for Commission's Review of Discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police Dep’t*, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.* “It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the 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).

1. The Appointing Authority must show the discipline was commensurate with the infraction

The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for suspending the classified employee and, if so,

whether such discipline was commensurate with the dereliction. *Durning v. New Orleans Police Dep't*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984). The Appointing Authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep't of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

B. Sewerage & Water Board’s Burden to Show Cause

1. The Sewerage & Water Board failed to show that Mr. Ross made an unauthorized stop

The Sewerage & Water Board has not shown that Mr. Ross engaged in the complained-of behavior of making an unauthorized stop. Mr. Ross and his supervisor, Mr. Lagarde, testified that he had permission to stop on the way to the worksite to pick up ice. The Commission credits the testimony of Mr. Lagarde. Mr. Lagarde testified he informed Mr. McAcy, who was not present on the worksite on May 13, that he had given permission to Mr. Ross to pick up ice.

2. The Sewerage & Water Board carried its burden of showing cause as to the seatbelt violation

The Sewerage & Water Board has shown that Mr. Ross failed to wear a seatbelt on May 13. This behavior impairs the efficient operation of the Sewerage & Water Board, as Mr. Ross is exposed to a higher likelihood of injury while driving a Sewerage & Water Board vehicle without a seatbelt.

a. The penalty for failure to wear a seatbelt is not commensurate with the violation

Although the Sewerage & Water Board carried its burden to show that Mr. Ross was driving without a seatbelt on May 13, the record shows that he had been counseled about this failure on one other occasion. (Tr. at 23). The Sewerage & Water Board policy requires five violations of the seatbelt policy before formal discipline is imposed, so no formal discipline is appropriate based on a second infraction. (Ex. SWB-3).

Mr. Ross's appeal is GRANTED. The Sewerage & Water Board shall reimburse Mr. Ross for the three-day suspension, along with all emoluments of employment.

WRITER: *Andrew Monteverde, Commissioner*
Andrew Monteverde, Commissioner (Feb 27, 2026 21:16:37 CST)
ANDREW MONTEVERDE, COMMISSIONER

CONCUR: *Mark Surprenant, Commissioner*
Mark Surprenant, Commissioner (Feb 27, 2026 15:42:58 CST)
MARK SURPRENANT, COMMISSIONER

Ruth Davis
Ruth Davis, Commissioner (Mar 3, 2026 17:45:03 CST)
RUTH DAVIS, COMMISSIONER