



# 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 KORN, VICE-CHAIRPERSON  
MARK SURPRENANT  
RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, March 3, 2025

Ms. Robyn Joseph

Re: **Robyn Joseph VS.  
Department of Health  
Docket Number: 9633**

Dear Ms. Joseph:

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 - 3/3/2025 - 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: Jennifer Avegno  
William R. H. Goforth  
Jay Ginsberg  
file



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AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, March 3, 2025

Ms. Robyn Joseph

Re: **Robyn Joseph VS.  
Department of Health  
Docket Number: 9634**

Dear Ms. Joseph:

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 - 3/3/2025 - 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,

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Doddie K. Smith  
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cc: Jennifer Avegno  
William R. H. Goforth  
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AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, March 3, 2025

Ms. Robyn Joseph

Re: **Robyn Joseph VS.  
Department of Health  
Docket Number: 9635**

Dear Ms. Joseph:

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 - 3/3/2025 - 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,

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Doddie K. Smith  
Chief, Management Services Division

cc: Jennifer Avegno  
William R. H. Goforth  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**ROBYN JOSEPH**  
**Appellant**

**v.**

**Docket Nos. 9633, 9634, 9635**

**DEPARTMENT OF HEALTH**  
**Appointing Authority**

**DECISION**

Appellant, Robyn Joseph, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, §§ 4.1, 4.5, and 10.1 seeking relief from the Department of Health's termination of her employment on June 14, 2024. (Ex. HE-1) Ms. Joseph had permanent status as an Accountant I. (Tr. at 12). A Hearing Examiner, appointed by the Commission, presided over a hearing held on September 3, 2024. At this hearing, both parties had an opportunity to call witnesses and present evidence. The Hearing Examiner provided the Commission with his advisory report dated November 11, 2024.

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, and controlling Louisiana law. For the reasons set forth below, Ms. Joseph's appeal is DENIED.

**I. FACTUAL BACKGROUND**

The Department of Health hired Robyn Joseph on July 24, 2023, as an Accountant I for Health Care for the Homeless (HCH). (Tr. at 12). Her job duties included procurement, preparing financial statements for monthly board meetings, and paying vendors in a timely manner. (Tr. at 12-13; Ex. NOHD-1). Initially, Ms. Joseph reported to DeShonda Jolly, an Accountant III. (Tr. at 212). After Ms. Jolly's departure in September of 2023, Ragan Collins, the Executive Director of

HCH, started supervising Ms. Joseph. (Tr. at 9, 26). Ms. Collins testified she talked to Ms. Joseph daily before May 1, 2024. (Tr. at 94).

Although HCH did not purchase supplies for the clinic from December of 2023 to February of 2024, Ms. Collins started noticing problems with payment of invoices in February of 2024. (Tr. at 27). Ms. Collins asked Ms. Joseph for an open invoice report, and when Ms. Collins failed to receive the report, she sent Ms. Joseph a calendar invite on March 22 to provide this report weekly. (Tr. at 29, Ex. NOHD-2). On May 7, 2024, Ms. Collins emailed Ms. Joseph again requesting the report. (Ex. NOHD-3). Ms. Joseph's reply to the email was off-topic. (Tr. at 30; Ex. NOHD-3). Ms. Joseph eventually provided an open invoice report in May of 2024 after receipt of this email. (Tr. at 30).

Ms. Joseph also stopped assisting vendors with uploading invoices into the City's payment software, BRASS. (Tr. at 38). In May of 2024, more than 20 vendor invoices had not been paid, some dating back to September 2023. (Tr. at 47). At the hearing, the Department of Health entered some of these unpaid invoices from specific vendors into evidence as exhibits 6-17.

Ms. Joseph also provided financial reports for board meetings to Ms. Collins in an untimely manner. (Tr. at 33). In May and June of 2024, Ms. Joseph failed to provide the financial reports at all. (Tr. at 34, 36). Other employees prepared these reports. (Tr. at 36).

At a meeting on May 17, 2024, the Director of the Department of Health, Jennifer Avegno, M.D., and Ms. Collins discussed with Ms. Joseph the job duties she had failed to perform. (Tr. at 93). Ms. Collins testified that Ms. Joseph's job performance did not improve following this meeting. (Tr. at 94). On May 23, 2024, Dr. Avegno emailed Ms. Joseph a list of reports she had failed to provide, including April financial statements, weekly open invoice reports, and status

reports on contracts. (Ex. NOHD-19). Dr. Avegno requested these reports by noon the following day. (Ex. NOHD-19).

Ultimately, Dr. Avegno decided to terminate Ms. Joseph's employment based on her failure to pay vendors timely, her failure to submit required financial reports, and her failure to respond to directives from Ms. Collins. (Tr. at 167). Dr. Avegno testified "[u]nfortunately, despite multiple attempts at support, remediation, assistance, discussion, Ms. Joseph proved to be unable or unwilling to fulfill her agreed upon and assigned job tasks in a timely manner, and it was putting HCH and the health department at significant risk." (Tr. at 174).

Ms. Joseph testified that timely payment of invoices was a systemic problem with HCH. (Tr. at 219). Ms. Joseph also testified that the cash receipts had a \$50 overage, prompting her to request back-up documentation from other staff. (Tr. at 243-44). Ms. Joseph also testified that the increased scrutiny was because of her report to a federal agency on May 23, 2024, about falsified documentation. (Tr. at 287).

## **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 (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).

**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 suspending 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”).

**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. The Department of Health has Shown Cause for the Termination of Ms. Joseph’s Employment**

The Department of Health has carried its burden of showing the occurrence of the complained-of activity. The Department of Health has shown that Ms. Joseph failed to perform her job duties, including paying invoices and preparing financial reports. This failure to perform her job duties impaired the efficient operation of the Department of Health, jeopardizing the continued receipt of needed supplies and requiring other employees of the Department of Health to perform these job duties.

**1. The penalty of termination was commensurate with the infraction**

The undersigned Commissioners find that termination was commensurate with the infraction, as Ms. Joseph wholly failed to perform her job duties, even after specific requests for the completion of specific tasks.



**C. Ms. Joseph Failed to Carry her Burden to Show Race Discrimination, Sex Discrimination, or Retaliation for Whistleblower Activity**

Ms. Joseph filed a discrimination appeal and a whistleblower appeal, in addition to a disciplinary appeal. Under Civil Service Rule II, section 4.8, “[i]n all cases of alleged discrimination, the burden of proof on appeal, as to the facts, shall be on the appellant.” Even under the more generous *McDonnell Douglass* burden-shifting framework for analysis of discrimination appeals, Ms. Joseph has failed to state a *prima facie* case, as she offered no evidence that similarly situated employees of a different race or sex were treated differently.<sup>1</sup> *Guidry v. Glazer’s Distributors of Louisiana, Inc.*, 2010-218 (La. App. 3 Cir. 11/3/10), 49 So. 3d 586, 590–91; *Lee v. Kansas City S. Ry. Co.*, 574 F.3d 253, 259–60 (5th Cir. 2009).

The Commission applies the same burden of proof to appeals based on whistleblower status as it applies discrimination appeals. *Moore v. New Orleans Police Dep’t*, 2001-0174 (La. App. 4 Cir. 3/7/02), 813 So. 2d 507, 511. Even if Ms. Joseph made reports of suspected illegal activity under Civil Service Rule II, section 10.1, the Department of Health has met its burden of showing a legitimate non-discriminatory reason for the termination of her employment. *Majors v. Dillard Univ.*, 2022-0789 (La. App. 4 Cir. 5/8/23), 368 So. 3d 116, 121. Ms. Joseph has failed to show that this reason was pretextual. *Robinson v. Bd. of Supervisors for Univ. of Louisiana Sys.*, 2016-2145 (La. 6/29/17), 225 So. 3d 424, 431.

Therefore, the Appellant’s appeal is DENIED.

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<sup>1</sup> Recently, the Fourth Circuit Court of Appeal, in a plurality opinion, applied the *McDonnell Douglass* framework in a mixed motive whistleblower appeal by a probationary employee. *Balancier v. Sewerage & Water Board of New Orleans*, 2022-0255 (La. App. 4 Cir. 10/19/22), 351 So. 3d 439. The Commission applied this framework in *Richardson v. Department of Police*, No. 9406 (Civil Service Commission 7/16/24), appeal filed 7/17/24.

WRITER:



Ruth Davis (Feb 28, 2025 14:10 CST)

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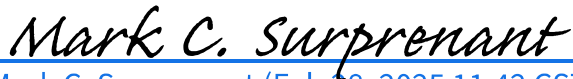
RUTH DAVIS, COMMISSIONER

CONCUR:



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JOHN KORN, VICE-CHAIRPERSON



Mark C. Surprenant (Feb 28, 2025 11:42 CST)

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MARK SURPRENANT, COMMISSIONER