

Information in this decision was redacted.



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
BRITTNEY RICHARDSON, CHAIRPERSON
JOHN H. KORN, VICE-CHAIRPERSON
MARK SURPRENANT
RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Wednesday, February 4, 2026

Mr. Dylan Bryan
1340 Poydras St., Suite 720
New Orleans, LA 70112

Re: **Kemberly Irons VS.
Code Enforcement & Hearing Bureau
Docket Number: 9736 & 9754**

Dear Mr. Bryan:

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 - 2/4/2026 - 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: Anthony Davis
Jalen Harris
Jay Ginsberg
Kemberly Irons
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**KEMBERLY IRONS,
Appellant**

Docket No. 9736 & 9754

v.

**DEPARTMENT OF CODE
ENFORCEMENT,
Appointing Authority**

DECISION

Appellant, Kemberly Irons, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from the termination of her employment by the Department of Code Enforcement on July 8, 2025, and a three-day suspension, communicated by letters dated May 8, 2025, and July 8, 2025, respectively. (Exhibits HE-1, HE-2). At all relevant times, Appellant had permanent status as a Code Enforcement Inspector II. (Tr. at 9, 63). A Hearing Examiner, appointed by the Commission, presided over a hearing on August 13, 2025. 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 post-hearing briefs of the parties submitted on September 24, 2025, and October 6, 2025; the Hearing Examiner's report dated November 4, 2025; and controlling Louisiana law.

For the reasons set forth below, Irons' appeal is GRANTED.

I. FACTUAL BACKGROUND

Ms. Irons was diagnosed [REDACTED] in 2021. (Tr. at 63-64; Ex. Appellant-1). [REDACTED]

[REDACTED]

Historically, Ms. Irons testified she would inform her supervisor, Ardell Walters, that she would be absent. (Tr. at 65). When Mr. Reid began supervising her, she turned in doctor's notes and texted doctor's notes to Ms. Reid. (Tr. at 67). For example, when Ms. Irons went to the doctor on February 19, she scheduled appointments for May 19 and May 20. (Tr. at 71). She provided hard copies of the notes to her supervisor. (Tr. at 72).

Ms. Irons also provided documentation of absences for her mother's surgery on March 11-13, an emergency room visit on April 7 for her son, an urgent care visit for her daughter on April 17, and a doctor's appointment for her mother on April 24. (Tr. at 75; Ex. Appellant-3).

Ms. Irons also testified that she sees her [REDACTED], including on May 20-21. (Tr. at 81; Ex. Appellant-4). Ms. Irons provided a note [REDACTED] in relation to the May 20-21 absence. (Ex. Appellant-4). She informed Ms. Reid of this upcoming absence in combination with the note for her absence on February 19. (Tr. at 77, 81). In addition, Ms. Irons was under treatment [REDACTED] from May 22 to May 28. (Ex. Appellant-5). Ms. Irons testified she provided the [REDACTED] note to her supervisor. (Tr. at 87; Ex. Appellant-5). Ms. Irons testified that she provided documentation from her medical providers for all absences. (Tr. at 92).

Ms. Walters testified that she had donated leave to Ms. Irons in the past, and that she had recently donated leave again, but that it had not been used. (Tr. at 102, 105). Sinead Daniel, Code Enforcement Human Resources, testified that the Department of Code Enforcement was unable to process a leave donation for Ms. Irons because of the absence of a doctor's note. (Tr. at 61). Ms. Irons testified that she was unaware she could receive leave donations when she was not eligible for FMLA. (Tr. at 76).

II. ANALYSIS

A. Termination of employment under Rule IX

The Department of Code Enforcement terminated Ms. Irons' employment on July 8, 2025, under Civil Service Rule IX based on her inability to perform her job duties. (Ex. HE-2). Civil Service Rule IX, Section 1.1 provides as follows, in pertinent part:

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 the service.

(emphasis added). Generally, an Appointing Authority may take disciplinary action against an employee for poor attendance. *Reynolds v. Dep't of Prop. Mgmt.*, 577 So. 2d 1026, 1027 (La. App. 4 Cir. 1991), *writ denied*, 582 So. 2d 1312 (La. 1991). The Commission recently denied the appeal of a laborer terminated by the Department of Recreation for absenteeism. *Plains v. Recreation Dep't*, Nos. 9727, 9739 (Civil Service Comm'n 11/25/25).²

In this case, the Director of Code Enforcement testified that if Ms. Irons had provided medical documentation, then he would not have made the decision to terminate her employment.³ (Tr. at 47, 51). At the hearing of this matter, Ms. Irons provided documentation from her medical providers for the seven absences in May upon which her termination was based and a note from her physician describing the course of her treatment. (Exs. Appellant-4, Appellant-5). Ms. Irons testified that she provided this documentation to her supervisor. (Tr. at 92). This testimony was un rebutted.

² This decision is available publicly at [Civil Service - Topics - Commission - Decisions - City of New Orleans](#),

³ Ms. Irons' supervisor testified that the medical documentation would not have changed her recommendation to terminate Ms. Irons' employment. (Tr. at 33).

Therefore, Ms. Irons' appeal of her termination is GRANTED.

B. Three-day suspension for neglect of job duties

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). 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. *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 Department of Code Enforcement met its burden of showing that Ms. Irons neglected her job duties by failing to inform her supervisors of upcoming absences and/or failing to provide documentation from medical providers of her absences between March 5, 2025, and May 8, 2025. Ms. Irons offered into evidence documentation from her medical providers related to absences on six dates.⁴ However, Ms. Irons was absent a total of 14 days⁵ from March 10 to May 1. (Tr. at 31).

⁴ March 11, 12, 31; April 7, 17, 24. (Exs. Appellant-2, Appellant-3).

⁵ According to the payroll records, Ms. Irons was absent on March 11, 12, 19, 28, 31; April 1, 2, 7, 11, 17, 18, 24, 25; and May 1. Ms. Irons was absent for one hour on March 10, 15 minutes on March 20, and two and one-half hours on April 14. (Ex. AA-3). April 18 was a holiday.

As Appellant notes in her post-hearing brief, the Department of Code Enforcement informed Ms. Irons that she would receive counseling before progressive discipline for absences lacking documentation. The Department of Code Enforcement never counseled Ms. Irons. Instead, the Department of Code Enforcement suspended Ms. Irons for three days. Therefore, the Department of Code Enforcement failed to follow the procedure it explicitly communicated to Ms. Irons on March 5.

Ms. Irons' appeal of her suspension is GRANTED.

The Department of Code Enforcement shall reinstate Ms. Irons along with back pay from July 8, 2025, to date, along with all emoluments of employment. The Department of Code Enforcement shall also reimburse Ms. Irons lost wages for the three-day suspension, along with all emoluments of employment.

This matter is remanded to the Department of Code Enforcement to issue a counseling for Ms. Irons' absences between March 5 and May 8.

WRITER:



John Korn, Vice-Chairperson (Jan 23, 2026 20:23:09 CST)

JOHN KORN, VICE-CHAIRPERSON

CONCUR:



Brittney Richardson, Chairperson (Jan 21, 2026 15:51:31 CST)

BRITTNEY RICHARDSON, CHAIRPERSON

Andrew Monteverde, Commissioner

Andrew Monteverde, Commissioner (Jan 22, 2026 11:01:14 CST)

ANDREW MONTEVERDE, COMMISSIONER