



CITY OF NEW ORLEANS

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Wednesday, July 3, 2024

Ms. Kevin R. Mason-Smith
2540 Severn Avenue, Suite 400
Metairie, LA 70002

Re: **Ryan Satterberg VS.
Department of Emergency Medical Se
Docket Number: 9486**

Dear Ms. Mason-Smith:

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 - 7/3/2024 - 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: Dr. Megan Marino, Interim
William R. H. Goforth
Jay Ginsberg
Ryan Satterberg

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**RYAN SATTERBERG,
Appellant**

Docket No. 9486

v.

**DEPARTMENT OF EMERGENCY
MEDICAL SERVICES,
Appointing Authority**

DECISION

Appellant, Ryan Satterberg, 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 Department of Emergency Medical Services' (EMS) July 10, 2023, termination of his employment. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Paramedic. (Ex. HE-1). On December 8, 2023, the Commission dismissed Mr. Satterberg's disability discrimination appeal (docket number 9487) based on a lack of jurisdiction under Louisiana Constitution article X, § 8(b) and applicable Louisiana law. In a separate order, the Commission denied EMS's motion to exclude evidence of Mr. Satterberg's diagnosis of Autism Spectrum Disorder from the instant appeal. A Hearing Examiner, appointed by the Commission, presided over a hearing on January 30, 2024. 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 submitted on March 11, 2024, and March 21, 2024, the Hearing Examiner's report dated April 23, 2024, and controlling Louisiana law.

For the reasons set forth below, Mr. Satterberg's appeal is DENIED.

I. FACTUAL BACKGROUND

The Department of Emergency Medical Services hired Ryan Satterberg as a paramedic on May 2, 2022. New Orleans EMS policy requires the “highest skill prehospital provider” to be “responsible for the general care rendered to all persons on calls for service.” (Ex. NOEMS-2, Chapter 8, page 7). Because a paramedic has higher skills than an emergency medical technician (EMT), the paramedic is responsible for the care of the patient when both a paramedic and an EMT respond to a call. (Tr. at 8).

The New Orleans EMS Policy and Procedure Manual contains a Code of Ethics requiring all employees to treat the public with “courtesy and professionalism.” (Ex. NOEMS-2). New Orleans EMS defines “professionalism” as requiring “the utmost concern for the dignity of the individual with whom they are interacting.” (Ex. NOEMS-2, Chapter 5, page 1). “The employee shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or New Orleans EMS.” (Ex. NOEMS-2). The Code of Ethics provides that “[a]n employee shall maintain decorum, patience, command of temper, and a sense of tactfulness.” (Ex. NOEMS-2).

Mr. Satterberg has received more than one commendation during his tenure at New Orleans EMS based on the care he provided to patients. (Tr. at 133, 163; Ex. Appellant-7).

EMS received complaints about Mr. Satterberg, including his tendency to downgrade calls so that the EMT assigned to him would treat the patient. (Tr. at 86). On March 31, 2023, the mother of a woman who was in a vehicle accident on February 8, 2023, complained via the 311 system that Mr. Satterberg discouraged the accident victim from going to the hospital and was disrespectful to her. (Tr. at 101, 120; Ex. Appellant-2). Captain Brooke Christy responded to this 311 call, and Captain Christy found the complainant credible. (Tr. at 113). A nurse at a hospital

complained on April 5, 2023, that Mr. Satterberg made inappropriate comments to her. (Ex. Appellant-2). On May 1, 2023, Mr. Satterberg's partner and employees at a psychiatric facility complained that he was rude and abrupt with the employees. (Ex Appellant-2).

On February 23, 2023, Mr. Satterberg requested an accommodation of assignment to day shift for his Autism Spectrum Disorder. (Ex. Appellant-6).

Following the complaints about Mr. Satterberg's interactions with the public and medical providers, on May 10, 2023, EMS placed Mr. Satterberg on two separate performance improvement plans (PIP), in lieu of discipline. (Tr. at 76; Ex. Appellant-2; Ex. Appellant-3). The first PIP concerned professional behavior, and the second PIP concerned patient care. (Tr. at 118; Ex. Appellant-2; Ex. Appellant-3).

As part of the PIP, Captain Brooke Christy performed a mentorship with Mr. Satterberg because of "complaints about Satterberg's interactions with patients on scene." (Tr. at 107). Captain Christy tried to address Mr. Satterberg's demeanor. (Tr. at 108). Captain Christy provided Mr. Satterberg with additional training with Nathan Mumme, a Field Training Officer, in May of 2023. (Tr. at 110).

On June 19, 2023, the emergency medical technician assigned to a shift with Mr. Satterberg, Tandreika Clark, complained about his treatment of a patient on that date. (Tr. at 6). Generally, the paramedic supervises the EMT during calls. (Tr. at 8). According to Ms. Clark and the body-worn camera footage, when Ms. Clark and Mr. Satterberg arrived on the scene, two family members informed them that the patient had mental health issues and had not been eating or taking her medication. (Tr. at 9; Ex. NOEMS-1). The patient was non-verbal, and the patient's aunt and niece informed Mr. Satterberg and Ms. Clark that the patient suffered from depression. (Tr. at 10; Ex. NOEMA-1). The patient was sitting up in her bed and seemed alert, but she failed

to respond to questions. (Tr. at 10; Ex. NOEMS-1). The patient cooperated when asked to walk to the stretcher to go to the hospital. (Tr. at 10, 27; Ex. NOEMS-1). Mr. Satterberg returned to the patient's bedroom and looked through a drawer on her bedside table and looked in her bathroom. (Ex. NOEMS-1). Mr. Satterberg unbuckled one of the seatbelts on the stretcher and hit the patient's knee with a flashlight and clapped his hands in front of her. (Tr. at 10-11). In the ambulance, he threw Kerlix (a type of gauze) at the patient and said "catch." (Tr. at 11-12). He repeated this behavior, although the patient had failed to respond the first time he threw an object at her. (Tr. at 12). Even though he diagnosed the patient as dehydrated because of a skin test on the patient's hand, he forced the patient to open her mouth. (Tr. at 14). Mr. Satterberg also dropped saline on the patient's face. (Tr. at 15). Throughout his treatment of the patient, Mr. Satterberg failed to explain his actions to the patient. (Tr. at 23). Mr. Satterberg's behavior was outside of any protocol familiar to Ms. Clark or any treatment she had witnessed in her three years at New Orleans EMS. (Tr. at 16, 25). Ms. Clark complained because she did not believe Mr. Satterberg's behavior was courteous or respectful to the patient. (Tr. at 32). Ms. Clark believed that Mr. Satterberg's behavior may have negatively affected the patient's mental state. (Tr. at 27).

Megan Marino, M.D., the Director of EMS and its Appointing Authority, testified that she made the decision to terminate Mr. Satterberg's employment after Ms. Clark's complaint and her review of the body-worn camera video of the call on June 19, 2023. (Tr. at 35). Dr. Marino found Mr. Satterberg exhibited a "lack of compassion and respect," but her main concern was that Mr. Satterberg failed to perform a stroke assessment when the patient exhibited a facial droop. (Tr. at 37, 50). When Dr. Marino watched the video, she suspected the patient was suffering an "acute stroke" as soon as Mr. Satterberg and Ms. Clark arrived at the patient's apartment. (Tr. at 37). A facial droop and aphasia are symptoms of a stroke. (Tr. at 64). Dr. Marino testified that Ms. Clark's

question about the last time the family members saw the patient in a normal state was prompted by a suspicion of stroke by the EMT. (Tr. at 39). Dr. Marino testified that when a medical provider is unsure of the last time the patient was in a normal state, the provider should treat the patient as if a suspected stroke just occurred. (Tr. at 62-63, 66). Dr. Marino explained that “a stroke is one of those things that we can reverse very quickly, especially if we're able to get the patient to the facility in a timely manner.” (Tr. at 37). Mr. Satterberg acknowledged that in cases of stroke, time is of the essence. (Tr. at 150). Dr. Marino was concerned about Mr. Satterberg’s delay in transporting the patient to an appropriate medical center. (Tr. at 50).

Dr. Marino was also perplexed by Mr. Satterberg’s attempts to check the patient’s reflexes. (Tr. at 71). Further, Dr. Marino considered Mr. Satterberg’s action of looking in the patient’s mouth “aggressive.” (Tr. at 54). Dr. Marino also testified that EMS discourages employees from being alone in a patient’s home, and Mr. Satterberg entered the apartment alone. (Tr. at 43, 50). According to Dr. Marino, Mr. Satterberg’s action of opening the patient’s drawers and looking through her belongings “curious” and “unprofessional.” (Tr. at 51). Dr. Marino decided that even though EMS had attempted to coach him through a PIP, his performance continued to worsen. (Tr. at 59). Mr. Satterberg violated the New Orleans EMS Code of Ethics. (Tr. at 55). “Mr. Satterberg wasn’t able to provide the excellent compassionate and respectful care to every patient every time.” (Tr. at 59). Dr. Marino testified that Mr. Satterberg mistreated the patient, warranting termination. (Tr. at 58-59).

II. ANALYSIS

A. Legal Standard for Commission’s Review of Discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police*

Dep't, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572 (quoting *Stevens v. Dep't of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.* “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).

1. The Appointing Authority must show the discipline was commensurate with the infraction

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 disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Durning v. New Orleans Police Dep't*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *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 appointing authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep't of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

B. EMS has carried its burden of showing cause for the termination of Mr. Satterberg’s employment

The underlying factual issues are not in dispute. Mr. Satterberg was placed on two separate performance improvement plans on May 10, 2023, to address deficiencies in patient care and professionalism following complaints about his behavior. On June 19, 2023, the EMT assigned to Mr. Satterberg’s shift complained about his treatment of a non-verbal patient. When the Director of EMS reviewed the video from the June 19 incident, she discovered that Mr. Satterberg failed to recognize the symptoms of a stroke and follow the protocol for a suspected stroke. In addition to failing to treat the patient with respect by clapping in her face, throwing gauze at her, dropping IV fluid on her face, checking her reflexes using a flashlight and forcing her to open her mouth so he could look inside, Mr. Satterberg failed to appreciate the urgency of transporting the patient to the proper facility as soon as possible.

Mr. Satterberg’s failure to treat patients and the public with respect impairs the efficient operation of EMS, as its mission is to serve members of the public in need of emergency medical care. Further, Mr. Satterberg’s failure to initiate stroke protocol for a patient with stroke symptoms and obtain appropriate care for her as soon as possible impairs the efficient operation of EMS, as patients rely on paramedics to initiate appropriate emergency care.

1. The penalty imposed by EMS is commensurate with the violation

The penalty imposed by EMS is commensurate with the violation. In May of 2023, EMS attempted to provide additional training to Mr. Satterberg to address the deficiencies in communication and patient care, but Mr. Satterberg repeated disrespectful behaviors in June of 2023. Although the undersigned Commissioners view Mr. Satterberg's commendations and diagnosis of Autism Spectrum Disorder as mitigating factors, the failure to implement a stroke protocol when the patient exhibited a facial droop and aphasia is a serious mistake. The Commission defers to Dr. Marino's clinical assessment of the patient. A member of the public exhibiting signs of stroke expects a paramedic to obtain appropriate care as soon as possible.

Mr. Satterberg's appeal is DENIED.

WRITER:



Brittney Richardson (Jul 3, 2024 10:13 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



J H Korn (Jul 3, 2024 12:32 CDT)

JOHN KORN, VICE-CHAIRPERSON



Ruth Davis (Jul 1, 2024 10:14 CDT)

RUTH DAVIS, COMMISSIONER