

**CITY OF ATLANTA CIVIL SERVICE BOARD
FINDINGS OF FACT AND ORDER**

APPELLANT: **JOY BOSTIC**
Atlanta Fire and Rescue (AFRD)
City of Atlanta (City)

APPEAL NO. 2018-043AP
Effective Date: November 9, 2018
Hearing Date: November 18, 2021

ACTION:
DISMISSAL

HEARING OFFICER
Plemon El-Amin, Chair
Robert Hawkins
Mary Ann S. Phyll, DWB

APPEARANCES

City of Atlanta Representative:
Laura Yellig, Esq.

City Witnesses:
Investigator Shaun Houston
Deputy Chief Byron Kennedy

Appellant Representative:
Ken Davis, Esq.
Chloe Strickland, Paralegal

Appellant's Witnesses:
Joy Bostick, Appellant
Chief Jolyon Bundrige
Laverne Hardwick
Adalberto Madera

STATEMENT OF AUTHORITY

Under the authority and provisions of Chapter 114, Article VI, Division 3, Sections 114-546 through 556 of the Atlanta City Code ("Code"), a hearing in the above-referenced case was held virtually via Zoom Webinar, facilitated by the City, pursuant to Mayor Keisha Lance Bottoms Executive Order regarding COVID-19, and before the above-named hearing officers of the Atlanta Civil Service Board ("Board") on the date set forth above.

CHARGES

DISMISSAL for violation of the Atlanta Fire and Rescue Work Rule:
1.03: Conduct, subsection D: Egregious acts or actions

EXHIBITS

City of Atlanta:

- C-1 NFAA and Proof of Service
- C-2 NPAA
- C-3 OPS File #2017-1A-099
- C-4 Atlanta Department of Law Report CI 2017 0007
- C-5 Atlanta Fire Department OPS Manual

Appellant:

- A-1 – Notice of Proposed Adverse Action
- A-2 – Final Adverse Action
- A-3 – Response Statement to Adverse Action
- A-4 – Employee Response Narrative
- A-5 – OPS Report
- A-6 – Department of Law Investigative Report
- A-7 – Department of Law Exhibits
- A-8 – Interview Documentation from Dept of Law Investigation
- A-9 – Email Approval for Director Position 3/27/2015
- A-10 – Class Roster
- A-11 – Program
- A-12 – Job Description for Program Director
- A-13 – Bostick Out of Class Pay
- A-14 – Receipt of Application Submission
- A-16 – Open Records Request to view class notebooks
- A-17 – Letter of Program Approval
- A-18 – Appendix K Evaluations

STIPULATIONS

1. Appellant was first employed by the City of Atlanta as a firefighter on December 29, 2005.
2. Appellant was served a notice of Proposed Adverse Action on October 25, 2018, signed by Deputy Chief Byron Kennedy on behalf of Chief Randall Slaughter on October 23, 2018.
3. Appellant provided a written response on October 30, 2018, and attended an employee response session with Chief Randall Slaughter on October 31, 2018.
4. Appellant was served a Notice of Final Adverse Action, signed by Chief Slaughter and dated November 1, 2018, by certified mail sent on November 2, 2018.

5. The Notice of Final Adverse Action cited a violation of Work Rule 1.03, "Conduct," subsection d., "Egregious acts or actions."
6. Appellant was terminated from her employment with the City of Atlanta Fire Rescue Department effective November 9, 2018.

INFRACTION

See City of Atlanta Notice of Final Adverse Action (NFAA) (Exhibit C-1)

FINDINGS OF FACT

1. Appellant Joy Bostic was appointed Acting Program Director for the Atlanta Fire Department's (AFRD) Paramedic Training Course. She served as the course instructor and administrator of the program in 2014 and 2015.
2. Due to an audit of the course two years later, on August 7, 2017 a complaint package request came from the Office of Professional Standards (OPS) regarding possible inadequate documentation of the student's training endorsed by the Appellant.
3. The complaint stated that the Appellant allowed some students to sit for the National Registry exam without completing the training. Successful completion of the training course is a prerequisite to taking the exam.
4. On August 25, 2017, the case was moved to the City of Atlanta Department of Law's compliance unit for investigation due to a possible conflict.
5. On August 3, 2018, the investigative report concluded that the Appellant was negligent in performing her administrative responsibilities as program director for the AFRD Paramedic Training course in 2014 and 2015. The case was returned to AFRD. (Exhibit C-4)
6. Case 2017-1A-099 was filed by the OPS on September 2, 2018. (Exhibit C-3) A case summary was provided to the Fire Chief and a discipline review panel made a recommendation of dismissal.
7. Notice of Proposed Adverse Action (NPAA) was served on the Appellant October 25, 2018. (Exhibit C-2) The Notice of Final Adverse Action (NFAA) dated November 1, 2018 and effective November 9, 2018 was sent to the Appellant via certified mail. (Exhibit C-1)

DISCUSSION

The Appellant, who also served as a Firefighter was a sergeant with over 13 years of service with the AFRD and had a clean employment record when she was dismissed. The Appellant has an impressive list of academic achievements including a BS in Nursing. She is also a licensed RN, Paramedic instructor. (Exhibit A-3) As the only staffer with the required qualifications, she was offered and accepted a position as the Acting Program Director of AFRD's Paramedic training course. In this role, she was asked to instruct and coordinate administrative duties for 31 professionals in various occupations - 25 of the attendees were her counterparts.

Approximately two months into the training, a software program called Platinum Planner was incorporated into the course. The program was designed to maintain a record of the student's progress on line. The use of this technology was not a State of Georgia requirement. It did however prove to be difficult to navigate by both the Appellant and the students. The Appellant testified that she contacted the software company for assistance and instructed her students to do the same. Prior to the introduction of the Platinum Planner software, notebooks were used to record and track student's progress towards completing prerequisite training. Due to ongoing difficulties with the technology, the Appellant made an executive decision that each student would maintain critical information in their individual notebooks. This would provide proof of their participation in the labs, scenario and clinical sections of the class.

The notebooks and their importance are at the center of this case. Yet the notebooks were never entered into evidence leaving the Board with the question of why they were not presented.

The Appellant was the only instructor and also had to manage administrative duties. The attendees did not complain about the Appellant's ability to teach the course, they commented that she always appeared very busy. The class became overwhelming for the Appellant. She was given no assistance until the end of the course. That assistance came from witness, Laverne Hardwick, who testified that she helped to put class files together. Additionally, the Board was presented with no evidence that upper management guided her as an instructor or reviewed the course's progress.

Witness Adalberto Madera testified that he took the same AFRD Paramedic course in 2015-2016 and stated that there were three (3) instructors that taught his class.

The Board believes that the Appellant does not bear all the responsibility for the

adverse issues that arose during her time as sole instructor; there were more people involved in the program. It appears that there was diminished oversight of those in upper management. The Board is of the opinion that the culpability should not have been placed solely on the Appellant when the City and the AFRD failed to provide sufficient assistance to her as a Program Director.

In conclusion, the Board carefully considered all testimony and evidence presented by both the City and the Appellant during the hearing. The Board finds that the factors surrounding the charge in this case do not rise to the level of dismissal.

ORDER

The Board thereby MODIFIES the DISMISSAL of Appellant, Joy Bostick to a 90-day suspension.

This the 8th day of December 2021.

Respectfully submitted,

Plemon El-Amin

Plemon El-Amin, Chair

Robert Hawkins

Robert Hawkins

Mary Ann Phyll

Mary Ann S. Phyll, DWB