



CITY OF NEW ORLEANS

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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Wednesday, April 29, 2026

Mr. Jerome Casby

Re: **Jerome Casby VS.**
Department of Public Works
Docket Number: 9802

Dear Mr. Casby:

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 - 4/29/2026 - 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: Steve Nelson
Elizabeth A Weigand
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**JEROME CASBY,
Appellant**

Docket No. 9802

v.

**DEPARTMENT OF PUBLIC WORKS,
Appointing Authority**

DECISION

Appellant, Jerome Casby, brings this appeal pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1 of the four-day suspension imposed by the Department of Public Works (DPW) by letter dated November 21, 2025 (Ex. HE-1). At all relevant times, Appellant was a permanent employee working as a Superintendent at the DPW Maintenance Yard. (Tr. at 48).

A Hearing Examiner, appointed by the Commission, presided over a hearing on January 13, 2026. 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 February 23, 2026, Mr. Casby's post-hearing email, and controlling Louisiana law.

For the reasons set forth below, Mr. Casby's appeal is DENIED.

I. FACTUAL BACKGROUND

Jerome Casby, a Superintendent, is the second-ranking employee at the DPW Maintenance Yard. (Ex. DPW-1 at 31). According to Civil Service records, Mr. Casby has served in this position

since at least 2015. Mr. Casby manages 20 employees who report directly to him, including four supervisors. (Tr. at 49).

Earl Fox, the Chief Internal Auditor, began an investigation in 2024 about working conditions at DPW. (Tr. at 10-11). This investigation included allegations concerning Mr. Casby's conduct. (Tr. at 10-11). Mr. Fox issued a report on April 8, 2025, concluding that "Mr. Casby's ongoing leadership role and supervisory presence . . . compromise the integrity of the workplace and demonstrate behavior that is unacceptable in the DPW and CNO workforce." (Ex. DPW-1 at 30).

Specifically, Mr. Fox concluded that Mr. Casby clocked out Vashon Watson on August 26, 2024, following a safety complaint by Mr. Watson. (Tr. at 13-15). Mr. Watson is Mr. Casby's subordinate, and he wished to speak to Mr. Casby's supervisor, Eric Kelly. (Tr. at 13-15). Mr. Watson failed to receive over 2.5 hours of wages while he waited, at the instruction of Mr. Casby. (Tr. at 14-15). Mr. Fox testified that Mr. Casby "clocked out Vashon, because Mr. Watson expressed concerns around safety conditions of working on a truck, a vacuum truck." (Tr. at 14). Mr. Casby testified that Mr. Watson refused his first assignment, and after speaking to Mr. Kelly, he performed the work to which he had objected. (Tr. at 60-62).

Mr. Fox also testified about the allegations that Mr. Casby called Tooinette Johnson a "fat bitch" to Jeromy Craft. (Tr. at 17). Ms. Johnson took video of a meeting with Mr. Craft, Mr. Casby, and Mr. Kelly about this allegation. (Tr. at 17). In this video, Mr. Craft (off-camera) describes the conversation with Mr. Casby. (Ex. DPW-3). Then, Mr. Casby states "I don't remember" calling Ms. Johnson the name. (Ex. DPW-3). Then, speaking to Mr. Craft, Mr. Casby explains that if he had called Ms. Johnson a "fat bitch" or a "stupid bitch," then "that was between you and me." (Ex. DPW-3).

Mr. Casby conceded that his conduct during this meeting was not always polite or courteous. (Tr. at 73). Mr. Casby also testified that both he and Ms. Johnson were “screaming at each other.” (Tr. at 68). Mr. Fox concluded that “Mr. Casby acted inappropriately, disrespectfully, and in a retaliatory manner” during this meeting. (Ex. DPW-1 at 30).

Mr. Fox also investigated an allegation that Mr. Casby shredded a grievance on September 22, 2023, filed by Vashon Watson. DPW offered video of Mr. Casby shredding the grievance, and Mr. Casby admitted shredding Mr. Watson’s grievance. (Ex. DPW-4; Tr. at 57). Mr. Casby testified that the AFSCME representative walked into the Maintenance building, “automatically just walked up to me” and “smacked my hand.” (Tr. at 52). Mr. Casby testified that Mr. Kelly asked her to leave the premises, but the AFSCME representative “wasn't going anywhere, and that's when I grabbed that paperwork and shredded it.” (Tr. at 57). Mr. Casby also testified that he “[n]ever looked” at the grievance nor had any meeting with Mr. Watson about the grievance. (Tr. at 57-58). Mr. Fox testified that Mr. Casby violated the grievance policy by failing to follow up on Mr. Watson’s grievance. (Tr. at 34).

On November 21, 2025, DPW provided notice of the suspension of Mr. Casby from November 18-21. (Ex. HE-1). DPW disciplined Mr. Casby for violating CAO Policy #83, concerning Standards of Behavior, by engaging in the following conduct:

- On August 24, 2024, you manually clocked out Vashon Watson and compelled him to stay at work for a meeting with Maintenance Division Head Eric Kelly
- Your inappropriate actions and unprofessional behavior were depicted in an unexpected video-recorded meeting with Tooinette Johnson, Jeromy Craft and Eric Kelly. During this meeting, you used profane and derogatory language. This video recording was presented by the Councilman At-Large J.P. Morrell during a meeting within City Council Chambers on 10-9-24.
- On September 22, 2023, you shredded a document handed to you by ASFCME (sic) representative Jennifer Garcia. This document was a CAO Policy #4 (revised), Grievance Information Form completed by Employee Grievant, Vashon Watson, concerning workplace conditions.

- You did not follow up with the Employee Grievant, DPW Management, nor the Human Resources Office.

(Ex. HE-1).

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. DPW has Carried its Burden of Showing Cause

1. DPW has shown the occurrence of the complained-of conduct

Mr. Casby admitted most of the complained-of conduct. Mr. Casby admitted shredding a grievance and failing to follow up on the grievance. He also admitted clocking out Mr. Watson for 2.5 hours and instructing him to wait to talk to Mr. Kelly about his safety concerns, Mr. Casby further admitted that he “screamed” at Ms. Johnson, and that his behavior during the meeting about name-calling was not always polite and courteous. DPW has shown the occurrence of the incidents in the November 21, 2025, letter of discipline.

DPW has also shown Mr. Casby’s violated departmental policies and contributed to workplace disruptions. (Ex. HE-1). The video of Mr. Casby shredding the grievance establishes the disruptive nature of his behavior. Also, Mr. Casby stated to Mr. Craft during the recorded conversation that if he had called Ms. Johnson a “fat bitch” or a “stupid bitch,” then the conversation would have been “between you and me.” (Ex. DPW-3). Although Mr. Casby denied calling Ms. Johnson a “fat bitch” during the hearing of this matter, the Commission agrees with Mr. Fox that Mr. Casby failed to clearly deny the accusation during the meeting. (Ex. DPW-1 at 30). Mr. Casby implicitly admitted the conduct when he used conditional language to suggest calling a subordinate a “fat bitch” would be acceptable in the workplace. (Ex. DPW-1 at 30). When considering that Mr. Casby made the decision to make this statement *in the presence of Ms. Johnson*, the Commission finds that DPW has shown that Mr. Casby has “shortcomings” in “leadership responsibilities” and contributed to “workplace disruptions.” (Ex. HE-1). Mr. Casby’s conduct was intimidating and disrespectful to Ms. Johnson.

2. DPW has shown that the complained-of conduct impaired the efficient operation of DPW

Mr. Casby's behavior was far outside of best practices from a compliance standpoint, especially given Mr. Casby's years of experience as a Superintendent. As stated in the letter of discipline, Mr. Casby failed to ensure a "safe compliant work environment." (Ex. HE-1). Clocking out Mr. Watson raises whistleblower and Fair Labor Standards Act concerns, in addition to a possible violation of CAO Policy 109. (Ex. HE-1). Mr. Casby admittedly violated CAO Policy as to adjustment of grievances, potentially violating the collective bargaining agreement with AFSCME. In addition to raising discrimination and/or retaliation compliance concerns, Mr. Casby's inappropriate and disrespectful behavior to his subordinates, including his behavior during the meeting with Mr. Kelly, Mr. Craft, and Ms. Johnson, negatively affected Maintenance Yard employees' working conditions and lowered these employees' morale.

C. The Penalty is Commensurate with the Infraction

The following behavior admitted by Mr. Casby justifies a four-day suspension: (1) shredding a grievance; (2) ignoring the grievance; (3) clocking out a subordinate after a safety complaint and instructing him to remain at work while off the clock; and (4) acting in a disrespectful and unprofessional manner in a meeting with DPW employees and his own supervisor. As stated in Mr. Fox's report, Mr. Casby's pattern of conduct as a Superintendent is "unacceptable in the DPW and CNO workforce," especially considering the allegations of retaliation by his subordinates.

Mr. Casby's appeal is DENIED.

WRITER:



Brittney Richardson, Chairperson (Apr 25, 2026 15:11:08 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



Ruth Davis, Commissioner (Apr 23, 2026 10:48:24 CDT)

RUTH DAVIS, COMMISSIONER

DISSENT BY COMMISSIONER SURPRENANT

I agree fully with the factual findings, analysis, and recommendation made by the Hearing Examiner in his attached report dated February 23, 2026. I would grant the appeal in part and deny it in part and reduce the penalty to a one-day suspension based on DPW's failure to carry its burden of proof as to all alleged violations as those failures on the part of the DPW are clearly set forth in the Hearing Examiner's February 23, 2026, report.

Mark Surprenant, Commissioner

Mark Surprenant, Commissioner (Apr 23, 2026 11:05:19 CDT)

MARK SURPRENANT, COMMISSIONER

JEROME CASBY

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

DEPARTMENT OF PUBLIC WORKS DOCKET NO. 9802

HEARING EXAMINER'S REPORT

I. INTRODUCTION

By letter dated November 21, 2025, the Department of Public Works ("Appointing Authority") issued Jerome Casby ("Appellant") notice of a four-day suspension. The Appellant is employed as a Superintendent and has permanent status in the classified civil service.

The suspension letter states, in pertinent part, that the Appellant engaged in misconduct based upon the following factors:

- On August 26, 2024, you manually clocked out Vashon Watson and compelled him to stay at work for a meeting with Maintenance Division Head Eric Kelly.
- Your inappropriate actions and unprofessional behavior were depicted in an unexpected video-recorded meeting with Toinette Johnson, Jeromy Craft and Eric Kelly. During this meeting, you used profane and derogatory language...
- On September 22, 2023, you shredded a document handed to you by AFSCME representative Jennifer Garcia. This document was a ... Grievance... completed by Employee Grievant, Vashon Watson...
- You did not follow up with the Employee Grievant, DPW Management, nor the Human Resources Office.

(H.E. Ex. 1).

II. FACTS

The Appointing Authority presented into evidence an audit report prepared by Earl Fox, Chief Internal Auditor with the Office of the Chief Administrative Officer (“CAO”). (Tr. at 8–10; DPW Ex. 1).

In support of the findings set forth in the audit report, Mr. Fox testified that he determined on August 26, 2024, the Appellant required a subordinate employee, Vashon Watson to manually clock out for approximately two and one-half hours while Watson waited to speak with Maintenance Division Head Eric Kelly regarding concerns about a safety issue involving a laborer on his truck. Mr. Fox did not further describe how the issue involving the laborer constituted a safety concern. (Tr. at 14–15).

The Appellant testified that Watson’s request to speak with Mr. Kelly was not related to safety, but instead stemmed from Watson’s unwillingness to work with a laborer assigned to his truck. According to the Appellant, Watson stated, “I don’t want that person on my truck.” The Appellant testified that he responded, “I don’t have anything else for you to do, but take these people and go out with them.”

The Appellant further stated that he did not require Watson to remain at the facility. Rather when Watson stated, “I’m going to stay here and wait for Eric Kelly”, the Appellant clocked him out because, in his view, waiting for Eric Kelly did not constitute work. The Appellant stated that Mr. Kelly eventually arrived, Watson spoke with him, and thereafter, took the crew to the job.

The Appellant also testified that Watson had a tendency to question his directives and request to speak with Mr. Kelly who would then instruct Watson to follow the Appellant's direction. (Tr. at 59–61).

With respect to the allegation concerning unprofessional conduct during a video-recorded meeting, Mr. Fox testified that the meeting occurred in Mr. Kelly's office and was attended by Mr. Kelly, the Appellant, and Ms. Johnson. Mr. Fox acknowledged that the Appellant did not direct profane or derogatory language toward any person present during the meeting. The discussion became heated, and voices were raised. During the exchange, the Appellant stated, "I did not call her a fat bitch," in response to an accusation that he had previously used that phrase. (Tr. at 15–28; DPW Ex. 3).

The Appellant testified that he was upset during the meeting and was responding to what he believed was a false accusation. He denied having made the alleged statement and characterized his remarks during the meeting as a defense of himself. (Tr. at 62–69).

The third and fourth allegations arise from an incident on September 22, 2023, during which Jennifer Garcia presented the Appellant with a grievance on behalf of union member Vashon Watson. As reflected in the video evidence, Ms. Garcia was asked to leave the premises, and the Appellant subsequently shredded the grievance document.

Mr. Fox testified that, although Ms. Garcia's approach was unnecessarily confrontational, the Appellant should have accepted the grievance and taken appropriate steps in response. Mr. Fox acknowledged that he was unaware of the specific contents of

the grievance and did not know whether a separate grievance had been submitted concerning the same issue. (Tr. at 29–34).

The Appellant testified that he had never previously met or interacted with Ms. Garcia. According to the Appellant, Ms. Garcia “smacked the paperwork in my hands” when presenting the grievance. He stated that he then asked her to leave and shredded the document without reviewing its contents. The Appellant testified that he did not hear anything further regarding the grievance thereafter. (Tr. at 56–58).

III. ANALYSIS

The Appointing Authority bears the burden of proving, by a preponderance of the evidence, that the complained-of conduct occurred and that such conduct impaired the efficient operation of the service.

Allegation One – Clocking out Watson

The evidence establishes that Watson declined to proceed with his assigned work and instead elected to remain at the facility to speak with Mr. Kelly. The Appellant testified that he informed Watson that waiting for Mr. Kelly did not constitute work and clocked him out accordingly. Mr. Fox testified that the matter involved a purported safety concern relating to a laborer assigned to the truck; however, no testimony was presented explaining how the issue constituted a safety concern.

The record does not establish that Watson was performing assigned duties during the time in question. Nor does the evidence demonstrate that the Appellant’s decision to

clock Watson out was contrary to departmental policy or otherwise improper. Under these circumstances, the Appointing Authority has failed to establish that the Appellant's actions constituted misconduct or impaired the efficient operation of the department.

Allegation Two – Video-Recorded Meeting

With respect to the allegation of unprofessional conduct arising from the video-recorded meeting, the Appointing Authority bears the burden of proving that the complained-of conduct occurred and impaired the efficient operation of the service.

The meeting occurred in Mr. Kelly's office and involved the Appellant, a mid-level supervisor, his immediate supervisor, and a subordinate employee. The Appointing Authority presented no evidence that the exchange was overheard by other employees or members of the public, nor that it disrupted departmental operations. Mr. Fox acknowledged that the Appellant did not direct profane or derogatory language toward any individual present. The statement at issue — "I did not call her a fat bitch" — was made in response to an accusation that the Appellant denied.

The civil service standard does not require perfection in demeanor. Workplace interactions, particularly those involving disputed accusations, may become tense. The question before the Commission is not whether the exchange reflected ideal professionalism, but whether the conduct, as established by the evidence, rose to the level of misconduct impairing the efficient operation of the service. While supervisors are expected to model appropriate workplace conduct, the record reflects a heated internal

workplace exchange arising from a disputed accusation, rather than profanity directed at a subordinate or public-facing misconduct. To hold otherwise would risk conflating a contentious internal workplace exchange with conduct warranting formal discipline.

Under these circumstances, the Appointing Authority has not established that the Appellant's conduct during the meeting constituted misconduct impairing the efficient operation of the department.

Allegations Three and Four – Grievance Incident

The third and fourth allegations arise from the September 22, 2023 incident in which the Appellant shredded a grievance presented by Ms. Garcia without reviewing its contents. The video evidence confirms that the document was destroyed. The Appellant acknowledged that he did not read the grievance before shredding it.

Supervisors are expected to respond appropriately when presented with formal grievances on behalf of employees. Regardless of the manner in which the document was presented, the Appellant should have accepted the grievance and taken appropriate steps to address it or refer it through the proper channels. By shredding the document without review, the Appellant exercised poor judgment inconsistent with supervisory responsibilities. The Appointing Authority has therefore established misconduct with respect to this incident.

However, Mr. Fox testified that he was unaware of the contents of the grievance and did not know whether a separate grievance had been submitted concerning the same

issue. The Appointing Authority presented no evidence that the shredding of the document resulted in the loss of a grievance, prevented the filing of a grievance, or otherwise impaired the grievance process. The record establishes that the Appellant destroyed the document presented to him; it does not establish that he foreclosed the grievance procedure itself.

Because Allegations Three and Four arise from this single act of shredding the document and the failure to process it, they are not materially distinct for purposes of determining the appropriate penalty.

Penalty

The four-day suspension imposed by the Appointing Authority corresponded to four alleged violations. Upon review of the evidence, the Appointing Authority failed to establish misconduct with respect to Allegations One and Two. Allegations Three and Four arise from the same underlying incident and are not materially distinct for purposes of determining discipline.

The sustained misconduct concerns the Appellant's improper handling of a grievance document during a single incident. The record does not establish that the conduct resulted in the loss of a grievance, prejudice to the employee, or disruption of departmental operations. The Appellant is a long-term employee with no prior disciplinary record.

The Appointing Authority presented no testimony explaining how the four-day suspension was calculated. Given that only one instance of misconduct has been sustained, a four-day suspension is excessive.

Accordingly, the four-day suspension should be reduced to a one-day suspension, which is commensurate with the misconduct established by the evidence.

IV. CONCLUSION

For the foregoing reasons, the appeal should be GRANTED IN PART and DENIED IN PART. The Appointing Authority should be ordered to reimburse the Appellant for three days of lost wages and restore all associated employment benefits.

February 23, 2026

DATE


HEARING EXAMINER