



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
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ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Thursday, June 4, 2026

Ms. Zuri McCormick

Re: **Zuri McCormick VS.  
New Orleans Public Library  
Docket Number: 9755**

Dear Ms. McCormick:

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 - 6/4/2026 - 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: Emily Painton  
Sherri Hutton  
Bryce Murray  
file



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Thursday, June 4, 2026

Ms. Zuri McCormick

Re: **Zuri McCormick VS.  
New Orleans Public Library  
Docket Number: 9767**

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Doddie K. Smith  
Chief, Management Services Division

cc: Emily Painton  
Sherri Hutton  
Bryce Murray  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**ZURI McCORMICK,  
Appellant**

**Docket Nos. 9755, 9767**

**v.**

**NEW ORLEANS PUBLIC LIBRARY,  
Appointing Authority**

**DECISION**

Zuri McCormick appeals a letter of reprimand issued on June 17, 2025, by the New Orleans Public Library (NOPL) (No. 9755) and a three-day suspension imposed by the New Orleans Public Library on July 28, 2025 (No. 9767). (Exs. HE-1, HE-2). Permanent classified employees may appeal discipline pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1. At all relevant times, Appellant was a permanent employee working as a Library Associate II.

A Hearing Examiner, appointed by the Commission, presided over a hearing on December 30, 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 March 4, 2026, and controlling Louisiana law.

On May 11, 2026, the Commission issued an order requesting that the parties supplement the record with the collective bargaining agreement. Counsel for NOPL has provided the 2025 collective bargaining agreement between the City of New Orleans and the American Federation of State, County and Municipal Employees Union, Council 17 (AFSCME), and the collective bargaining agreement is now part of the record as Exhibit Commission-1.

For the reasons set forth below, Ms. McCormick's appeal is DENIED.

## I. FACTUAL BACKGROUND

Katy Hepner became the Regional Manager of the New Orleans East Regional Library and Region 1 in March of 2025. (Tr. at 53). Ms. Hepner directly supervises Ms. McCormick. (Tr. at 10). Shortly after her tenure began, Ms. Hepner sought to meet with Ms. McCormick about a pattern of conduct, including Ms. McCormick's failure to work her assigned hour at the Tech Lab desk on March 17, 2025. (Tr. at 12). According to an email from Ms. McCormick's co-worker MP to Ms. Hepner, Ms. McCormick decided not to work the last hour at the Tech Lab when she learned that MP was also scheduled to work the hour. (Tr. at 13; Ex. CNO-3). When Ms. McCormick learned both she and MP were assigned to work the final hour, she told MP he could "save" the employee working the previous shift. (Ex. CNO-3). On March 19, Ms. Hepner emailed the employees under her supervision that they should not take breaks while assigned to a public-facing desk. (Ex. CNO-4).

On March 24, 2025, at about 4:30, Ms. Hepner stopped by the Tech Lab to say goodbye to the staff. (Tr. at 17). Even though Ms. Hepner had assigned Ms. McCormick to the desk in the Tech Lab from 4:00-5:00, Ms. McCormick had left for the day. (Tr. at 17). Ms. Hepner emailed Ms. McCormick about her early departure that day and Ms. Hepner's general expectation that NOPL employees work four to five hour shifts at public service desks. (Ex. CNO-5).

Later that evening, Ms. McCormick asked for copies of CAO Policy 83(R) and NOPL's Employee Conduct Policy in response to Ms. Hepner's March 19 email to all staff. (Ex. CNO-4). On March 25, 2025, Ms. Hepner attached the documents and provided excerpts of the relevant policies in the text of her email to Ms. McCormick the next day. (Ex. CNO-4).

On June 3, 2025, another co-worker informed Ms. Hepner that Ms. McCormick had been talking about union business at the front desk and that Ms. McCormick failed to report to the Tech Lab for her shift in a timely manner. (Ex. CNO-6).

On June 12, 2025, Ms. Hepner asked Ms. McCormick to meet with her in person about these issues. (Tr. at 23-25, 61). Ms. McCormick asked Ms. Hepner to tell her the issues to be discussed, so Ms. Hepner emailed Ms. McCormick a list of the issues on June 13. (Tr. at 66; Ex. CNO-8). Ms. McCormick refused to meet with Ms. Hepner without a union representative present, even though Ms. Hepner told her the meeting would not be disciplinary in nature. (Tr. at 29, 67). Ms. McCormick failed to respond to Ms. Hepner's email scheduling the meeting. (Tr. at 30).

On June 17, 2026, NOPL issued a letter of reprimand to Ms. McCormick for neglect of duty, including refusing to meet with Ms. Hepner, discussing union business at the front desk, engaging in extended conversations with patrons, and failing to report to assigned shifts at public-facing desks on time. (Ex. HE-1).

The applicable collective bargaining agreement was signed on June 23, 2025, by AFSCME, on June 26, 2025 by the Mayor, and effective when approved by the City Council. (Ex. Commission-1).

After an email exchange, on July 8, 2025, Ms. Hepner scheduled leave for Ms. McCormick on July 15 beginning at 11:30 to take a civil service exam (including lunch and travel time), returning to the branch at 4:30 PM. (Ex. CNO-9). On July 15, Ms. McCormick requested that her lunch be moved to 5:00 on July 17. (Ex. CNO-10; Tr. at 34). After Ms. Hepner denied this request, Ms. McCormick failed to clock out at 11:30 and then failed to return to work following her Civil Service exam. (Tr. at 35, 76, 119). Instead, Ms. McCormick requested sick leave. (Tr. at 76). Ms.

McCormick testified that she was experiencing pain from a back/neck condition, and that she sought medical treatment. (Tr. at 127, 178).

Ms. McCormick also failed to complete assigned continuing education training by the NOPL deadline. (Tr. at 36; Ex. CNO-11). The Training Coordinator instructed NOPL employees to send the certificate of completion to the employee's immediate supervisor and to the Training Coordinator. (Tr. at 40). According to a screenshot from the training platform in September of 2025, Ms. McCormick had failed to complete mandatory trainings in Ethics, Defensive Driving, and Sexual Harassment by the internal NOPL deadlines set forth in an April 26, 2025, email from the Training Coordinator. (Tr. at 88-91, 124; Ex. CNO-11, Ex. CNO-12). Ms. McCormick had also failed to email the certificate(s) to her supervisor. (Tr. at 88-89). Ms. McCormick testified that the mandatory trainings were not yet due because she had completed trainings in 2024. (Tr. at 130).

Ms. McCormick failed to make at least two journal entries in the City of New Orleans performance evaluation platform about her own performance, as required by NOPL. (Tr. at 46).

Ms. McCormick also failed to submit an emergency contact form. (Tr. at 47, 83-85).

## II. ANALYSIS

### A. Legal Standard for Commission's Review of Discipline

#### 1. The Appointing Authority must show cause for 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, 574 (quoting *Stevens v. Dep't of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). The Appointing Authority has the burden of proof of showing cause: “On appeal, the appointing authority ‘must prove by a preponderance of the

evidence good or lawful cause for taking disciplinary action.’ ” *Jackson v. Sewerage & Water Bd. of New Orleans*, 2024-0801 (La. App. 4 Cir. 4/25/25), 414 So. 3d 984, 988–89; *Whitaker*, 863 So. 2d at 574. “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). “Simplified, before the Commission, the appointing authority has the burden of proving a trio of elements—(1) the occurrence of the complained-of conduct—misconduct; (2) the impairment, as a result of the misconduct, of the department's efficiency; and (3) the imposition of discipline commensurate with the misconduct—punishment.” *Do v. Dep’t of Safety & Permits*, 2025-0062 (La. App. 4 Cir. 7/14/25), 424 So. 3d 103, 109, *writ denied*, 2025-01098 (La. 11/12/25), 420 So. 3d 714.

**a. The Appointing Authority must show the impairment of the efficiency of the public service**

“Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Whitaker*, 863 So. 2d at 574. “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “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.*

**2. 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 disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Do*, 424 So. 3d at 109; *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”).

**a. Factors considered by Commission**

“In determining whether discipline is commensurate with the infraction, the Civil Service Commission considers the nature of the offense as well as the employee’s work record and previous disciplinary record.” *Matusoff v. Dep't of Fire*, 2019-0932 (La. App. 4 Cir. 5/20/20), 2020 Westlaw 2562940, *writ denied*, 2020-00955 (La. 10/20/20), 303 So. 3d 313. The Commission considers the nature of the offense, the employee’s work ethic, prior disciplinary records, job evaluations, and any grievances filed by the employee.” *Honore v. Dep't of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So. 3d 1120, 1131, *writ denied*, 2015-2161 (La. 1/25/16), 185 So. 3d 749.

## **B. NOPL has Shown Cause for the Discipline of Ms. McCormick**

### **1. Letter of Reprimand**

NOPL has shown the occurrence of the complained-of activity set forth in the letter of reprimand. Most importantly, NOPL has shown that Ms. McCormick refused to meet with her immediate supervisor to receive feedback about performance issues. Even if the collective bargaining agreement authorized the presence of a union representative,<sup>1</sup> the collective bargaining agreement was not yet in effect. NOPL has also shown that Ms. McCormick failed to report to her assigned desk in a timely manner and that she discussed union business at the front desk.

This refusal to meet with Ms. Hepner impaired the efficient operation of NOPL, as Ms. McCormick's behavior hampered Ms. Hepner's attempts to supervise her. Ms. McCormick's failure to report timely to her desk assignment and to work the entire time assigned impacted the morale of her co-workers. (Tr. at 147). Emily Painton, the Executive Director of NOPL testified that the pattern of conduct had a "broader effect to our ability to serve the public." (Tr. at 147).

#### **a. The Letter of Reprimand is commensurate with the violation**

Ms. McCormick's refusal to meet with her supervisor to receive feedback about her performance, standing alone, is commensurate with the penalty of a letter of reprimand, the least severe form of discipline.

Ms. Hepner had informed Ms. McCormick that the other issues listed in the letter of reprimand were non-disciplinary, so the undersigned Commissioners find that a letter of reprimand for the remaining conduct is not commensurate with the violations. (Tr. at 24, 29).

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<sup>1</sup> See Commission-1 at Article 11, ¶ C ("if the employee believes the appointing authority is considering disciplinary action against them, the employee may request that a union representative be present to observe the meeting").

## **2. Three-day suspension**

NOPL has shown the occurrence of the complained-of conduct outlined in the July 23, 2025, disciplinary letter informing Ms. McCormick of her suspension. The undersigned Commissioners find that Ms. McCormick's failure to return to the branch after her request for an adjustment to schedule was denied was more likely than not due to Ms. McCormick's displeasure with her schedule. Ms. McCormick also failed to complete all mandatory assigned training by the NOPL deadline and failed to provide certificates of completion to her direct supervisor as instructed. Ms. McCormick failed to complete journal entries about her performance, as required by NOPL, and failed to submit an emergency contact form.


This conduct impaired the efficient operation of NOPL. Ms. McCormick's failure to return to the branch as scheduled on July 15 affected staffing. Ms. McCormick exhibited a pattern of failing to perform assigned "off-desk" duties, including training, internal self-evaluations, and the emergency contact form. Failure to perform assigned job duties necessarily impaired the efficient operation of NOPL. Ms. Painton testified that NOPL expects staff to complete training, even if the time is not protected. (Tr. at 143). Some of the assigned training is required by law. (Tr. at 143).

### **a. The three-day suspension is commensurate with the violation**


NOPL engaged in progressive discipline, issuing Ms. McCormick a letter of reprimand for neglect of duty, including her refusal to meet with Ms. Hepner. Ms. McCormick continued to ignore assigned training, internal assignments related to the performance evaluation process, and the request for an emergency contact. Ms. McCormick also failed to comply with the schedule assigned by Ms. Hepner on July 15. A three-day suspension is commensurate with Ms. McCormick's failure to attend to her duties and return to work as scheduled.

Therefore, Ms. McCormick's appeal is DENIED.

WRITER:

  
Ruth Davis (Jun 3, 2026 17:56:24 CDT)  
RUTH DAVIS, COMMISSIONER

CONCUR:

  
John Korn (Jun 3, 2026 12:39:22 CDT)  
JOHN KORN, VICE-CHAIRPERSON

### **DISSENT BY COMMISSIONER MONTEVERDE**

I would grant Ms. McCormick's appeal of the letter of reprimand and reduce the three-day suspension to a one-day suspension.

#### **A. Letter of Reprimand**

As for the letter of reprimand, NOPL carried its burden of proving the occurrence of the complained-of conduct but failed to show that formal discipline was warranted for any of the conduct at issue.

#### **1. NOPL should not rely on any of the complained-of conduct contained in the letter of reprimand.**

NOPL has shown the occurrence of the complained-of conduct set forth in the letter of reprimand. I agree that NOPL has shown that Ms. McCormick failed to report to her assigned desk in a timely manner and that she discussed union business at the front desk. Because Ms. Hepner assured Ms. McCormick she intended only to counsel Ms. McCormick for these issues, (Tr. at 24, 29), NOPL should not now rely on this conduct as a basis for formal discipline. NOPL also showed that Ms. McCormick refused to meet with Ms. Hepner about job performance issues outside the presence of her union representative, but the collective bargaining agreement executed by

AFSCME and the Mayor shortly thereafter gave Ms. McCormick the right to insist on union representation.

As the majority notes, the collective bargaining agreement was signed by AFSCME representatives on June 23, 2025, and by the Mayor on June 26, 2025. (Ex. Commission-1). By its terms, the collective bargaining agreement was not effective until approved by the City Council. (Ex. Commission-1). Execution of the collective bargaining agreement began six days after the issuance of the letter of reprimand. (Ex. Commission -1). The collective bargaining agreement explicitly allows the presence of a union representative when the employee believes the appointing authority is considering disciplinary action against the employee. (Ex. Commission-1 at Article 11, ¶ C). Likewise, the City's recently enacted collective bargaining ordinance provides that an employee may request union representation during "any examination of bargaining unit employees by a representative of the city in connection with an investigation if the employee reasonably believes that the examination involves matters covered by any collective bargaining agreement then in effect, and the employee requests representation." City of New Orleans Code § 114.409(f)(1). Since NOPL ultimately disciplined Ms. McCormick for the underlying conduct, Ms. McCormick's belief that NOPL was considering disciplinary action was reasonable. Therefore, once the collective bargaining agreement became effective, Ms. McCormick was entitled to union representation under the terms of the agreement and City Code § 114.409(f)(1). NOPL's characterization of Ms. McCormick's conduct as a refusal to receive feedback from her supervisor is disingenuous when Ms. McCormick was simply (perhaps prematurely) asserting her rights under the collective bargaining agreement.

NOPL may not have violated the letter of the collective bargaining agreement by disciplining Ms. McCormick for requesting the presence of a union representative, but NOPL did


violate the spirit of the City's collective bargaining ordinance and the duty of good faith that attends the bargaining process. City of New Orleans Code § 114-400 *et seq.* Under these circumstances, NOPL could have exercised good faith by allowing the union representative to attend the counseling meeting with Ms. Hepner or, at a minimum, by engaging in a discussion with Ms. McCormick or her bargaining representative about the underlying legal issue – particularly so close to the date of ratification of the collective bargaining agreement.

**2. The letter of reprimand is not commensurate with the proven violations.**

The letter of reprimand is not commensurate with the complained-of conduct. Ms. Hepner had informed Ms. McCormick that the meeting she requested was non-disciplinary. (Tr. at 24, 29). In advance of this non-disciplinary meeting, Ms. Hepner listed the issues she intended to address with Ms. McCormick, including discussing union business at the front desk and failing to report to the assigned desk on time. (Ex. CNO-8). Only after Ms. McCormick requested union representation did this conduct warrant formal discipline. Therefore, I agree with the majority that based on NOPL's own representations, a letter of reprimand is not commensurate with the complained-of conduct proven by NOPL. In fact, the issuance of the letter of reprimand following Ms. McCormick's attempt to raise her perceived right to union representation suggests the possibility of retaliation.

**B. Three-day Suspension**

Because I would grant the appeal of the letter of reprimand, I would reduce the three-day suspension to a one-day suspension based on a lack of progressive discipline.

  
Andrew Monteverde (Jun 3, 2026 16:06:40 CDT)  
ANDREW MONTEVERDE, COMMISSIONER