



# 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  
BRITTNEY RICHARDSON, CHAIRPERSON  
JOHN H. KORN, VICE-CHAIRPERSON  
MARK SURPRENANT  
RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Thursday, February 1, 2024

Ms. Rowena Jones  
1340 Poydras St., Suite 600  
New Orleans, LA 70112

Re: **Tyshawn Green VS.  
Sewerage & Water Board  
Docket Number: 9536**

Dear Ms. Jones:

Attached is the action of the Civil Service Commission at the Commission's meeting on Friday, 1/19/2024.

Yours very truly,

A handwritten signature in blue ink that reads "Doddie K. Smith". The signature is written in a cursive style.

Doddie K. Smith  
Chief, Management Services Division

cc: Ghassan Korban  
Chanelle Collins  
Tyshawn Green  
file



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Thursday, February 1, 2024

Ms. Rowena Jones  
1340 Poydras St., Suite 600  
New Orleans, LA 70112

Re: **Tyshawn Green VS.  
Sewerage & Water Board  
Docket Number: 9537**

Dear Ms. Jones:

Attached is the action of the Civil Service Commission at the Commission's meeting on Friday, 1/19/2024.

Yours very truly,

A handwritten signature in blue ink that reads "Doddie K. Smith".

Doddie K. Smith  
Chief, Management Services Division

cc: Ghassan Korban  
Chanelle Collins  
Tyshawn Green  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**TYSHAWN GREEN,  
Appellant**

**Docket Nos. 9536, 9537**

v.

**SEWERAGE & WATER BOARD,  
Appointing Authority**

**ORDER**

The Sewerage & Water Board moved for summary disposition of both of Mr. Green's appeals on January 2, 2024, on the bases that Mr. Green failed to comply with Civil Service Rule II, section 4.7 by failing to provide sufficient information and by relying on time-barred conduct. The Commission heard oral argument at its January 19, 2024, regular meeting. Both the Sewerage & Water Board and Mr. Green were represented by counsel.

Civil Service Rule II, section 4.7 reads as follows:

Persons alleging discrimination under Sections 4.5 and 4.6 of this Rule shall file an appeal with the Civil Service Commission within thirty (30) calendar days of the alleged discriminatory act. This appeal shall contain the following information:

- (a) The type of alleged discrimination.
- (b) The name(s) of the person(s) alleged to have committed the discriminatory act(s).
- (c) The date(s) of such act(s).
- (d) Where and in what manner such act(s) occurred

In his December 8, 2024, discrimination appeal form (docket number 9536), filed *pro se*, Mr. Green has alleged sex discrimination on the part of two supervisors by name, Lakeisha Stewart and Monique Chatters. He states in his appeal form that this discrimination occurred in October and November of 2023. Mr. Green failed to describe where and in what manner the acts occurred in the body of the discrimination appeal form.

However, in a January 2, 2024, opposition (in the form of an email to Civil Service Staff, also *pro se*), Mr. Green stated that he is a transgender male. He identified another employee who talked to him about his pronouns on November 13, 2023: “As we was doing the route he said my pronouns wrong and I ask him . . . where did you get she from that’s not my pronouns.” He stated in this email that Ms. Stewart told this co-worker “all my personal business about my sexuality.” Mr. Green then complained to Monique Chatters on November 13, 2023, about Ms. Stewart’s statements about his gender to his co-worker. Mr. Green also alleged that Ms. Stewart then stopped speaking to him on November 14, 2023. Mr. Green also complained about being denied overtime opportunities and being assigned to read meters without a partner.

In 2020, the United States Supreme Court held that Title VII’s prohibition against sex discrimination included protection for transgender persons. The Court reasoned that “[f]or an employer to discriminate against employees for being homosexual or transgender, the employer must intentionally discriminate against individual men and women in part because of sex. That has always been prohibited by Title VII’s plain terms—and that ‘should be the end of the analysis.’” *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731, 1743 (2020). Mr. Green alleges at least one incident of harassment based on transgender status during the 30-day period preceding the filing of his discrimination appeal, the November 13, 2023, incident. To the extent Mr. Green relies on conduct before November 9, 2023, these incidents are time-barred.

The Commission grants leave to Mr. Green to supplement his appeal to include all allegations of sex discrimination during the relevant time period. During oral argument, the Sewerage & Water Board relied on the Commission’s decision in *McClendon v. Sewerage & Water Bd.*, No. 9386 (Civil Service Commission 11/4/2022), for the proposition that the additional information supplied by Mr. Green in his January 2, 2024, opposition/email is untimely. Unlike

the instant situation, Mr. McClendon, who was represented by counsel, attempted to file a discrimination appeal as an amendment to his disciplinary appeal more than 30 days after the letter of termination. *See McClendon v. Sewerage & Water Bd.*, No. 9386 at 6 (Civil Service Commission 5/11/23),<sup>1</sup> *appeal filed*, No. 2023-CA-0531 (La. App. 4 Cir. argued 1/11/24) (discussing procedural history). In the instant appeal, Mr. Green is providing supplemental information about his timely filed *pro se* discrimination appeal.

The Sewerage & Water Board also moved for summary disposition of Mr. Green's *pro se* whistleblower appeal (docket number 9537) based on a failure to provide sufficient information. Civil Service Rule II, section 10.1 reads as follows:

No employee shall be subjected to discipline or discriminatory treatment by an appointing authority because he or she gives information, testimony or evidence in a prudent manner to appropriate authorities concerning conduct prohibited by law or regulation which he or she reasonably believes to have been engaged in by any person(s). If the employee incurs such treatment despite this admonition, he or she shall have a right of appeal to this Commission.

Mr. Green alleged that the Sewerage & Water Board terminated his employment after he complained of sex discrimination in the body of his appeal form. In his January 2, 2024, opposition/email Mr. Green explained he identifies as male, and he complained about his supervisor instructing co-workers to treat him as female. After Mr. Green complained to Ms. Stewart's supervisor, the Sewerage & Water Board terminated his employment on December 1, 2023. Mr. Green alleged the Sewerage & Water Board terminated his employment based on this complaint, so Mr. Green has supplied all the information required by Civil Service Rule II, section 10.1.

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<sup>1</sup> The Commission's decision is publicly available online at [nola.gov/getattachment/bd0ed48d-5894-4b29-855e-b706ea13c641/LaBarron-McClendon-v-SWB-9386/](https://nola.gov/getattachment/bd0ed48d-5894-4b29-855e-b706ea13c641/LaBarron-McClendon-v-SWB-9386/).

To the extent these allegations are not included in Mr. Green's appeal form, the Commission grants leave to Mr. Green to supplement his whistleblower appeal.

Mr. Green shall file all supplements to his discrimination and whistleblower appeals within ten (10) days of this order.

New Orleans, Louisiana, this the 1st day of February, 2024.



Brittney Richardson (Jan 31, 2024 13:18 CST)

BRITTNEY RICHARDSON, CHAIRPERSON



J H Korn (Jan 30, 2024 20:36 CST)

JOHN KORN, VICE-CHAIRPERSON



Andrew Monteverde (Jan 29, 2024 17:32 CST)

ANDREW MONTEVERDE, COMMISSIONER