



# 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  
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DIRECTOR OF PERSONNEL

Friday, February 20, 2026

Ms. Jessica Vasquez  
400 Poydras Street, Ste. 900  
New Orleans, LA 70130

Re: **Lawrence Horton III VS.  
Sewerage & Water Board  
Docket Number: 9571**

Dear Ms. Vasquez:

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 - 2/20/2026 - 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  
Lawrence Horton

file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**LAWRENCE HORTON, III**  
**Appellant**

**Docket No. 9571**

v.

**SEWERAGE & WATER BOARD,**  
**Appointing Authority**

**DECISION**

Lawrence Horton, III brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from ten-day suspension communicated by letter dated February 27, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status at the Sewerage & Water Board as a Utility Plant Worker, and he was physically located at the Algiers Water Plant. (Tr. at 61). The hearing of this matter was delayed because of the parties' attempts to reach a settlement. Approval of the settlement was on the Commission's docket in July 2024 and in September 2024. The Hearing Examiner, appointed by the Commission, conducted a status conference about the settlement on June 11, 2025. After settlement failed, the Hearing Examiner presided over a hearing on October 17, 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 December 8, 2025, and controlling Louisiana law.

For the reasons set forth below, Mr. Horton's appeal is **GRANTED IN PART** and **DENIED IN PART**.

## I. FACTUAL BACKGROUND

The Sewerage & Water Board suspended Horton for ten days because on December 28, 2023, he “caused a near-miss incident by entering the water [in the filter gallery], turning on the breaker, and exposing [him]rself and others to electricity.” (Ex. HE-1). The Sewerage & Water Board relief on a “history of insubordination” and failure to follow safety protocols, causing “numerous safety concerns in the workplace.” (Ex. HE-1). The Sewerage & Water Board cited specific safety incidents in 2022 and 2023 in the disciplinary letter, but no further evidence was provided about these prior incidents. (Ex. HE-1). The Sewerage & Water Board determined Horton engaged in willful negligence and was unwilling to perform his job duties under its Progressive Discipline Policy, in addition to violating its Professional Conduct Policy. (Ex. HE-1; Ex. SWBNO-2). At the hearing, the Human Resources Director testified that the penalty was based on a second offense of willful negligence. (Tr. at 42-43).

Edward Azemas, a Water Purification Supervisor, testified that he instructed Horton to use the sump pump to remove the rainwater in the old filter gallery. (Tr. at 9). Instead, Horton put on hip boots to wade through the water to use the electric switch. (Tr. at 10). The water was higher than the top of the hip boots. (Tr. at 10). Horton testified that the water was waist-high. (Tr. at 63). According to Azemas, Horton could have been electrocuted. (Tr. at 10).

Craig Williams, Sr., the Lead Safety Coordinator, characterized the incident as a near-miss caused by human error. (Tr. at 30). Williams testified that “water and electricity don’t mix.” (Tr. at 32). Williams also testified Horton was the only employee involved, but Horton’s failure to follow his supervisor’s instruction could have been fatal to Horton. (Tr. at 26). Williams recommended a letter of reprimand. (Tr. at 38).

The Interim Human Resources Director testified that the first instance of a willful act of negligence is a warning, and the second offense is a ten-day suspension. (Tr. at 42-43). The Sewerage & Water Board had imposed no formal discipline on Horton before this incident. (Tr. at 44).

Horton testified he never heard Azemas's instruction not to go in the water. (Tr. at 65). Horton testified that "it's just a breaker you have to hit." (Tr. at 63). According to Horton, he put on waders, as in the past, to reach the breaker box. (Tr. at 63). When he hit the breaker box, the pump begins working. (Tr. at 67).

## 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**

The Commission credits the testimony of Edward Azemas based on the totality of the record. The Sewerage & Water Board carried its burden of showing that Horton waded through the water to turn on the electric switch despite Azemas’s instruction to Horton not to enter the

water. The Sewerage & Water Board did not show that Horton exposed others to electricity, as Horton was the only employee affected. (Tr. at 22).

The near-miss impaired the efficient operation of the Sewerage & Water Board, as Horton created a dangerous condition for himself.

**1. The discipline is commensurate with the infraction**


The discipline is not commensurate with the infraction. Despite the Sewerage & Water Board's reliance on earlier safety incidents in the disciplinary letter, the Sewerage & Water Board offered no evidence of these incidents at the hearing. The Sewerage & Water Board has never imposed formal discipline on Horton.

The penalty for the first offense of willful negligence is a fine, reduction in pay, or five-day suspension. (Ex. SWBNO-2 at 6). Each of the penalties for a first offense constitutes formal discipline. The penalty for a second offense is a ten-day suspension or termination. (Ex. SWBNO-2 at 6).

Because Horton was the only employee exposed to danger and no injury resulted, the Commission reduces the penalty to a five-day suspension.

Horton's appeal is GRANTED IN PART and DENIED IN PART. The Sewerage & Water Board shall reimburse Horton his wages for five days of the suspension, along with all emoluments of employment.

WRITER:

  
Ruth Davis, Commissioner (Feb 9, 2026 13:54:38 CST)  
RUTH DAVIS, COMMISSIONER

CONCUR:



Brittney Richardson, Chairperson (Feb 19, 2026 13:01:58 CST)

BRITTNEY RICHARDSON, CHAIRPERSON



John Korn, Vice-Chairperson (Feb 9, 2026 16:25:50 CST)

JOHN KORN, VICE-CHAIRPERSON