

Bond Case Briefs

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EMPLOYMENT - LOUISIANA

Stokes v. Code Enforcement & Hearing Bureau

Court of Appeal of Louisiana, Fourth Circuit - October 2, 2013 - So.3d - 2013-0203 (La.App. 4 Cir. 10/2/13)

City Code Enforcement and Hearing Bureau appealed a decision of the City Civil Service Commission of New Orleans granting a bureau employee's appeal from the 10-day suspension imposed by her supervisors for alleged dereliction in her duties.

The Court of Appeal held that Commission's determination that bureau failed to establish good or lawful cause for disciplining employee was not manifestly erroneous.

On appeal to the City Civil Service Commission from a public employer's disciplinary action against an employee who has gained permanent status in the classified city civil service, the appointing authority has the burden of proving impairment of the efficiency of the public service in which the employee is engaged by a preponderance of the evidence and must also prove the actions complained of bear a real and substantial relationship to the efficient operation of the public service. While these facts must be clearly established, they need not be established beyond a reasonable doubt.