



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
MICHELLE D. CRAIG, CHAIRPERSON
CLIFTON J. MOORE, VICE- CHAIRPERSON
BRITTNEY RICHARDSON.
JOHN KORN
MARK SURPRENANT

LATOYA CANTRELL
MAYOR

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Thursday, December 31, 2020

Ms. Alicia Ealy-Smith

Re: **Alicia Ealy-Smith VS.
Sewerage & Water Board
Docket Number: 9125**

Dear Ms. Ealy-Smith:

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 - 12/31/2020 - 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 blue ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Ghassan Korban
Joseph Zanetti
Christina Carroll
file

"AN EQUAL OPPORTUNITY EMPLOYER"

CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS

ALICIA EALY-SMITH
Appellant

vs.

DOCKET NO. 9125

SEWERAGE & WATER BOARD
Appointing Authority

DECISION

Appellant, Alicia Ealy-Smith (hereinafter "Appellant"), brings the instant appeal pursuant to Article X, §8(A) of the Louisiana Constitution and this Commission's Rule II, §4.1, asking this Commission to find that the Sewerage & Water Board (hereinafter "Appointing Authority") did not have sufficient cause to terminate her. At all times relevant to the instant appeal, Appellant served as a water meter reader and had permanent status as a classified employee.

The below Commissioners have reviewed the transcript from the February 27, 2020 hearing, all exhibits introduced into the record, and the July 6, 2020 attached report from the Hearing Examiner, which is advisory in nature. After reviewing this record in light of controlling Louisiana law, we DENY Appellant's appeal for the reasons set forth by the Hearing Examiner.

Judgment rendered this 31 day of December, 2020.

CITY OF NEW ORLEANS CIVIL SERVICE COMMISSION

WRITER:

Mark C. Surprenant

Mark C. Surprenant (Oct 20, 2020 11:41 EDT)

MARK SURPRENANT, COMMISSIONER

10/20/20

DATE

CONCUR:

J H Korn

J H Korn (Oct 27, 2020 17:23 CDT)

JOHN KORN, COMMISSIONER

10/27/20

DATE

CJ Moore

CJ Moore (Dec 30, 2020 16:52 CST)

CLIFTON J. MOORE, JR., VICE-CHAIRMAN

12/30/20

DATE

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

ALICIA EALY-SMITH

VERSUS

DOCKET NUMBER 9125

SEWERAGE & WATER BOARD

HEARING OFFICER'S REPORT

This appeal concerns an appeal by a permanent employee of a termination. This appeal was heard on February 27, 2020, by the undersigned. The Appellant, Alicia Ealy-Smith, appeared *pro se*. The Appointing Authority, represented by Joseph Zanetti, offered exhibits D1-D3 into evidence. Witnesses for the Sewerage & Water Board were Korye Delarge-Dickerson, Workers' Compensation Supervisor, and Byron Iverson, Disciplinary Specialist. Ms. Ealy-Smith testified on her own behalf.

FACTS

The Sewerage & Water Board hired Alicia Ealy-Smith, on August 20, 2012, (Ex. B-2) as a meter reader. (Tr. at 10). Ms. Ealy-Smith suffered an on-the-job lower back injury on July 5, 2018. (Ex. B-2; Tr. at 6). Ms. Ealy-Smith has received worker's compensation benefits for this injury, but, as of September 2019, Ms. Ealy-Smith was not able to return to work. (Ex. B-2). The Sewerage and Water Board terminated Ms. Ealy-Smith's employment effected December 20, 2019. (Ex. B-3). Following her termination, Ms. Ealy-Smith underwent surgery in January 2020, but Ms. Ealy-Smith testified her surgeon is unsure when, or if, she will be able to return to work. (Tr. at 22).

RECOMMENDATION

I recommend that the Commission deny the appeal. Ms. Ealy-Smith is unable to perform her job duties, as she testified during the hearing. Civil Service Rule IX, Section 1.1 provides as follows:

When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner . . . the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

(a) Termination from service

.....

Ms. Ealy-Smith is unable to perform the duties of her position, so the appointing authority may terminate her employment

This the 6th day of July, 2020



CHRISTINA CARROLL
HEARING OFFICER












Ealy-Smith Decision

Final Audit Report

2020-12-30

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