



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
ROOM 7W03 CITY HALL
NEW ORLEANS LA 70112
(504) 658-3500
FAX NO. (504) 658-3599

CITY CIVIL SERVICE COMMISSION

REV. KEVIN W. WILDES, S.J., PHD,
CHAIRMAN
DANA M. DOUGLAS, VICE
CHAIRMAN
DEBRA S. NEVEU
AMY L. GLOVINSKY
JOSEPH S. CLARK

MITCHELL J. LANDRIEU
MAYOR

Thursday, December 20, 2012

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Ms. Roynisha Lee

Re: **Roynisha Lee VS.
Department of Public Works
Docket Number: 7913**

Dear Ms. Lee:

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 - 12/20/2012 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, 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 cursive script, appearing to read "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Mark D. Jernigan, P.E.
Gregory Brumfield
Jay Ginsberg
file



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MAYOR

Thursday, December 20, 2012

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Ms. Roynisha Lee

Re: **Roynisha Lee VS.
Department of Public Works
Docket Number: 7943**

Dear Ms. Lee:

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 - 12/20/2012 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, 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,

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Germaine Bartholomew
Chief, Management Services Division

cc: Mark D. Jernigan, P.E.
Gregory Brumfield
Jay Ginsberg
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MAYOR

Thursday, December 20, 2012

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Ms. Roynisha Lee

Re: **Roynisha Lee VS.
Department of Public Works
Docket Number: 7944**

Dear Ms. Lee:

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 - 12/20/2012 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, 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 cursive script, appearing to read "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Mark D. Jernigan, P.E.
Gregory Brumfield
Jay Ginsberg
file

ROYNISHA LEE

CIVIL SERVICE COMMISSION

VERSUS

CITY OF NEW ORLEANS

DEPARTMENT OF PUBLIC WORKS

NOS. 7913, 7943 & 7944

The Department of Public Works (“Appointing Authority”) employed Roynisha Lee (“Appellant”) as a Parking Control Officer with permanent status. The Appointing Authority placed the Appellant on emergency suspension pending a pre-termination hearing and terminated her employment by letter dated November 1, 2011. According to the disciplinary letter, the Appellant engaged in repeated violations of the Parking Division’s Standard Operating Procedures regarding Code of Conduct for all Parking Control Section Employees. The letter reflects issues with the Appellant’s overall performance and with tardiness in particular.

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. The hearing was held on February 15, 2012. The testimony presented at the hearing was transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

Zepporah Edmonds is the Appointing Authority’s Parking Administrator. She oversees, manages, and administers all operations of the parking division. She testified that the Appellant was placed on emergency suspension because of an incident that occurred on September 19, 2011. According to Ms. Edmonds, the Appellant sat in her personal vehicle during work time for two and a half hours waiting for the employee courtesy shuttle when she should have been working. The Appellant failed to call her supervisor to make arrangements to report to work in a timely manner.

During the pre-termination hearing, the Appointing Authority reviewed the Appellant's overall performance and determined that she had an attendance problem. She missed work during important events and was habitually tardy for work. The specifics were provided to the Appellant in the pre-termination notice that she received prior to her termination hearing.

The Appellant contends that the Appointing Authority failed to follow its own procedures, which set forth a process of progressive discipline prior to termination. Her personnel file reflects no written warnings, reprimands, or suspensions prior to her termination. She also contends that she always called in when she was absent and denies that she had a problem with tardiness.

LEGAL PRECEPTS

An employer cannot discipline an employee who has gained permanent status in the classified city civil service except for cause expressed in writing. LSA Const. Art. X, sect. 8(A); *Walters v. Department of Police of New Orleans*, 454 So. 2d 106 (La. 1984). The employee may appeal from such a disciplinary action to the city Civil Service Commission. The burden of proof on appeal, as to the factual basis for the disciplinary action, is on the appointing authority. *Id.*; *Goins v. Department of Police*, 570 So 2d 93 (La. App. 4th Cir. 1990).

The Civil Service Commission has a duty to decide independently, based on the facts presented, whether the appointing authority has good or lawful cause for taking disciplinary action and, if so, whether the punishment imposed is commensurate with the dereliction. *Walters, v. Department of Police of New Orleans, supra*. Legal cause exists

R. Lee
#7913, 7943 & 7944

whenever the employee's conduct impairs the efficiency of the public service in which the employee is engaged. *Cittadino v. Department of Police*, 558 So. 2d 1311 (La. App. 4th Cir. 1990). The appointing authority has the burden of proving the occurrence of the complained of activity by a preponderance of the evidence and that the conduct complained of impaired the efficiency of the public service. *Id.* The appointing authority must also prove the actions complained of bear a real and substantial relationship to the efficient operation of the public service. *Id.* While these facts must be clearly established, they need not be established beyond a reasonable doubt. *Id.*

CONCLUSION

The Appointing Authority has established by a preponderance of evidence that it terminated the Appellant for good cause. The Appellant failed to report for work when

R. Lee
#7913, 7943 & 7944

needed, and exhibited bad work habits that impacted the efficient operation of the department.

Considering the foregoing, the Appellant's appeal is DENIED.

RENDERED AT NEW ORLEANS, LOUISIANA THIS 20th DAY OF
DECEMBER, 2012.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION


DEBRA S. NEVEU, COMMISSIONER

CONCUR:


REV. KEVIN W. WILDES, S.J., CHAIRMAN


JOSEPH S. CLARK, COMMISSIONER