

## Decision

Filed: July 8, 2013

State of Louisiana  
Civil Service Commission

### Docket No. S-17701

Carla Fowler

Versus

Department of Public Safety and Corrections, Louisiana Correctional Institute for Women

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Rule(s): 9.1(e); 13.10; 13.11

Topic(s): Separation of probationary employee; retaliation; right of appeal

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Appearances: Carla Fowler, self-represented  
Debbie Rutledge, on behalf of DPSC, LCIW

### Statement of the Appeal

Carla Fowler was employed by the Department of Public Safety and Corrections (DPSC), Louisiana Correctional Institute for Women (LCIW) as a Corrections Sergeant Master and was serving with probationary status. On April 12, 2013, DPSC separated Ms. Fowler from her employment effective April 13, 2013.

On April 13, 2013, Ms. Fowler filed an appeal wherein she alleges DPSC separated her based on false statements made by others. She further alleges that she is the victim of retaliation, i.e. that she is a "whistleblower." As relief, Ms. Fowler requests reinstatement with back pay.

On April 24, 2013, I issued a notice to Ms. Fowler questioning whether she had established a right of appeal to the Commission, in light of her probationary status. The notice gave her fifteen (15) calendar days to amend her appeal and/or show cause in writing why it should not be summarily dismissed. I received no response from Ms. Fowler.

Based on a review of the record and pursuant to Article X, § 12(A) of the Louisiana Constitution of 1974, I reach the following conclusions.

## Discussion and Conclusions of Law

Ms. Fowler was a probationary employee. Pursuant to Civil Service Rule 9.1(e), she was subject to separation from her position at any time, and had no property right to her job.<sup>1</sup> Accordingly, Ms. Fowler's appeal rights are more limited than those of classified employees with permanent status.

Lacking permanent status, Ms. Fowler only has a right of appeal to the Commission if she alleges that she has been adversely affected by the violation of the Civil Service Article or the Civil Service Rules or that she has been discriminated against because of her religious or political beliefs, sex or race.<sup>2</sup> Moreover, claims of discrimination and/or rule violations must be supported by specific and detailed factual allegations; mere conclusions are not sufficient.<sup>3</sup>

Ms. Fowler alleges that DPSC lacked cause to separate her, in that her separation was based on false reasons. However, legal cause is not required to separate a probationary employee under Civil Service Rule 9.1(e). Ms. Fowler further alleges that her separation was retaliatory. Retaliation is a form of non-merit factor discrimination, but probationary employees do not have a right of appeal to the Commission based upon retaliation.

Despite being given an opportunity to do so, Ms. Fowler has failed to allege sufficient specific facts supporting a conclusion that a violation of the Civil Service Article or Civil Service Rules has occurred, or that DPSC discriminated against her based on her religious or political beliefs, sex or race. Therefore, she has not established a right of appeal to the Commission.

Accordingly, this appeal is summarily dismissed.

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Roxie F. Goynes  
Civil Service Commission Referee

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<sup>1</sup>See: *Murray v. Department of Revenue and Taxation*, 504 So.2d 561 (La. App. 1<sup>st</sup> Cir. 1986); *Maurello v. Department of Health and Human Resources, Office of Management and Finance*, 510 So.2d 458 (La. App. 1<sup>st</sup> Cir. 1987); *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985).

<sup>2</sup> Civil Service Rule 13.10; *Flanagan v. Department of Environmental Quality*, 99-1332 (La.App. 1 Cir. 12/28/99); 747 So.2d 763; *Louisiana Department of Agriculture and Forestry v. Sumrall*, 98-1587 (La. 3/2/99); 728 So.2d 1254.

<sup>3</sup> Civil Service Rule 13.11