

ENRICO STERLING

*

NO. 2020-CA-0161

VERSUS

*

COURT OF APPEAL

**DEPARTMENT OF CIVIL
SERVICE**

*

FOURTH CIRCUIT

*

STATE OF LOUISIANA

CONSOLIDATED WITH:

CONSOLIDATED WITH:

ENRICO STERLING

NO. 2020-CA-0260

VERSUS

**DEPARTMENT OF CIVIL
SERVICE**

APPEAL FROM
CITY CIVIL SERVICE COMMISSION ORLEANS
NO. 9076

Judge Daniel L. Dysart

(Court composed of Judge Terri F. Love, Judge Daniel L. Dysart, Judge Sandra Cabrina Jenkins)

Richard E. Baudouin
KREBS FARLEY, PLLC
400 Poydras Street, Suite 2500
New Orleans, LA 70130

COUNSEL FOR PLAINTIFF/APPELLANT

Elizabeth Robins
DEPUTY CITY ATTORNEY
1300 Perdido Street
Suite 5E03
New Orleans, LA 70112

Corwin M. St. Raymond
ASSISTANT CITY ATTORNEY
1300 Perdido Street
Room 5E03
New Orleans, LA 70112

William R. H. Goforth
ASSISTANT CITY ATTORNEY
1300 Perdido Street
Room 5E03
New Orleans, LA 70112

Donesia D. Turner
SENIOR CHIEF DEUPTY CITY ATTORNEY
1300 Perdido Street
Room 5E03
New Orleans, LA 70112

Sunni J. LeBeouf
CITY ATTORNEY
1300 Perdido Street
Room 5E03
New Orleans, LA 70112

COUNSEL FOR APPELLANT/CITY OF NEW ORLEANS
DEPARTMENT OF PUBLIC WORKS

Christina L. Carroll
CITY OF NEW ORLEANS CIVIL SERVICES COMMISSION
1340 Poydras Street
Suite 900
New Orleans, LA 70112

COUNSEL FOR APPELLEE/DEPARTMENT OF CIVIL SERVICE

**APPEAL DISMISSED
DECEMBER 1, 2021**

This matter involves two consolidated appeals (one by the Department of Public Works (DPW) and the other by Enrico Sterling) concerning an October 4, 2019 minute entry by the Civil Service Commission of the City of New Orleans, which reflected the Commission's intent to implement the ruling of this Court, following this Court's reversal of the Commission's judgment in *Edmonds v. Dept. of Pub. Works*, 2018-0203 (La.App. 4 Cir. 12/5/18), 260 So.3d 784.

On February 25, 2019, the Commission, acting upon Zepporah Edmonds' motion to enforce, ordered the DPW to reinstate Ms. Edmonds to the position of Parking Administrator. On March 20, 2019, the Commission ordered the layoff of Mr. Sterling, who had occupied the position of Parking Administrator (this is because only one position for Parking Administrator existed) while Ms. Edmonds appealed her demotion.

On September 23, 2019, Mr. Sterling requested to address the Commission and also requested that the Commission investigate whether a violation of Civil Service Rule XII had occurred. Following the meeting, the Commission recorded the matter by a minute entry dated October 4, 2019, which noted that Mr. Sterling

had no right of appeal; the Commission also agreed to hear Mr. Sterling's procedural objection to his layoff.

Both Mr. Sterling and the DPW sought to appeal the Commission's October 4, 2019 minute entry. The Commission granted the DPW's motion to appeal the October 4, 2019 minute entry on November 20, 2019. Likewise, on March 2, 2020, the Commission granted Mr. Sterling's motion to appeal the October 4, 2019 minute entry.

This Court, however, lacks jurisdiction over this matter because the October 4, 2019 minute entry was not a final judgment, nor was it an exercise of the Commission's quasi-judicial power, but an exercise of the Commission's quasi-executive and quasi-legislative powers. Consideration of this procedural issue was pursuant to La. Const. art. X § 10(B). Furthermore, the DPW was not a party to the October 4, 2019 minute entry. Also, the DPW has no constitutional rights. As such, it has no right of appeal separate from the appeal rights granted by a statute or rule. *See Hellmers v. Dept. of Fire*, 2019-0420, p. 10 (La.App. 4 Cir. 10/30/19), ___ So.3d ___, 2019 WL 5607426. Accordingly, it is proper and right that both Mr. Sterling's and the DPW's appeals in this matter are dismissed.

APPEAL DISMISSED