

STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

No. 55,318-CW

MONROE MUNICIPAL FIRE AND
POLICE CIVIL SERVICE BOARD

VERSUS

REGINALD BROWN AND
THE CITY OF MONROE

FILED: 05/09/23

RECEIVED: FEDEX 05/08/23

On application of Reginald Brown for SUPERVISORY WRIT in No. C-2022-1506 on the docket of the Fourth Judicial District, Parish of OUACHITA, Judge Daniel Joseph Ellender.

MINNIFIELD & HARPER

Pamela Rene Harper

-and-

CAROL POWELL LEXING & ASSOCIATES

Carol Denise Powell-Lexing

HAMMONDS SILLS ADKINS GUICE

Elmer Gray Noah, II

Counsel for:

Reginald Brown

Counsel for:

Monroe Municipal Fire
and Civil Service Board

GOLD WEEMS BRUSER SUES & RUNDELL

Joshua Joy Dara, Jr.

Counsel for:

City of Monroe

Before PITMAN, STONE, and THOMPSON, JJ.

WRIT GRANTED IN PART AND DENIED IN PART.

The applicant, Reginald Brown, seeks supervisory review of the trial court's December 22, 2022, ruling reinstating the Monroe Police Department's termination of his employment, as well as the January 31, 2023, ruling denying his motion for appeal and a motion for rehearing.

Reginald Brown was previously terminated from his employment with Monroe Police Department, where he served as a classified employee, for failing to timely refer allegations of police brutality to Louisiana State Police for investigation and for failing a polygraph examination administered concerning the same. Brown appealed the termination of his employment imposed by the City of Monroe, the governmental entity with oversight of the Monroe Police Department, to the

Monroe Municipal Fire and Police Civil Service Board in accordance with La. R.S. 33:2501. Following a hearing on the City of Monroe's termination of Brown's employment with the Monroe Police Department, the Monroe Municipal Fire and Police Civil Service Board found that while the City of Monroe acted in good faith in imposing discipline, the penalty of termination was not commensurate with the offense(s) proven. The Board then imposed upon Brown a 90-day suspension without pay from his position.

Brown and the City of Monroe both separately appealed the Board's decision to the district court. The district court, sitting as a court of review in this matter, found that the Monroe Municipal Fire and Police Civil Service Board acted in good faith in imposing discipline on Brown, but the district court indicated in its reasons for judgment that it could find no reason for the Board's decision to modify the termination from employment originally imposed by the City of Monroe. For this reason, the district court vacated the 90-day suspension without pay imposed by the Monroe Municipal Fire and Police Civil Service Board and reinstated the termination from employment imposed by the City of Monroe. Brown requested a suspensive appeal of the Board's decision, and it was ultimately determined that this Court would consider Brown's request for review as a writ application.

La. R.S. 33:2501(C)(1) provides that a municipal civil service board may, when considering an appointing authority's decision to impose discipline upon a permanent classified employee, modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing thereof, or such other lesser punitive action that may be appropriate under the circumstances.

Further, it is well-settled that review by the district court of a decision made by a municipal civil service board does not include a trial *de novo*; rather, the district court sits as a reviewing court and determines from the record of the board's proceedings whether its decision was made in good faith for cause. La. R.S. 33:2501(E)(3). A reviewing court cannot overrule a decision of a municipal civil service board merely because it disagrees with the penalty imposed, and the court cannot simply substitute its judgment for that of the board. The district court should accord deference to a civil service board's factual conclusions and must not overturn them unless they are manifestly erroneous. *City of Bossier City v. Vernon*, 12-0078 (La. 10/16/12), 100 So. 3d 301; *City of Shreveport v. DeBello*, 46,891 (La. App. 2 Cir. 1/25/12), 86 So. 3d 17, *writ denied*, 12-0460 (La. 1/25/13), 105 So. 3d 62; *Ouachita Par. Police Jury v. Ouachita Par. Fire Prot. Dist. No. 1 Civ. Serv. Bd.*, 46,480 (La. App. 2 Cir. 9/21/11), 72 So. 3d 987; *City of Shreveport v. Willis*, 33,680 (La. App. 2 Cir. 8/25/00), 765 So. 2d 1245; *In re Jackson*, 19-0164 (La. App. 1 Cir. 1/2/20), *writ denied*, 20-00202 (La. 4/27/20).

In reversing the Board's imposition of a 90-day suspension without pay and reinstating the City of Monroe's termination of Brown's employment following its finding that the Board acted in good faith, the district court exceeded the scope of its authority as a court of review. Once the district court determined that the Monroe Municipal Fire and Police Civil Service Board acted in good faith in imposing discipline upon Reginald Brown, no further inquiry by the district court into the Board's choice of disciplinary penalty was appropriate under the law.

For this reason, we grant the writ in part. The district court's reversal of the Monroe Municipal Fire and Police Civil Service Board's imposition of a 90-day suspension without pay and reinstatement of the City of Monroe's termination of Brown's employment is reversed, and the 90-day suspension from employment without pay as imposed by the Monroe Municipal Fire and Police Civil Service Board is reinstated. In all other respects this writ is denied.

Shreveport, Louisiana, this 9 day of February, 2024.

JRT JGO SDS

FILED: February 9, 2024

Brian Walls
CHIEF DEPUTY CLERK