



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
CLIFTON J. MOORE JR., VICE-CHAIRPERSON  
JOHN H. KORN  
MARK SURPRENANT  
RUTH WHITE DAVIS

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, January 24, 2022

Ms. Darlene Brown

Re: **Darlene Brown VS.  
New Orleans Aviation Board  
Docket Number: 9275**

Dear Ms. Brown:

Attached is the decision of the City Civil Service Commission in the matter of your 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 - 1/24/2022 - 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: Kevin Dolliole  
Debra J. Fischman  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**DARLENE BROWN,  
Appellant**

**Docket No. 9275**

**v.**

**NEW ORLEANS AVIATION BOARD,  
Appointing Authority**

**DECISION**

Appellant, Darlene 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 an April 22, 2021 letter of reprimand. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Senior Airport Communications Specialist. A Hearing Examiner, appointed by the Commission, presided over a hearing on July 6, 2021. 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 August 9, 2021, and controlling Louisiana law. The undersigned Commissioners adopt the attached Hearing Examiner's report, denying Ms. Brown's appeal.

This the 24<sup>th</sup> day of January, 2022

WRITER:

Mark C. Surprenant  
Mark C. Surprenant (Jan 18, 2022 17:04 CST)

MARK SURPRENANT, COMMISSIONER

CONCUR:

Brian  
Brittney Richardson (Jan 19, 2022 07:34 CST)

BRITTNEY RICHARDSON, CHAIRPERSON

CJ Moore  
CJ MOORE (Jan 24, 2022 06:34 CST)

CLIFTON J. MOORE, JR., COMMISSIONER

DARLINE BROWN

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

NEW ORLEANS AVIATION BOARD

NO. 9275

HEARING EXAMINER'S REPORT

The New Orleans Aviation Board (“Appointing Authority”) employs Darlene Brown (“Appellant”) as a Senior Airport Communications Specialist with permanent status. The Appointing Authority reprimanded the Appellant by letter dated April 22, 2021, after determining that she violated the Aviation Board’s Code of Conduct by calling a co-worker a “stupid ass”. (H.E. 1).

The facts are not in dispute. Lynetta Smith is the Appellant’s immediate supervisor who works in close proximity to the Appellant. She testified that she overheard an exchange between the Appellant and another employee, Melanie Roberts. The exchange concerned Ms. Roberts’s refusal to dispatch an electrician after receiving a request to do so by the Appellant. At the end of the exchange, Ms. Smith overheard the Appellant call Ms. Roberts a “stupid ass”. Ms. Smith acknowledged that Ms. Roberts was acting unreasonably, and that the Appellant was provoked. Notwithstanding the provocation, Ms. Smith concluded that the Appellant’s reaction was inappropriate and reported the incident to her immediate supervisor, Brian Raley, the Airport Communications Manager. (Tr. at 37 – 44).

Mr. Raley, conducted an internal investigation and recommended that the Appellant receive a letter of reprimand based upon the undisputed facts and the

Appellant's employment record. Mr. Raley testified that the Appellant had received counseling on two previous occasions regarding negative interactions with her co-workers. While the previous incidents were minor and did not warrant formal disciplinary action, Mr. Raley determined that the Appellant had shown a pattern of behavior that warranted progressive discipline when she chose to express herself to a co-worker using inappropriate language. (Tr. at 12 – 22; NOAB Exh.'s 2 and 3).

The Appellant testified that the two previous incidents were harmless exchanges between herself and her co-workers. She stated that she called Ms. Roberts a "stupid ass" because she was provoked. She contends that she has been singled out because the type of behavior for which she was previously counseled, and ultimately reprimanded, occurs on a regular basis and she is the only one who has received formal discipline. However, she also acknowledged that she does not know whether or not her co-workers have received reprimands for similar behavior. The Appellant stated that she is an employee with over twenty years on the job, that she does her job well, and that she does not deserve discipline for a momentary lapse in judgment. (Tr. at 48 -64).

### CONCLUSION

The Appointing Authority has established by a preponderance of evidence that it disciplined the Appellant for cause. The Appellant used inappropriate language towards a co-worker which violated the Appointing Authority's internal policy. The previous counseling sessions were only considered for purposes of

progressive discipline. The fact that they did not rise to a level of severity to warrant formal discipline does not prevent the Appellant from considering those incidents when determining the appropriate penalty for a more serious act of misconduct. This is particularly the case when there is no dispute that the previous incidents occurred as evidenced by NOAB Exhibits 1 and 2.

Considering the foregoing, the Appellant's appeal should be DENIED.

\_\_\_\_\_  
August 9, 2021  
DATE

\_\_\_\_\_  
s/ Jay Ginsberg  
HEARING EXAMINER