



CITY OF NEW ORLEANS

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DIRECTOR OF PERSONNEL

Friday, January 23, 2026

Ms. Monique Dorsey-Hall
1631 Elysian Fields Avenue
New Orleans, LA 70117

Re: **Johnell Brown VS.
Sewerage & Water Board
Docket Number: 9759**

Dear Ms. Dorsey-Hall:

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 - 1/23/2026 - 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
Ashley Ian Smith
Bryce Murray
Johnell Brown
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JOHNELL BROWN,
Appellant**

Docket No. 9759

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Johnell Brown 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 letter of reprimand issued by the Sewerage & Water Board on June 27, 2025. (Ex. HE-1). At all relevant times, Appellant had permanent status as an Office Worker in Purchasing. (Tr. at 7). A Hearing Examiner, appointed by the Commission, presided over a hearing on September 18, 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 November 14, 2025, and controlling Louisiana law.

For the reasons set forth below, Mr. Brown's appeal is GRANTED in part and DENIED in part.

I. FACTUAL BACKGROUND

Johnell Brown transferred from Sewerage & Water Board Customer Service to Procurement effective April 21, 2025. (Tr. at 9). Amber Brown, Administrative Supervisor and Travel Manager, became his direct supervisor in mid-May of 2025. (Tr. at 85). Amber Brown reports to Cashanna Moses, the Director of Procurement. (Tr. at 9, 46, 89). Johnell Brown works

as the receptionist, and he is stationed at the front desk. (Tr. at 93-94). Johnell Brown answers the phone and greets visitors. (Tr. at 93-94). He is also responsible for disinfecting surfaces in the office area and the conference room. (Tr. at 11, Ex. JB-1).

Amber Brown testified that their legal name is “Shauntay-Simone Brown,” but they prefer to be called “Amber.” (Tr. at 49). Amber Brown’s preferred pronouns are “they/them.” (Tr. at 58).

Amber Brown testified that they received complaints from four or five employees about Brown’s cologne. (Tr. at 52). In addition, an employee in the office is sensitive to strong scents. (Tr. at 53, 70). This employee asked to move her desk because of Brown’s cologne. (Tr. at 104). Amber Brown testified they instructed Johnell Brown to use Pledge in the conference room and Lysol wipes in the office. (Tr. at 60). In addition, Amber Brown testified she never told Johnell Brown to spray Febreze, and they instructed him to stop spraying Lysol. (Tr. at 63).

In a meeting on June 10, 2025, with Amber Brown and Moses, Amber Brown instructed Johnell Brown to “tone down” the cologne he was wearing. (Tr. at 18; Ex. SWB-3). Brown testified he stopped wearing that particular cologne and began wearing a “lighter fragrance.” (Tr. at 36). Brown testified that he accidentally called Amber Brown “Shauntay” on two occasions after this meeting, even though Amber Brown had asked him to refer to them as “Amber.” (Tr. at 23). Johnell Brown explained that Amber Brown’s email address reflects their legal name, and vendors occasionally asked for “Shauntay.” (Tr. at 23). Johnell Brown also testified that Amber Brown’s email badge identifies Amber Brown as “Shauntay.” (Tr. at 23).

Amber Brown testified that Johnell Brown had never called them “Shauntay” before the June 10 meeting. (Tr. at 66). Moses testified she viewed Johnell Brown’s failure to refer to his supervisor by their preferred name as disrespectful. (Tr. at 109).

On June 25, 2025, Cashanna Moses discussed professional conduct expectations with Brown. (Tr. at 25). Moses also asked Brown not to spray Lysol on two separate occasions. (Tr. at 114).

On June 27, 2025, Johnell Brown emailed Moses to ask for clarification about spraying and/or wiping down surfaces. (Ex. JB-2). Johnell Brown testified that he was confused by Amber Brown's instruction to him to spray Lysol in the conference room. (Tr. at 37).

Amber Brown prepared a written statement on June 27, 2025, to Moses about how Johnell Brown's failure to refer to them as "Amber" felt malicious. (Ex. SWB-4). In addition, at Moses' request, on June 27, one employee in Procurement sent an email to Moses corroborating Moses' instruction to Johnell Brown on June 26 not to spray Lysol. (Ex. SWB-10). Another employee emailed Moses at Moses' request on June 27 to document that Johnell Brown sprayed Febreze on June 27, despite Moses instructing Johnell Brown not to spray any aerosols in the office and to use Lysol wipes to disinfect surfaces. (Ex. SWB-10). The second employee stated that "[t]he smell was very strong and irritating to me." (Ex. SWB-10).

Johnell Brown testified that he has no issue with referring to his supervisor as "Amber," and he can stop spraying air freshener and Lysol in the office. (Tr. at 32-33). Johnell Brown testified he could also come to work without wearing cologne. (Tr. at 32).

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 disciplining 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. The Sewerage & Water Board has Carried its Burden of Showing Cause

Despite repeated requests to “tone down” his cologne and to stop spraying disinfectants and air fresheners in the office, Johnell Brown continued this conduct. Whether Johnell Brown was confused about the cleaning products or defiant, Johnell Brown failed to follow his supervisors’ instructions. Also, whether Johnell Brown was unaware of the strength of his “lighter scent” or simply disregarded instructions from his superiors, he failed to follow instructions.

It is unclear whether Johnell Brown called his supervisor “Shauntay” intentionally, or accidentally, as he testified. Therefore, the Sewerage & Water Board did not carry its burden of showing that Johnell Brown was disrespectful to Amber Brown.

The scents in the office impaired the efficient operation of the Sewerage & Water Board, as his superiors had to field complaints and accommodate one employee who is sensitive to scents.

1. The discipline is commensurate with the infraction

Standing alone, Johnell Brown’s reference to his supervisor as “Shauntay” rather than “Amber” on a few occasions, does not rise to the level of a letter of reprimand in the absence of any verbal counseling, given Johnell Brown’s testimony that the references were accidental. A letter of reprimand, the least severe form of discipline, is commensurate with Johnell Brown’s failure to follow the instructions of his supervisors about cleaning products and cologne.

Johnell Brown’s appeal is GRANTED in part and DENIED in part.

The Sewerage & Water Board shall re-issue the letter of reprimand, removing all references to Johnell Brown’s failure to call his supervisor by their preferred name.

WRITER:


Brittney Richardson, Chairperson (Jan 23, 2026 13:32:51 CST)
BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:

Mark Surprenant, Commissioner
Mark Surprenant, Commissioner (Jan 22, 2026 13:06:28 CST)
MARK SURPRENANT, COMMISSIONER

Andrew Monteverde, Commissioner
Andrew Monteverde, Commissioner (Jan 22, 2026 11:10:23 CST)
ANDREW MONTEVERDE, COMMISSIONER