



CITY OF NEW ORLEANS

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CITY CIVIL SERVICE COMMISSION
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Tuesday, April 7, 2026

Mr. Derrick Clark

Re: **Derrick Clark VS.
Recreation Department
Docket Number: 9782**

Dear Mr. Clark:

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 - 4/7/2026 - 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: Larry Barabino
Max V. Camp
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**DERRICK CLARK,
Appellant**

Docket No. 9782

v.

**RECREATION DEPARTMENT,
Appointing Authority**

DECISION

Appellant Derrick Clark brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from a 42-day suspension imposed by the Recreation Department's (NORD) beginning on August 15, 2025, and a demotion imposed by NORD on September 30, 2025. (Ex. HE-1). At all relevant times, Mr. Clark had permanent status as a Recreation Athletics Manager I at NORD. (Ex. HE-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on December 4, 2025, and January 15, 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 16, 2026, and controlling Louisiana law.

For the reasons set forth below, Mr. Clark's appeal is GRANTED in part and DENIED in part.

I. FACTUAL BACKGROUND

NORD hired Derrick Clark as a Recreation Site Facilitator in 2014. (Tr. at 14). According to Department of Civil Service records, Mr. Clark had a break in service from 2015 to 2019. NORD re-hired Mr. Clark as a Site Facilitator in 2019, and NORD promoted Mr. Clark to District

Manager in 2021. District Managers oversee 8-12 NORD facilities, supervising programming and maintenance, either directly or through a Site Facilitator. (Tr. at 15). The Director of NORD, Larry Barabino, Jr., testified that District Managers ensure the facilities are in good repair and safe. (Tr. at 96). District Managers are non-exempt, and NORD requires District Managers to clock in and out electronically on ADP. (Tr. at 15-16).

Mr. Clark admitted he asked another District Manager, Wayne Jackson, to edit the electronic time record on a number of occasions between March 3, 2025, and August 1, 2025, after his supervisor, Jermaine Hall, counseled him about his habit of requesting corrections to his time record. (Tr. at 23, 85; Ex. NORD-4; *See also* Ex. NORD-1, App-4). On August 15, 2025, NORD suspended Mr. Clark for requesting that Mr. Jackson manually edit his electronic time records and indicated NORD would investigate whether Mr. Clark was physically present at work on the dates at issue. (Ex. NORD-11). NORD later extended the suspension to October 2, 2025. (Ex. NORD-11).

Another District Manager, David Jenkins, testified that Wayne Jackson also edited his time entries on a number of occasions. (Tr. at 103). Mr. Jenkins received no formal discipline. (Tr. at 199).

On August 18, 2025, NORD gave Mr. Clark notice of a pre-termination hearing on August 26, 2025. (Ex. NORD-12). Following the pre-termination hearing, NORD demoted Mr. Clark to Site Facilitator, in addition to the suspension. (Ex. HE-1). NORD disciplined Mr. Clark for the time issues and for “neglect[ing] [his] duty to monitor and timely address conditions of sites for which [he] was directly responsible.” (Ex. HE-1). NORD described specific incidents as follows:

In addition to regularly failing to complete your site visitation logs, the following incidents reflect your neglect of duty:

1. In December of 2024 at Cuccia Byrnes, it was discovered that multiple homeless people were living at the site. It required removal of many bags of human waste. Several extension cords were found connected to the building which provided light.
2. In May of 2025 at the Comiskey Playground, extensive graffiti was discovered.
3. In June of 2025 at Norwood Thompson, maintenance personnel discovered vandalism in restrooms that you had previously not reported.
4. In August of 2025 at the Evans Playground he [sic] basketball court, canopy, and back boards were found to have graffiti. Neighbors reported it and another District Manager went to the site and facilitated the clean-up.
5. In March of 2025 at Norwood Thompson, maintenance personnel discovered that a homeless man had been living in the concession stand area for an unspecified amount of time.

(Ex. HE-1).

NORD offered documentary evidence showing that Mr. Clark completed District Manager individual site visitation logs on only 20 occasions between June 12, 2024, and August 7, 2025.

(Ex. NORD-5).

In support of the first cited deficiency at Cuccia Byrnes, Mr. Hall, the Recreation Athletics Manager, testified that in October of 2024, homeless people were gathering in the park. (Tr. at 37). Mr. Hall had a conversation with Mr. Clark, and Mr. Hall contacted City Homeless Services to move the homeless people to another location. (Tr. at 38). The homeless people returned to Cuccia Byrnes in or about December of 2024, and Mr. Clark took no action. (Tr. at 39). Photographs of Cuccia Byrnes show makeshift shelters, furniture, trash, and electrical extension cords. (Ex. NORD-6). The condition of Cuccia Byrnes became a topic on social media, and the Director of NORD had to address the issue with the media, the Mayor, and the City Council. (Tr. at 98, 120-21). Mr. Barabino testified that the District Manager should not have “allowed [the encampment] to build and escalate.” (Tr. at 121). Mr. Hall testified he removed the supervision of Cuccia Byrnes from Mr. Clark following this incident. (Tr. at 59).

Mr. Clark testified that he was not responsible for Cuccia Byrnes. (Tr. at 127). In rebuttal, NORD offered an email from Mr. Clark to Mr. Hall in August of 2024, assigning a Site Facilitator to Cuccia Byrnes. (Ex. NORD-15). NORD also offered a February 4, 2025, text message from Mr. Clark to Mr. Hall with a screenshot of a document titled Updated Athletics ADP Approvals listing Mr. Clark as the District Manager for Cuccia Byrnes. (Ex. NORD-14).

In support of the second cited deficiency of graffiti at Comiskey, Mr. Hall testified that a co-worker had an event at Comiskey in May of 2025 and discovered dirty restrooms with graffiti. (Tr. at 43). Mr. Clark failed to report the conditions of the restrooms to Mr. Hall or to maintenance. (Tr. at 43-44). NORD entered photos of the graffiti and the general condition of the restrooms into evidence as Exhibit NORD-7.

Mr. Clark testified that he believes the date on the photographs at Comiskey are wrong because the bathrooms are closed for repairs to the ceiling, which has asbestos. (Tr. at 135). Mr. Clark also testified that he had reported homeless people breaking into the bathrooms at Comiskey. (Tr. at 136).

In rebuttal, NORD offered the email chain initiated by a patron on May 27, 2025, with the photographs attached. (Ex. NORD-13).

In support of the third cited deficiency at Norwood Thompson, NORD offered photos of the vandalism in the restrooms. (Ex. NORD-8). Mr. Hall testified that Mr. Clark put in a work order in an untimely manner -- 10 days later. (Tr. at 46). Mr. Clark testified that the Site Facilitator was responsible for the restroom with outdoor entrances, and he verbally reprimanded the Site Facilitator. (Tr. at 139).

NORD also offered March 21, 2025, photographs of items a homeless person left behind at Norwood Thompson. (Ex. NORD-10). Mr. Clark testified that he was at Norwood Thompson on March 20, and the homeless person broke in that night. (Tr. at 140).

In support of the fourth cited deficiency, NORD offered photographs of the graffiti at Evans Playground in August 2025. (Ex. NORD-9). Mr. Clark put in a work order in February 2025 but failed to ensure maintenance painted over the graffiti. (Tr. at 48, 67). Mr. Hall testified that Mr. Clark should have visited the playground one or two times per week, and maintenance usually paints over graffiti in about a week. (Tr. at 49). Neighbors complained about the graffiti in July of 2025. (Tr. at 48). NORD stated in the letter of termination that “another District Manager went to the site and facilitated the clean-up.” (Ex. HE-1). Mr. Hall testified that he sent the work orders to maintenance about the graffiti at Evans Playground. (Tr. at 266-67).

Mr. Clark offered photographs of Evans Playground from January of 2026, and the graffiti remained. (Tr. at 211; Ex. Appellant-3).

Mr. Barabino summarized his overall conclusion about Mr. Clark’s job performance from the condition of the facilities under Mr. Clark’s supervision:

When you pull it together and you see that, that District Manager’s area sites are being neglected, that District Manager’s area sites are having vandalism, that District Manager’s sites have homeless encampments and homeless persons staying there, and that District Manager’s sites often don’t have programming, that also goes into not just the suspension, but the demotion of that person. Because the District Manager is not at that point – in my view as CEO, is derelict of their duties and is not properly documenting their time.

(Tr. at 121-22).

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 Recreation Department has shown cause for the suspension and demotion of Mr. Clark

Mr. Clark conceded that he asked another District Manager, Wayne Jackson, to edit his time between March 3, 2025, and August 1, 2025, one of the complained-of activities. Mr. Clark’s

failure to keep contemporaneous time records and his co-worker's changes to the time records impaired the efficient operation of NORD because the records were less reliable.

NORD has shown that Mr. Clark failed to take appropriate action to keep the sites under his supervision in good repair. In particular, the Commission finds that Mr. Clark was responsible for Cuccia Byrnes when the condition of the park was publicized in or about December of 2024. NORD has also shown that Mr. Clark failed to complete site visitation logs.

Mr. Clark's failure to supervise the recreation sites effectively also impaired the efficient operation of NORD. Mr. Barabino testified that ineffective supervision impaired the safety of the public and the delivery of programming. (Tr. at 97).

C. The penalty is not commensurate with the violation.

The demotion of Mr. Clark to Recreation Site Facilitator because of his job performance is commensurate with the violation. (Tr. at 104-05).

A 42-day suspension based solely on Mr. Clark's requests to Wayne Jackson to change his time records is too severe when NORD failed to issue any formal discipline prior to the suspension. (Tr. at 102-03). The other District Manager who requested that Wayne Jackson make changes to his time records received no discipline. The suspension is reduced to five (5) days.

NORD shall reimburse Mr. Clark for the wages and emoluments for the remaining 37 days of the suspension.

WRITER:


Ruth Davis, Commissioner (Apr 6, 2026 17:20:41 CDT)
RUTH DAVIS, COMMISSIONER

CONCUR:



John Korn, Vice-Chairperson (Apr 6, 2026 16:40:42 CDT)

JOHN KORN, VICE-CHAIRPERSON



Andrew Monteverde, Commissioner (Apr 6, 2026 16:22:31 CDT)

ANDREW MONTEVERDE, COMMISSIONER