



REPORT
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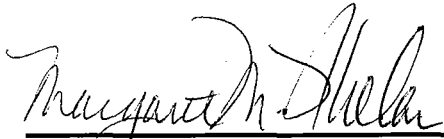
THE PERSONNEL
DEPARTMENT

TO: The Honorable Members of City Council Attention: PERSONNEL COMMITTEE	DATE January 30, 2006
REFERENCE:	COUNCIL FILE 05-0801
SUBJECT: AUDIT OF FIRE DEPARTMENT SELECTION AND EMPLOYMENT PRACTICES	

RECOMMENDATIONS

That the Council, subject to approval of the Mayor:

1. Direct the Fire Department and the Personnel Department to jointly report back in 120 days with a comprehensive; recruitment, testing, and selection action plan to increase the number of women, including minority women, in the sworn fire service.
2. Direct the Fire Department to provide semi-annual status reports to the Mayor and Fire Commission on the progress of increasing the diversity within each sworn classification in the Fire Department, including a sex and ethnic breakdown of each Drill Tower class, and the probationary pass rate of each class.
3. Direct the Fire Department to reevaluate previously implemented Human Relations Development Committee (HRDC) recommendations, implement the remaining HRDC recommendations and ensure that each one is effectively achieving the goal of the original HRDC recommendation.
4. Request the stakeholders, as identified in this report, to continue to consistently communicate their valuable insight to Fire Department management regarding the work environment.
5. Direct the Fire Department to evaluate the effectiveness of the human relations training program, and work with the Personnel Department and the Human Relations Commission to modify and enhance the program as appropriate.
6. Request the Los Angeles Board of Fire Commissioners to transfer the reporting relationship of the Equal Employment Opportunity Section from the Fire Commission to the Fire Administrator.


MARGARET M. WHELAN,
GENERAL MANAGER

7. Direct the Fire Department to assign responsibility for the investigation, analysis and reporting of all equal employment issues to the Equal Employment Opportunity Section and revise all internal procedures to reflect this change in organizational responsibilities.
8. Direct the Fire Department's Equal Employment Opportunity Section to provide quarterly reports to the Fire Commission on the number and status of all discrimination complaints filed internally and externally with compliance agencies.
9. Direct the Personnel Department to make equal employment opportunity/discrimination complaint investigation training available to all staff assigned to the Fire Department's Equal Employment Opportunity Section.
10. Amend Charter Section 1060 g. of the Disciplinary Procedures for the Fire Department to reflect the provisions of Charter Section 1070 f. governing the composition and selection of the members of the Board of Rights, thereby adding a non-sworn, independent civilian member to the Board of Rights.
11. Direct the Fire Department to develop and implement its own Guideline to Disciplinary Standards to reflect the unique operating conditions of the Fire Department and model the new Guideline after Personnel Department Policy 33.2.
12. Direct the Fire Department to ensure that any sworn or civilian employee receive training from experts in public sector employment law and the use of effective investigation techniques prior to being assigned to conduct, supervise or review disciplinary investigations.
13. Direct the Fire Department to revise its current investigation procedures to ensure that all pertinent witnesses are interviewed and that the interviews are thoroughly documented.
14. Direct LAFD and Personnel Department report back to the Mayor and City Council on the implementation status of these recommendations in six months.

BACKGROUND

On April 22, 2005, in response to allegations of a hostile work environment, inconsistent, arbitrary disciplinary practices, discrimination and retaliation complaints, and discriminatory and inadequate training practices in the Los Angeles Fire Department (LAFD), the City Council adopted a motion by Councilmember Dennis Zine and seconded by Councilmembers Jan Perry and Cindy Miscikowski requiring the Fire Department, the Human Relations Commission, the Commission on the Status of Women and the Personnel Department to investigate and report back on these allegations. After a preliminary meeting between the four departments, it was determined that the Personnel Department would take the lead on this effort because of its expertise in these areas.

Unfortunately, the issues raised in Councilmember Zine's motion were not new issues to the Fire Department. Previously, on April 12, 1994, the City Council directed the Personnel Department, with cooperation of the LAFD and in consultation with the affected employee unions and organizations, to conduct a study of LAFD personnel practices, including, but not limited to recruitment, employee development programs, training opportunities, transfer and assignment practices, classification and allotment of positions, promotional examinations, applications to higher positions, pay grade advancement procedures, certification and appointment procedures, and disciplinary process. The study was completed in November 1994 and attached is the executive summary of that report. (Attachment 1)

To address the issues raised by the Personnel Department's 1994 study, the Board of Fire Commissioners established the Human Relations Development Committee (HRDC) within the Fire Department. The HRDC was composed of representatives of employee groups within the Department, including the United Firefighters of Los Angeles City (UFLAC), the Chief Officers Association, Los Bomberos, the Stentorians, and the Sirens, as well as representatives from the LAFD staff, the Fire Commission, Citywide affirmative action associations and a representative of the Chair of the City Council's Personnel Committee. This group reviewed the issues outlined in the Personnel Department study and prepared a report itemizing recommendations, priorities and timelines for implementation. On August 15, 1995, the Board of Fire Commissioners approved the HRDC's implementation plan and on October 25, 1995, the City Council directed the Fire Department to implement the HRDC's recommendations. (Attachment 2).

In order to effectively investigate the most recent issues and to provide the Council with a complete analysis of the Fire Department's working environment, the Personnel Department expanded the scope of work beyond the specific items identified in Councilmember Zine's motion and revisited many of the issues examined in 1994. This expansion was necessary to assess the Fire Department's progress, or lack thereof, in addressing workforce diversity, discrimination and harassment in the workplace, arbitrary disciplinary practices, and inadequacy of training issues. To complete this project, the Personnel Department developed an audit plan focused on seven objectives listed below. The research and analysis of these objectives form the basis for recommendations above.

1. Assess the Fire Department's progress in achieving workplace diversity for all sworn ranks.
2. Determine the impact of changes made to the entry-level Firefighter selection process over the last 10 years.
3. Determine the status and effectiveness of the Human Relations Development Committee (HRDC) recommendations adopted by the City Council in 1995.
4. Determine the predominant perception of the Fire Department's organizational culture by interviewing major stakeholders.
5. Determine if the Fire Department's policies, procedures and record keeping practices for investigation and resolution of discrimination complaints meet the requirements of Executive Directive PE-1 and Citywide best practices.

6. Determine if there are patterns or trends in complaints of discrimination, harassment and retaliation.
7. Determine if the Fire Department's administration of discipline meets the City's standard for employee discipline and is applied in a fair, equitable and non-discriminatory manner.

OBJECTIVE # 1

Assess progress in achieving workplace diversity for all LAFD Sworn Ranks

Chart 1 compares the available workforce within the Los Angeles City limits in 2000 compared to the current sworn workforce of the LAFD. The 2000 data is the most recent workforce data available from the Bureau of Labor Statistics, and while slightly dated is a reasonable benchmark to compare with the LAFD's workforce.

CHART 1

L.A. FIRE DEPARTMENT WORKFORCE vs. CITY OF L.A. WORKFORCE

	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN/FILIPINO	NATIVE AMERICAN	OTHER	MALE	FEMALE
LOS ANGELES AVAILABLE WORKFORCE 2000	36.0%	10.3%	40.1%	10.9%	0.7%	2.0%	55.3%	44.7%
LAFD WORKFORCE 2005	1,791	405	1,015	199	11	1	3,334	88
	52.3%	11.8%	29.7%	5.8%	0.3%	0.0%	97.4%	2.6%
LAFD Representation: % above or below the Los Angeles Available Workforce	16.3%	1.5%	-10.4%	-5.1%	-0.4%	-2.0%	42.1%	-42.1%

Significant Findings: The LAFD has achieved and exceeded workforce parity for African Americans. Representation of Hispanics and Asian/Filipino while significant, remains below workforce parity. Representation of women is dramatically below workforce parity, with representation of only 2.6% compared to the workforce of 44.7%.

Chart 2 compares the 1996 LAFD sworn workforce to the current workforce in 2005

CHART 2

L.A. FIRE DEPARTMENT WORKFORCE: 1996 vs. 2005

	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN/ FILIPINO	NATIVE AMERICAN	OTHER	MALE	FEMALE
LAFD WORKFORCE 1996	1,770 59.3%	344 11.5%	732 24.5%	137 4.6%	3 0.1%	0 0.0%	2,903 97.2%	83 2.8%
LAFD WORKFORCE 2005	1,791 52.3%	405 11.8%	1,015 29.7%	199 5.8%	11 0.3%	1 0.0%	3,334 97.4%	88 2.6%
Representation: % Change from 1996 to 2005	-6.9%	0.3%	5.1%	1.2%	0.2%	0.0%	0.2%	-0.2%
No. of Employees: % Change from 1996 to 2005	1.2%	17.7%	38.7%	45.3%	266.7%		14.8%	6.0%

Significant Findings: The LAFD has significantly increased the diversity of their workforce over the past ten years. Caucasian representation in the workforce has declined by almost 7%, African-Americans have met and exceeded population parity, while all other minority groups have increased representation. For example, there has been a 38.7% increase in the number of Hispanics, and a 45% increase in the number of Asians/Filipinos. The one area where the LAFD has failed to increase representation is the number of women. While the LAFD has increased the number of women by five or 6% in the past ten years, their percentage of the workforce has fallen .2% despite the 14.8% increase in the overall size of the workforce.

Chart 3 compares the workforce diversity of the LAFD with the other major fire departments in California (available workforce data source: U.S. Census Bureau).

CHART 3

FIRE DEPARTMENT STATISTICS BY AGENCY (CA)

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
LOS ANGELES CITY	1,791	405	1,015	159	11	40	1	3,422	1,631	1,791	88
	52.3%	11.8%	29.7%	4.6%	0.3%	1.2%	0.0%	100.0%	47.7%	52.3%	2.6%
Avail Wrkforce	36.0%	10.3%	40.1%	10.9%	0.7%	under Asian	2.0%		64.0%	36.0%	44.7%
LOS ANGELES COUNTY	1,655	241	741	80	5	32	0	2,754	1,099	1,655	28
	60.1%	8.8%	26.9%	2.9%	0.2%	1.2%	0.0%	100.0%	39.9%	60.1%	1.0%
Avail Wrkforce	36.5%	9.2%	38.8%	12.9%	0.7%	under Asian	1.9%		63.5%	36.5%	44.4%
SAN DIEGO	631	59	159	52	15	under Asian	0	916	285	631	79
	68.9%	6.4%	17.4%	5.7%	1.6%	under Asian	0.0%	100.0%	31.1%	68.9%	8.6%
Avail Wrkforce	55.9%	7.1%	20.4%	13.6%	0.6%	under Asian	2.3%		44.1%	55.9%	43.2%
OAKLAND	210	139	75	27	2	14	3	470	260	210	41
	44.7%	29.6%	16.0%	5.7%	0.4%	3.0%	0.6%	100.0%	55.3%	44.7%	8.7%
Avail Wrkforce	31.5%	32.2%	18.2%	14.4%	0.6%	under Asian	3.1%		68.5%	31.5%	47.6%
LONG BEACH	330	36	77	18	3	0	0	464	134	330	13
	71.1%	7.8%	16.6%	3.9%	0.6%	0.0%	0.0%	100.0%	28.9%	71.1%	2.8%
Avail Wrkforce	41.3%	14.4%	29.7%	11.5%	0.8%	under Asian	2.3%		58.7%	41.3%	45.3%
SAN FRANCISCO	925	160	232	256	9	78	0	1,660	735	925	226
	55.7%	9.6%	14.0%	15.4%	0.5%	4.7%	0.0%	100.0%	44.3%	55.7%	13.6%
Avail Wrkforce	51.7%	5.4%	12.4%	27.4%	0.4%	under Asian	2.6%		48.3%	51.7%	44.4%

Significant Findings: The progress of the LAFD in increasing the diversity of the workforce is best demonstrated by comparing the LAFD workforce to other major fire agencies in California. Only the City of Oakland has a higher representation of minority employees in the workforce. While Oakland has a higher percentage of minority employees, it has not met any population parity goals (i.e. 32% African-American), while the LAFD has met the population parity goal for African-Americans. In comparison to Los Angeles County, the LAFD has better representation across all minority groups and females.

It is in the area of female representation that the LAFD lags behind some of the other major jurisdictions in California. Oakland, San Diego and San Francisco have significantly better representation of females. Both San Diego and San Francisco were under court mandated consent decrees to increase the number of women in the workforce. Under the consent decree, both jurisdictions were able to utilize specialized selection mechanisms that increased the number of

women. While both agencies have subsequently been released from the consent decree, their initial progress in increasing female representation can be attributed to the consent decree. In the absence of a consent decree, the LAFD is precluded by Proposition 209 from utilizing quota based hiring mechanisms, and will therefore have to seek alternative and innovative mechanisms to increase the representation of females in the workforce.

Chart 4 provides the demographic breakdown of the management level jobs in the LAFD.

CHART 4

FIRE DEPUTY CHIEF

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	5 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5 100.0%	0 0.0%	5 100.0%	0 0.0%
2001	3 60.0%	1 20.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5 100.0%	2 40.0%	3 60.0%	0 0.0%
2005	2 40.0%	2 40.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5 100.0%	3 60.0%	2 40.0%	0 0.0%
Representation: % Change from 1996 to 2005	-60.0%	40.0%	20.0%	0.0%	0.0%	0.0%	0.0%		60.0%	-60.0%	0.0%
No. of Employees: % Change from 1996 to 2005	-60.0%	n/a	n/a	0.0%	0.0%	0.0%	0.0%		n/a	-60.0%	0.0%

FIRE ASSISTANT CHIEF

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	14 93.3%	1 6.7%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	15 100.0%	1 6.7%	14 93.3%	0 0.0%
2001	14 82.4%	2 11.8%	1 5.9%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	17 100.0%	3 17.6%	14 82.4%	0 0.0%
2005	10 62.5%	2 12.5%	3 18.8%	1 6.3%	0 0.0%	0 0.0%	0 0.0%	16 100.0%	6 37.5%	10 62.5%	1 6.3%
Representation: % Change from 1996 to 2005	-30.8%	5.8%	18.8%	6.3%	0.0%	0.0%	0.0%		30.8%	-30.8%	6.3%
No. of Employees: % Change from 1996 to 2005	-28.6%	100.0%	n/a	n/a	0.0%	0.0%	0.0%		500.0%	-28.6%	n/a

FIRE BATTALION CHIEF

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	50 76.9%	5 7.7%	8 12.3%	2 3.1%	0 0.0%	0 0.0%	0 0.0%	65 100.0%	15 23.1%	50 76.9%	0 0.0%
2001	47 67.1%	7 10.0%	13 18.6%	3 4.3%	0 0.0%	0 0.0%	0 0.0%	70 100.0%	23 32.9%	47 67.1%	1 1.4%
2005	46 61.3%	11 14.7%	16 21.3%	2 2.7%	0 0.0%	0 0.0%	0 0.0%	75 100.0%	29 38.7%	46 61.3%	0 0.0%
Representation: % Change from 1996 to 2005	-15.6%	7.0%	9.0%	-0.4%	0.0%	0.0%	0.0%		15.6%	-15.6%	0.0%
No. of Employees: % Change from 1996 to 2005	-8.0%	120.0%	100.0%	0.0%	0.0%	0.0%	0.0%		93.3%	-8.0%	0.0%

Significant Findings: The increasing diversity of the LAFD is clearly demonstrated in the management level classifications in the Department. In 1996 there were no minorities in the Fire Deputy Chief classification by 2005 minorities hold 60% of the 5 positions. In Fire Assistant Chief there has been a 30.8% improvement in the percentage of minorities within the classification and a 500% increase in the number of minorities within the classification. Fire Battalion Chief shows a similar improvement with a 93.3% increase in the number of minorities in the classification. While progress on minorities has been significant, there has been no substantive progress with female representation, and no prospect for improvement because there are currently no females at the Battalion Chief level.

Chart 5 provides a demographic breakdown of the supervisory classification in the LAFD

CHART 5

FIRE CAPTAIN I

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	237 67.7%	33 9.4%	71 20.3%	7 2.0%	1 0.3%	1 0.3%	0 0.0%	350 100.0%	113 32.3%	237 67.7%	2 0.6%
2001	240 63.8%	38 10.1%	82 21.8%	12 3.2%	1 0.3%	1 0.3%	2 0.5%	376 100.0%	136 36.2%	240 63.8%	4 1.1%
2005	244 59.5%	39 9.5%	109 26.6%	16 3.9%	1 0.2%	1 0.2%	0 0.0%	410 100.0%	166 40.5%	244 59.5%	7 1.7%
Representation: % Change from 1996 to 2005	-8.2%	0.1%	6.3%	1.9%	0.0%	0.0%	0.0%		8.2%	-8.2%	1.1%
No. of Employees: % Change from 1996 to 2005	3.0%	18.2%	53.5%	128.6%	0.0%	0.0%	0.0%		46.9%	3.0%	250.0%

FIRE CAPTAIN II

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	163 81.9%	7 3.5%	26 13.1%	3 1.5%	0 0.0%	0 0.0%	0 0.0%	199 100.0%	36 18.1%	163 81.9%	1 0.5%
2001	152 72.7%	16 7.7%	36 17.2%	3 1.4%	1 0.5%	0 0.0%	1 0.5%	209 100.0%	57 27.3%	152 72.7%	0 0.0%
2005	130 63.7%	26 12.7%	42 20.6%	6 2.9%	0 0.0%	0 0.0%	0 0.0%	204 100.0%	74 36.3%	130 63.7%	4 2.0%
Representation: % Change from 1996 to 2005	-18.2%	9.2%	7.5%	1.4%	0.0%	0.0%	0.0%		18.2%	-18.2%	1.5%
No. of Employees: % Change from 1996 to 2005	-20.2%	271.4%	61.5%	100.0%	0.0%	0.0%	0.0%		105.6%	-20.2%	300.0%

Significant Findings: There have also been significant increases in the diversity of the workforce at the Captain I and Captain II ranks. These positions are particularly critical in that they are responsible for supervising members at the fire stations. At the rank of Captain II, the number of minorities has doubled; the number of African-Americans nearly tripled; the number of Asians doubled and the number of Hispanics increased by over 60%. Females have more than doubled their representation at the level of Captain II and I, however, the actual number of female Captains is only 11 and there are no minority female Captains.

Chart 6 provides a demographic breakdown of the non-supervisory promotional positions in the LAFD

CHART 6

APPARATUS OPERATOR

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	111 69.4%	8 5.0%	36 22.5%	5 3.1%	0 0.0%	0 0.0%	0 0.0%	160 100.0%	49 30.6%	111 69.4%	0 0.0%
2001	106 60.9%	9 5.2%	49 28.2%	8 4.6%	0 0.0%	1 0.6%	1 0.6%	174 100.0%	68 39.1%	106 60.9%	1 0.6%
2005	91 52.0%	8 4.6%	65 37.1%	7 4.0%	0 0.0%	3 1.7%	1 0.6%	175 100.0%	84 48.0%	91 52.0%	2 1.1%
Representation: % Change from 1996 to 2005	-17.4%	-0.4%	14.6%	0.9%	0.0%	1.7%	0.6%		17.4%	-17.4%	1.1%
No. of Employees: % Change from 1996 to 2005	-18.0%	0.0%	80.6%	40.0%	0.0%	n/a	n/a		71.4%	-18.0%	n/a

ENGINEER OF FIRE DEPARTMENT

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	311 67.8%	16 3.5%	108 23.5%	22 4.8%	0 0.0%	2 0.4%	0 0.0%	459 100.0%	148 32.2%	311 67.8%	3 0.7%
2001	282 61.0%	21 4.5%	129 27.9%	25 5.4%	0 0.0%	2 0.4%	3 0.6%	462 100.0%	180 39.0%	282 61.0%	6 1.3%
2005	263 56.1%	24 5.1%	144 30.7%	31 6.6%	1 0.2%	6 1.3%	0 0.0%	469 100.0%	206 43.9%	263 56.1%	7 1.5%
Representation: % Change from 1996 to 2005	-11.7%	1.6%	7.2%	1.8%	0.2%	0.8%	0.0%		11.7%	-11.7%	0.8%
No. of Employees: % Change from 1996 to 2005	-15.4%	50.0%	33.3%	40.9%	n/a	200.0%	0.0%		39.2%	-15.4%	133.3%

FIRE INSPECTOR I & II

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	45 35.7%	54 42.9%	22 17.5%	5 4.0%	0 0.0%	0 0.0%	0 0.0%	126 100.0%	81 64.3%	45 35.7%	3 2.4%
2001	50 36.8%	56 41.2%	23 16.9%	6 4.4%	0 0.0%	1 0.7%	0 0.0%	136 100.0%	86 63.2%	50 36.8%	3 2.2%
2005	44 32.8%	56 41.8%	28 20.9%	5 3.7%	0 0.0%	1 0.7%	0 0.0%	134 100.0%	90 67.2%	44 32.8%	11 8.2%
Representation: % Change from 1996 to 2005	-2.9%	-1.1%	3.4%	-0.2%	0.0%	0.7%	0.0%		2.9%	-2.9%	5.8%
No. of Employees: % Change from 1996 to 2005	-2.2%	3.7%	27.3%	0.0%	0.0%	n/a	0.0%		11.1%	-2.2%	266.7%

Significant Findings: The LAFD has made progress in increasing diversity at the non-supervisory promotional positions within the organization. At the rank of Apparatus Operator and Engineer, the number of minority employees has increased by 71% and 39%, respectively, and the number of females has more than doubled since 1996. In the classification of Fire Inspector the number of minorities has increased by 11% and number of female members has increased by over 200%.

Also, it is important to note that the representation of African-Americans in the class of Fire Inspector is 41% while Latino representation in the class of Apparatus Operator is 37.1%. Further research and monitoring is recommended to determine if any patterns exist with regard to promoting to Fire Captain from these classes.

Chart 7 provides the demographic breakdown of the journey-level Firefighters in the LAFD

CHART 7

FIREFIGHTER III

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
1996	806 51.8%	217 14.0%	447 28.7%	66 4.2%	2 0.1%	17 1.1%	0 0.0%	1,555 100.0%	749 48.2%	806 51.8%	75 4.8%
2001	651 48.7%	197 14.7%	407 30.4%	56 4.2%	1 0.1%	21 1.6%	4 0.3%	1,337 100.0%	686 51.3%	651 48.7%	58 4.3%
2005	865 49.9%	206 11.9%	550 31.7%	79 4.6%	9 0.5%	24 1.4%	1 0.1%	1,734 100.0%	869 50.1%	865 49.9%	48 2.8%
Representation: % Change from 1996 to 2005	-1.9%	-2.1%	3.0%	0.3%	0.4%	0.3%	0.1%		1.9%	-1.9%	-2.1%
No. of Employees: % Change from 1996 to 2005	7.3%	-5.1%	23.0%	19.7%	350.0%	41.2%	n/a		16.0%	7.3%	-36.0%

FIREFIGHTER I & II

	STATS BY GROUP							CUMULATIVE STATS			
	CAUCASIAN	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	FILIPINO	OTHER	TOTALS	MINORITIES	CAUCASIAN	FEMALE
2005	102 46.6%	32 14.6%	66 30.1%	11 5.0%	2 0.9%	6 2.7%	0 0.0%	219 100.0%	117 53.4%	102 46.6%	11 5.0%

Significant Findings: The journey and entry-level Firefighter classifications show continued improvement in the representation of minorities in the LAFD from 1996 to the present. Hispanic and Asian populations, while below population parity, show steady improvement, while African-American and Native American representation remain above population parity. The LAFD's continuing difficulty in recruiting and retaining qualified females is clearly demonstrated by the overall decline in the number of females in the journey and entry-level Firefighter classification over the past ten years. While some of the decline is due to female Firefighters promoting to other classifications, the failure to replace those employees with new female recruits continues the LAFD's past inability to substantially increase female representation.

OVERALL FINDING

Over the past ten year period, the LAFD has made substantial progress on increasing the diversity of the workforce across all levels of the organization. Significant improvements have been made in the representation of minorities at the management level. This represents a concrete example of the end of a workplace culture marked primarily by exclusivity and its

replacement with a workplace culture of inclusion. Given the relatively low attrition rate in the sworn fire service, the increase in the workplace diversity is admirable and LAFD management is commended on its progress in increasing the number of minorities in the workforce.

However, progress has not been uniform, and significant challenges remain to achieving a workforce reflective of the population it serves. Over the past ten years, there has been an effective decline in the representation of females in the LAFD. Since 1996, 31 female firefighters have been hired by LAFD; however, 11 (35.5%) of these females have since resigned or been terminated from the Department. This decline in representation exacerbates the challenge of recruiting and retaining highly qualified female Firefighters, because the LAFD is viewed as an organization that is not welcoming and inclusive of female candidates. The opportunity to change this perception and make substantial progress in the number of women in the LAFD will be available during the next two years as over 400 sworn members enrolled in the Deferred Retirement Options Program (DROP) leave the Department. It is critical that the LAFD take this opportunity to increase its representation of females, including minority women. In the absence of court mandated quota hiring, only through the development and implementation of a fully integrated advertising, recruiting, mentoring and training program will the LAFD be able to make progress on the level of female representation in the LAFD. In the absence of an aggressive program, the LAFD will continue to experience an overall decline in the number of female Firefighters.

RECOMMENDATION

1. Direct the Fire Department and the Personnel Department to jointly report back in 120 days with a comprehensive recruitment, mentoring, testing, and selection action plan to increase the number of women, including minority women, in the sworn fire service.

OBJECTIVE #2

Determine the impact of changes made to the Firefighter selection process over the last ten years

The Firefighter Selection process consists of two main selection components: the Firefighter civil service examination, and the Drill Tower training followed by a probationary period in the field. The Personnel Department is responsible for the civil service examination portion of the process and the LAFD is responsible for the Drill Tower training and evaluating the employee's performance in the field during probation. The following is a summary of the changes that have taken place in the Firefighter selection process over the past ten years.

Firefighter Civil Service Examination

Since the consolidation of the classes of Paramedic and Firefighter in 1992, the Personnel Department has continuously enhanced the civil service Firefighter examination, with the goal of effectively identifying a diverse group of candidates that will become successful Firefighters. Over the past 10 years the Firefighter examination has been significantly modified three times:

- In 1994 after the class consolidation and an assessment of the required skills, knowledges and abilities, the Personnel Department developed an examination that included a cognitive (reading comprehension, arithmetic, mechanical aptitude, space visualization, and situational judgment) multiple-choice test, physical abilities test, interview, medical examination, and background evaluation.

- In 1998 after an in-depth validation study that included over 200 incumbent Firefighters thoroughly defining and evaluating the job performance criteria necessary for successful Firefighters, the examination was modified again. As a result, the testing process was revised to include a multiple-choice test consisting of reading comprehension and English usage test questions; a non-cognitive multiple-choice test to assess biographical information (specific life experiences) that statistically predicts effective job performance and job satisfaction; a physical abilities test, interview, a questionnaire to allow candidates to provide detailed information on all aspects of their education, training, and experience related to Firefighter job duties, medical examination, and background evaluation.
- In 2004 the LAFD, their employee minority associations and unions, and the Personnel Department worked jointly to develop a new test that addressed some of the concerns expressed by the LAFD management and various stakeholders. First, the examination is offered on a continuous basis rather than approximately once every four years in order to attract the best candidates from all ethnic communities. Second, in order to address a concern raised by the stakeholders that some candidates did not fully understand the physical demands of the job and that women perform better in task-based tests, candidates are required to pass the Candidate Physical Ability Test (CPAT) prior to applying for the Firefighter examination. This permits candidates to train and take the test over and over again before entering the examination process. This is particularly beneficial to the female candidate group that traditionally has had the lowest pass rate on the Firefighter physical ability test. The CPAT is a task-based (work simulation) physical ability test developed and made available for use nationally by the International Association of Firefighters and the International Association of Fire Chiefs. The other portions of the test include a cognitive multiple-choice test and a new and improved non-cognitive multiple-choice test. This non-cognitive test measures job-related personal characteristics that have been demonstrated to be indicators of success in the areas of customer service and performance as a Firefighter. Since a Firefighter with the City of Los Angeles interacts with a variety of people in a variety of situations, the Customer Service Scale predicts success in positions with high people/customer contact, positions in which it is necessary to be friendly, courteous, and service-oriented. Higher scores in this scale suggest more competent, responsive, and courteous service behavior. Because Firefighters' work generally involves a team effort to complete tasks and assignments, he or she will be depended on by team members and the public. The Performance Scale predicts success in positions in which employees must be reliable, dependable, and responsible. Higher scores suggest more reliability and a greater likelihood of satisfactory job performance. The interview, medical examination and background evaluation remain unchanged.

Drill Tower

In an effort to improve recruit training at the Drill Tower, the LAFD redesigned this important training program. The new program has been implemented with the two most recent recruit classes that began on August 22, 2005 and October 17, 2005. Nearly 100 recruits were hired for these two 17-week Drill Towers. The focus of this training is to provide the basic skills to safely and effectively perform the tasks of an entry-level Firefighter.

The key factors in the new program are:

- Work environment training taught by a Subject Matter Expert during the first week of the Academy and again before graduation to ensure that the recruits know what is expected of them in compliance with the City's commitment to a discrimination free workplace.

- Recruit wellness includes a 4/10 work schedule to allow for rest one day during the week, remedial training is built into the working hours, stress management training, and physical fitness and nutrition training.
- To improve recruit retention, the training has been reordered to begin with basic information and progress to more advanced training; instruction is provided in smaller groups for more individualized attention; early remedial intervention is provided if problems are identified; and weekly individual meetings between the Captain and recruit to assess each week's performance.
- More hands on training to prepare recruits for their first day in the field including emergency medical services throughout the entire Academy; practical application of learned material; and scenario based exercises.
- Recruits are assigned to four 24-hour ride-alongs at the Fire Station they will be assigned, which allows them to become familiar with the station and personnel. Recruits experience ride-alongs on an engine company, rescue ambulance and truck company.

FINDINGS

Over the past ten years, the Personnel Department has significantly improved the Firefighter civil service examination. Based on the professional analyses, the Firefighter selection process:

- Is job-related and accurately tests for the skills, knowledges and abilities required for successful performance of the job.
- Demonstrates high levels of validity with minimal adverse impact against any protected group, and would withstand legal challenge to the content of the examination.
- Is successful in identifying candidates that will be successful in the Drill Tower and subsequent employment as a Firefighter.
- Provides the LAFD with the opportunity to select from a diverse candidate pool that has improved and will continue to improve the diversity of the LAFD workforce.

The LAFD just implemented a major restructuring of the Drill Tower training; as a result it is not possible to draw any substantive conclusions at this time. However, the LAFD compiled statistics regarding recruit training and retention during the six-year period from September 1998 to November 2004, covering 24 Recruit Training classes. There were a total of 1,095 recruits hired for these classes with 987 successfully completing the four-month recruit training academy. With the exception of one class, there were approximately 37 to 50 recruits in each class with an average pass rate of 90%. The 90% pass rate demonstrates that the civil service testing portion is doing an excellent job providing candidates that can be successful as Firefighters.

Graduation rates for male recruits ranged from 85% for African-Americans to 91% for Hispanics. Graduation rates for female recruits were significantly lower than those for male recruits. There were 30 female recruits hired during this time period, 20 of whom graduated resulting in a 66% graduation rate. An analysis of completion of field probation after graduation from the Drill Tower indicates a less significant difference between the performance of female and male recruits. Females completed field probation at a rate of 70% and males completed field probation at a rate

of 88%. Differences in the rates of male recruits were also noted; Caucasian, Filipino and Native American recruits completed field probation at the rate of 90% to 100%, whereas Hispanic and Asian recruits completed field probation at 84%.

Over the past ten years, there has been no diminution in the requirements to pass the civil service examination or the Drill Tower. However, while the final completion rates for the various groups are similar, the lower pass rate of females at the Drill Tower, and lower pass rate for Hispanics and Asians of the field phase of training requires further analysis to ensure that all candidates are provided an equal opportunity to be successful.

RECOMMENDATION

2. Direct the Fire Department to provide semi-annual status reports to the Mayor and Fire Commission on the progress of increasing the diversity within each sworn classification in the Fire Department, including a sex and ethnic breakdown of each Drill Tower class, and the probationary pass rate of each class.

OBJECTIVE #3

Determine the status and effectiveness of the Human Relations Development Committee (HRDC) recommendations adopted by the City Council in 1995.

In 1995 the City Council adopted the Human Relations Development Committee's recommendations on a wide variety of human resource management issues within the LAFD. At that time, the LAFD was instructed to implement the recommendations. The LAFD provided the most recent implementation status reports completed in March 1999. Subsequent to that date, there have been no meetings of the HRDC or status reports detailing the progress, or lack thereof, of implementing the City Council adopted recommendations until July 5, 2005, when the Fire Commission adopted a new recommendation to have a management audit of the LAFD conducted by an expert in human resource management. The following is a summary chart of the HRDC recommendations, the current status of implementation, and the Personnel Department's evaluation of the effectiveness of the implementation. The detailed HRDC recommendations are included as Attachment 3.

SUMMARY OF HRDC RECOMMENDATIONS IMPLEMENTATION AND EFFECTIVENESS

HRDC NUMBER	HUMAN RESOURCE DEVELOPMENT COMMITTEE RECOMMENDATIONS	IMPLEMENTATION STATUS	EFFECTIVENESS EVALUATION
1	CREATE A DISCRIMINATION-FREE LOS ANGELES FIRE DEPARTMENT	*	*
2	LAFD SHALL ASSIGN A FULL-TIME EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR/AFFIRMATIVE ACTION OFFICER AND GENDER (SEXUAL HARASSMENT COORDINATOR	***	*
3	DEVELOP AND IMPLEMENT WRITTEN POLICIES TO HOLD ACCOUNTABLE ALL PERSONNEL WHO DISCRIMINATE OR HARASS	***	*
4	ESTABLISH SEPARATE FULL RESTROOM FACILITIES FOR WOMEN AND MEN	***	**
5	ANALYZE EQUIPMENT AND TECHNOLOGY TO BUY EQUIPMENT THAT REFLECTS THE CHANGING WORK FORCE AND NEW TECHNOLOGY	***	**
6	INSTITUTE AN OFFENSE CATEGORY OF "RETALIATION" TO ACCOMPANY ANY OTHER CATEGORY OF OFFENSE WHERE IT IS FOUND THAT RETALIATION IS A MOTIVE, AND THAT A FINDING OF RETALIATION HAVE THE EFFECT OF INCREASING THE SEVERITY OF ANY DISCIPLINARY ACTIONS	***	*
7	PROVIDE HUMAN RELATIONS AND SKILLS TRAINING FOR ALL MEMBERS, ESPECIALLY SUPERVISORS	***	**
8	HOLD SUPERVISORS ACCOUNTABLE FOR A DISCRIMINATION-FREE WORK ENVIRONMENT	***	*
9	HOLD MANAGERS ACCOUNTABLE FOR DISCRIMINATION FREE WORK ENVIRONMENT	***	*
10	DEVELOP AN AFFIRMATIVE ACTION PLAN	***	***
11	CONTRACT WITH OUTSIDE CONSULTANT TO CONDUCT FIREFIGHTER JOB VALIDATION AND EVALUATE WRITTEN ENTRY-LEVEL TEST, THE CANDIDATE REVIEW PROCESS AND PHYSICAL ABILITIES TEST	***	***
12	DEVELOP AN EFFECTIVE, PRO-ACTIVE RECRUITMENT PLAN TO SEEK OUT PEOPLE LIKELY TO SUCCEED AS A FIREFIGHTER AS DEFINED BY THE JOB VALIDATION STUDY	***	**
13	REEVALUATE PURPOSE OF BACKGROUND CHECK AND REVISE CRITERIA, PROCESS AND GUIDELINES	***	***
14	DEVELOP PRE-ACADEMY TRAINING PROGRAMS FOR WOMEN AND MEN	**	*
15	VALIDATE, REVISE AND UPDATE TRAINING ACADEMY	***	***
16	DEVISE INCLUSIVE AND CONSISTENT TRAINING FROM RECRUITMENT THROUGH THE END OF PROBATION	***	**
17	DEVELOP AN LAFD-WIDE DISCIPLINE MANUAL SETTING FORTH THE DEPARTMENT'S PHILOSOPHY ON DISCIPLINE, EXPECTATIONS AND GUIDELINES FOR SUPERVISORY OFFICERS, PROCESSES, PROCEDURES, AND EMPLOYEE RIGHTS	***	*
18	TRAIN SUPERVISORY OFFICERS	***	*
19	TRAIN ADVOCATES	***	*
20	STANDARDIZE AND PUBLICIZE EACH LAFD JOB CLASSIFICATION AS TO SKILLS, KNOWLEDGE AND PERFORMANCE	***	***
21	IMPLEMENT TRAINING AND CONTINUING EDUCATION TO MEET STANDARDS FOR EACH JOB CLASSIFICATION	***	***
22	STANDARDIZE AND PUBLICIZE SPECIAL DUTY POSITIONS	***	***
23	STANDARDIZE PAYGRADE ADVANCEMENT PROCEDURES	***	***
24	STANDARDIZE PROMOTIONAL PROCESS	***	***
25	CHIEF ENGINEERS AND PERSONNEL GENERAL MANAGERS AND THEIR STAFFS WILL MAKE QUARTERLY REPORTS TO THE PERSONNEL COMMITTEE ON THE PROGRESS MADE ON RECOMMENDATIONS ADOPTED BY THE CITY COUNCIL	**	*
EVALUATION SCALE			
* NOT IMPLEMENTED/NOT EFFECTIVE			
** PARTIAL IMPLEMENTATION/PARTIALLY EFFECTIVE			
*** FULLY IMPLEMENTED/FULLY EFFECTIVE			

FINDINGS

Despite considerable work done by both the members of the HRDC and the LAFD management in the years immediately following Council approval of the HRDC recommendations, not all 25 recommendations have been implemented. While the majority of the recommendations have been responded to, the majority has not been effective in achieving the objective of the recommendation. In several instances, the LAFD completed a recommendation, but implemented solutions that were ineffective in addressing the issue the recommendation was intended to address. Or conversely, implemented a solution that did effectively address the problem, but then subsequently paid minimal or no attention to the issue resulting in a continuation of the initial problem. The fact that this audit is finding similar human resource management deficiencies that existed in 1995 is a clear indication of the LAFD's inability to implement the HRDC recommendations in a manner that would secure the necessary change in the work environment. In addition, the HRDC failed to monitor and take follow-up steps to ensure that the Department was effectively implementing their recommendations as adopted by City Council.

The HRDC recommendations are over 10 years old, but are as valid today as they were in 1995. The LAFD must effectively implement and monitor the HRDC recommendations if it is to achieve a discrimination free work environment, where all members can provide critical public service in a fair, equitable, and supportive work environment. The best example of an ineffective implementation is Recommendation # 2 to assign a full time Equal Employment Opportunity Coordinator/Sexual Harassment Coordinator. In this instance, the assignment of the function to the Board of Fire Commissioners essentially insured the failure of this key recommendation. Equal Employment Opportunity is a core function for every City department, and must have a clear line of accountability to the manager responsible for the daily conduct of the department. Reporting to the Board of Fire Commissioners essentially isolated the Equal Employment Opportunity Office from the line function of the Department, and rendered all potential positive contributions essentially mute.

The ineffectiveness of many of the LAFD's implementations of the HRDC's recommendations, provides an opportunity for a re-invigorated HRDC to evaluate the LAFD's implementations and make positive recommendations on how to more effectively achieve the goals identified in the original HRDC report. Ultimately, the responsibility for effectively changing the culture of the LAFD resides with the Fire Chief in his role as the manager responsible for the daily functions of the department. It is essential that the HRDC weigh in on these final matters, as it played an important role in bringing forth these serious issues and providing valuable recommendations to improve the work environment for all members.

RECOMMENDATION

3. Direct the Fire Department to re-evaluate previously implemented Human Relations Development Committee (HRDC) recommendations, implement the remaining HRDC recommendations and ensure that each one is effectively achieving the goal of the original HRDC recommendation.

OBJECTIVE 4

Determine the predominant perception of the Fire Department's organizational culture by interviewing major stakeholders.

Interviews with Stakeholders

Representatives from the Stentorians, Sirens, Chief Officer's Association, UFLAC and the Fire Commission President were interviewed.

- Armando Hogan, Captain II, President, The Stentorians
- Corrinne Tipton, Captain I, President, The Sirens
- Richard Markota, Battalion Chief, President, Chief Officers Association
- Jay Grodin, President, City of Los Angeles Board of Fire Commissioners
- Pat McOske, Firefighter III, President, United Firefighters of Los Angeles City
- Ted Nonini, Firefighter III, Treasurer, United Firefighters of Los Angeles City

The Personnel Department also met with Emily Williams, Senior Project Coordinator, Human Relations Commission, who has been working closely with the LAFD regarding various training issues. Ms. Williams sat in as an observer during the Personnel Department's interview with Richard Markota, President of the Chief Officers Association.

The following topics were discussed with these stakeholders: the effectiveness of the Human Relations Development Committee (HRDC), the disciplinary and discrimination complaint processes in the LAFD, work environment issues, specifically, women in the LAFD, hazing and horseplay, and human relations training.

Human Relations Development Committee (HRDC)

Virtually every stakeholder interviewed believes the current HRDC is ineffective. Two stakeholders believe the Committee was never effective; one describing the meetings as "complaining sessions." Nevertheless, the majority believes that some good has resulted from the Committee and that its continued existence would be beneficial to the Department.

The Disciplinary Process

Almost every stakeholder is dissatisfied with the LAFD's disciplinary process, as it currently exists. With the exception of one stakeholder, all the stakeholders indicated that civilian involvement, and in some cases, total civilian oversight at the advocate and Board of Rights levels may improve the current process. These suggestions are largely derived from a belief that the current disciplinary process is biased and inconsistent (at times, unnecessarily heavy-handed and other times, unacceptably lenient). There is some belief that the decisions of the Board of Rights are influenced by personal beliefs of the Board members, prior interaction with the accused or representative of the accused and by command staff.

Discrimination Complaints

The stakeholders were unable to describe any formal internal discrimination complaint investigation and resolution process available to members that they believed was effective. While they indicated that they were aware that the LAFD's Equal Employment Opportunity (EEO) Office is an avenue, some admitted that they had no idea what actually occurs in the office after a complaint is referred. Others believe the EEO Office provides an avenue for members to discuss issues of discrimination in confidence but could not explain any significant function beyond referral to other agencies.

A few stakeholders indicated that once the EEO Office receives a discrimination complaint, their understanding is that the matter is referred to the Department's Bureau of Operations. However, some expressed a belief that the EEO office functions as a kind of "buffer for the discriminatory actions" for Department management in that no administrative action is taken as a result of discrimination complaints.

Women in the Fire Department

Some stakeholders indicated that there is a lack of support for females in the LAFD. One individual asserted that the LAFD creates an "unwelcoming" environment for women by "ignoring" gender-based and sexual harassment complaints. According to a stakeholder, 17 (19%) women had "significant complaints" last year. In addition, it was stated that Captains were responsible for setting the tone in creating an environment that includes women.

There was an opinion that the treatment of women appears to be at extremes, explaining that members rally behind women who "prove" themselves, while others who fail to do this are not treated well. One stakeholder indicated that women perform their duties differently than their male counterparts elaborating that they "adjust due to lack of upper body strength [they] get the job done, but slightly differently." Another stakeholder believes that women will not usually complain about problems they may be having, citing what is believed to be a Department philosophy, "If they're messing with you, that means we like you."

One stakeholder asserted that the LAFD has only hired eight women in the last 10 years, (although research by the Personnel Department indicates that 31 females were hired since 1996 - 11 of whom have since left the Department,) and another stakeholder opined that the LAFD does not have enough women, elaborating that there are only 93 in the Department, "not even one per fire station." Another stakeholder explained that the environment is indeed so unwelcoming for women that female members discourage potential female candidates from applying for employment with the LAFD.

Hazing and Horseplay

Staff spoke with the stakeholders about their perceptions of hazing and horseplay in the Fire Department. The overwhelming response was that, although still present, the incidents of such conduct have decreased significantly over the years.

There was discussion about specific incidents in the LAFD that have recently received media attention. Specifically, staff discussed with the stakeholders the female Firefighter who was injured during an exercise while maneuvering a 35-foot ladder, the African-American Firefighter who was fed dog food in his dinner, and another African-American member who discovered a dead rat in his bedding locker.

Concerning the injured female during a 35-foot ladder exercise, one stakeholder asserted that the Captain involved "was very sorry until he was criticized in the press and then he claimed it [the injury] was a training competency issue." Another stakeholder indicated that while the Captain involved might have made a poor judgment, there was no malice or gender bias involved in the incident.

The overall sentiment about the incident in which dog food was placed in a member's meal was that the act should never have occurred and that it breached an unspoken rule that no member's food should be tampered with. With regard to the length of discipline given to the Firefighter who actually placed the dog food in the member's meal, the responses varied. Some stakeholders believe the suspension was too lenient and failed to send a message, others found it appropriate for the action, and some believe the suspension was too great and might not have been necessary at all where acknowledgement of the inappropriateness of the action might have been sufficient.

Only two stakeholders believe the Captains who received significantly longer suspensions deserved such suspensions. The other stakeholders believed the LAFD was too heavy handed in the suspensions and instead, should have imposed more significant discipline for the Firefighter. In one stakeholder's opinion, had the Captains in this case failed to relay the LAFD's hazing policy to the members, then perhaps the discipline would have been appropriate. Had they relayed the policy, then the suspension would not be appropriate because they would have done what they could and should not be expected to control every action of the members at the station.

With regard to the dead rat found in a member's bedding locker, this act seemed to be looked upon with less disapproval than the dog food incident, although many stakeholders explained that this act violated an unspoken rule that a member's bedding locker should never be tampered with. One stakeholder felt that the Department failed to administer sufficient discipline for the perpetrator of this act because he is believed to be a friend of command staff. Nevertheless, none of the stakeholders indicated that they believe race played any role in either the dog food incident or dead rat incident.

Human Relations Training

The LAFD recently retained the services of training expert, Ms. Emily Williams, who will act as the Department's Human Relations Training Manager. Ms. Williams is on staff at the Human Relations Commission; however, she is now working exclusively with the LAFD to develop training courses for sworn managers, supervisors and recruits, as well as providing the training. It was believed that general courses geared to all Department members are too broad to be fully absorbed and applied. As a result, the program has been designed for targeted groups to educate members on the aspects of human relations that will most frequently apply to them. The human relations training includes, but is not limited to: communication, conflict management, EEO issues including discrimination, harassment, hostile work environment and retaliation, facilitation, group dynamics, psychological theory and application, and sociological theory and application.

The three separate educational series include:

1. Millennial Challenge Series for recruits to provide a timely focus on topics that have had an increasing impact on LAFD in the last two decades. Emphasizes the importance of integrity and team membership.
2. Skills for Supervisors Series for Captains and above and civilian equivalents to develop leadership skills in motivating and developing employees, accessing available resources, understanding and following departmental and City policies, recognizing potential problems in the workplace and intervening when necessary.
3. Executive Officer Symposium Series for Battalion Chiefs and above regarding strategic plan development and implementation, successful intradepartmental communication and establishing effective working relationships with other public safety departments, community-based organizations and governmental entities.

To date, approximately 600 LAFD employees have been trained and the evaluations and feedback have been very positive. Additionally, the LAFD has committed to a comprehensive two-year training plan that will include all members of the Department.

FINDINGS

The consensus of the major stakeholders, is that the overall work environment in the LAFD needs to continue to improve. Across all the subjects identified above, with the exception of the Human Relations training, the majority of stakeholders continue to believe that the LAFD's work environment is characterized by a lack of equity, arbitrary discipline, tolerance of unacceptable behavior and continued favoritism. Unfortunately, these perceptions remain despite the efforts of the HRDC, Fire Department management, and a significant improvement in the diversity of the workforce. The continued existence of these problems is particularly discouraging in light of the fact that these are the exact same perceptions that were observed in 1994.

Fundamental to organizational change is the establishment of clear standards, and while it's evident that the LAFD has set clear standards, it is equally evident that these standards are not being uniformly applied. The Human Relations Training that is currently taking place represents an opportunity provide employees, supervisors and managers the skills and knowledge necessary to consistently implement the appropriate organizational standards. The effectiveness of the Human Relations Training will be critical to the eventual success of creating a work environment that is characterized by equity and equal opportunity for all sworn members.

The individual instances of hazing and horseplay, as well as management's response to this issue remain an area of concern. While the stakeholders have identified that instances of hazing and horseplay have diminished, the three recent incidents are solid indicators that this problem has not been eliminated in the LAFD. In fact, the stakeholders' own response to these incidents is reflective of the on-going willingness on the part of LAFD employees to tolerate and perpetuate a level of hazing and horseplay that has no place in a professional work environment. The implicit acceptance of the concept that some level of hazing and horseplay is essential to develop a sound working team is completely misplaced, and must be replaced with a work environment solely focused on fairness, equity, accountability, and professionalism.

The LAFD has appropriate written policies addressing the elimination of hazing and horseplay, yet hazing and horseplay continue to occur. Regardless of what management states in a policy, what resonates within the LAFD organization is management's tacit acceptance of unacceptable behavior. The tolerance of behavior that falls under the definition of horseplay and/or hazing sets the stage for it to escalate to the point of illegal behavior. Unfortunately, because the earlier behavior is not addressed, it becomes very difficult to identify when the behavior crosses the line. Consequently, employees are getting mixed messages in relation to what is acceptable and what is not. There is a lack of commitment to eliminating this conduct from the LAFD that is evident in the lack of consistency exhibited when administering discipline.

RECOMMENDATIONS

4. That the stakeholders, as identified in this report, continue to consistently communicate their valuable insight to the LAFD regarding the work environment.
5. Direct the Fire Department to evaluate the effectiveness of the human relations training program and work with the Personnel Department and Human Relations Commission to modify and enhance the program as appropriate.

OBJECTIVE 5

Determine if the LAFD'S policies, procedures, record keeping and organization for the investigation and resolution of discrimination complaints meet the requirements of Executive Directives PE-1 and Citywide best practices

Policies

The LAFD has a Discrimination Free Workplace Handbook, known as Book 90, which is revised to include any changes in discrimination law, departmental policy or procedure, and City policies. This handbook is provided to all Fire personnel as a reference and summary of the Department's policies and complaint procedures and is intended as a guide for maintaining a discrimination-free workplace. Among the major discrimination issues covered are: race and gender discrimination, sexual harassment, disability, and reasonable accommodations. As revisions are made, updated pages are distributed through the Department's routine distribution methods, which include its internal website, LAFD Intranet, dissemination of hard copies at staff meetings as well as placement in each station and section's department library.

In addition, the Fire Chief has issued Departmental bulletins prohibiting discrimination, harassment, hazing, and horseplay in the work environment. These bulletins, in addition to Book 90 and the departmental rules and regulations, are available to all Fire personnel and distributed in the same manner as described above.

Procedures

Book 90 outlines the various internal, external, informal and formal discrimination complaint procedures available. As indicated above, these procedures are distributed to all employees and available at all times for employees, supervisors and managers to follow.

The timely and thorough investigation of discrimination complaints is a critical element of an effective equal employment policy. In the LAFD discrimination complaints are handled within the Operations Bureau that is responsible for employee discipline. Staff in this section are not trained to investigate discrimination complaints.

Record Keeping

The LAFD does not maintain a centralized database of discrimination or harassment complaints. To the limited extent that records are maintained, it is within the systems utilized for the administration of employee discipline. Compounding the absence of a centralized database is the complete absence of any tracking of discrimination complaints informally resolved in the field.

Organization

As part of the goal of creating a discrimination-free Los Angeles Fire Department, the two major recommendations of the HRDC were to establish an Equal Employment Opportunity (EEO) function and assign a full-time EEO Officer and a Sexual Harassment Counselor. The purpose and intent of this EEO Section, established under the Board of Fire Commissioners in 1997, was to conduct all discrimination complaint investigations, including retaliation, and to maintain a database tracking system of these complaints. However, the Board of Fire Commissioner's EEO Section does not perform any of these duties. Book 90 specifically states that staff in the EEO Section does not investigate complaints of discrimination, rather the Operations Bureau of the Fire Department conducts all investigations involving Fire personnel and no specific discrimination complaint investigation function exists in the Department.

FINDINGS

The Fire Department's existing policy for handling discrimination complaints is in compliance with City policies outlined in Executive Directive PE-1, the Discrimination-Free Work Place Policy. While the LAFD's written policy for addressing discrimination in the workplace is compliant with Citywide policy, the means to achieve that policy, specifically the procedures for investigating and record keeping of complaints is clearly deficient, as is the organizational structure to address the entire equal employment program.

Although required by City policy, the LAFD does not have an adequate procedure for the filing of internal discrimination complaints. Book 90, Section III, Filing a Discrimination Complaint, "It is up to the individual to determine which reporting procedure or agency meets his or her particular needs." This is confusing to employees and fails to provide sufficient direction to employees to address their complaint. Absent a clear internal mechanism for resolving complaints or concerns, employees address their concerns to outside agencies such as the California Department of Fair Employment and Housing (DFEH), the United States Equal Employment Opportunity Commission (EEOC), or the court system, rather than within the organization.

The record keeping of discrimination and harassment complaints is virtually non-existent. To the limited extent that records could be identified, the records are incorporated in the LAFD's disciplinary system. Compounding the lack of records was the complete absence of information about discrimination complaints that are resolved in the field that did not rise to the level necessary for formal discipline. It is impossible to measure the improvement of an organizations' equal employment program without accurately recording discrimination complaints and resolutions.

The primary failure of the LAFD's discrimination complaint investigation program is the absence of an organizational unit with sole responsibility and accountability for the department's EEO program. While an EEO Section exists that reports to the Board of Fire Commissioners, it has no line authority or responsibility for the investigation of discrimination complaints. When the City Council adopted the HRDC recommendations, it was the clear intent to have an EEO Section responsible for the investigation and tracking of all Fire Department discrimination complaints. This has not occurred; rather, the Operations Bureau of the Fire Department conducts all investigations involving Fire personnel, and no specific discrimination complaint investigation function exists in the Department. The failure to assign this function to the EEO Section has resulted in discrimination complaints being investigated by personnel that are not knowledgeable of EEO law or proper discrimination complaint investigation techniques.

To resolve this major problem, the Personnel Department recommends that the EEO Section be transferred to the Bureau of Administrative Services and that the EEO Section be made responsible for all discrimination complaint investigations and tracking. The Bureau is responsible for both fiscal and personnel matters. This configuration will ensure that all human resources' services and functions are consolidated under one manager and is consistent with recognized best practices in human resources and with the organization of most City departments. It is recommended that the EEO function report directly to the Fire Chief, and as a result, the Fire Chief will be better equipped to manage and ensure a discrimination-free workplace.

Once the transfer of this function is accomplished and appropriate duties are assigned, a top priority should be to revise Fire Department procedures to reflect these changes and to comply with the investigation and reporting responsibilities outlined in City policies.

RECOMMENDATIONS

6. Request the Los Angeles Board of Fire Commissioners to transfer the reporting relationship of the Equal Employment Opportunity (EEO) Section from the Board of Fire Commissioners to the Fire Administrator.
7. Direct the LAFD to assign responsibility for investigation, analysis and reporting of all equal employment issues to the EEO Section and revise all internal procedures to reflect this change in organizational responsibilities.
8. Direct the Personnel Department to make equal employment/discrimination complaint investigation training available to all staff assigned to the Fire Department's Equal Employment Opportunity Section.

OBJECTIVE 6

Determine if there are patterns or trends in complaints of discrimination, harassment and retaliation

To determine the existence of patterns or trends in complaints of discrimination and retaliation, staff of the Personnel Department and the EEO section of the LAFD reviewed 938 discipline cases that occurred from 1995 to June 2005. As indicated above, the LAFD does not have an internal discrimination complaint investigation and resolution function. Rather, the Operations

Bureau conducts all investigations involving Fire personnel and makes no distinction between discrimination complaint investigations and discipline. Staff also reviewed complaints external to the LAFD filed with the Federal Equal Employment Opportunity Commission (EEOC), the State Department of Fair Employment and Housing (DFEH), and the Civil Service Commission. Some complaints included more than one type of alleged discrimination.

In addition, the Office of the City Attorney provided the Personnel Department information about lawsuits filed against the Fire Department between 1996 and 2005. The Office reported twenty-four lawsuits, involving thirty-six plaintiffs, against the Fire Department during the period reviewed. The data includes four lawsuits litigated by outside counsel with unknown outcomes. Of the thirty-six plaintiffs, slightly more females (20) filed lawsuits against the Fire Department than males (16). More Caucasians (26) filed lawsuits against the Department than African-Americans (6) or Hispanics (4). Of this group of Caucasians, sixteen were female and ten were male. More sworn members (33) filed lawsuits than civilian members (3).

The following is a summary of the leading causes of LAFD disciplinary complaints with EEO implications, complaints filed with the EEOC and DFEH, and lawsuits.

L.A. FIRE DEPARTMENT	BASIS				TOTAL
	RACE	SEXUAL HARASSMENT	SEX/GENDER	RETALIATION	
Disciplinary Cases with EEO Implications	38	46	27	16	127
Complaints Filed with EEOC and DFEH	38	5	35	0	78
Sub-Total	76	51	62	16	205
	37.1%	24.9%	30.2%	7.8%	100.0%
Lawsuits	5	4	11	3	23
TOTAL	81	55	73	19	288

It should be noted that the discipline cases reviewed only include those cases that were investigated by the Department's Bureau of Operations. According to the LAFD, most discipline cases are handled by the Battalion Chiefs in the field and these are not documented or entered into any type of central tracking system or database. By comparison, a ten-year review of City-wide statistics for discrimination complaints indicates that the most frequently cited bases for allegations of discrimination, in order of frequency, were: race, retaliation, disability and gender.

FINDINGS

Due to the LAFD's failure to accurately record discrimination complaints, it is not possible to draw definitive conclusions from the data that was evaluated. However, the high number of sexual harassment complaints compared to the average frequency of sexual harassment complaints in the rest of the City is indicative of a problem. Sexual harassment complaints are 25% of the LAFD's discrimination complaints compared to approximately 5% of the Citywide complaints. Clearly more work must be done to ensure that the LAFD work environment is free of sexual harassment.

RECOMMENDATIONS

9. Direct the Fire Department's Equal Employment Opportunity Section to develop an automated tracking system and provide quarterly reports to the Board of Fire Commissioners on the number and status of all discrimination complaints filed internally, and externally with compliance agencies.

OBJECTIVE 7

Determine if the Fire Department's administration of discipline meets the City's standard for employee discipline and is applied in a fair, equitable and non-discriminatory manner.

The Personnel Department reviewed the disciplinary records of the LAFD over the past 10 years, including the three most recent incidents that were identified in the Council motion. Specifically, the dog food in a Firefighter's dinner, the dead rat in a bedding locker, and the injured Firefighter in the 35-foot ladder exercise incidents.

Incident #1

In October 2004, after members of Fire Station 5 played a morning game of volleyball, during which an African-American Firefighter repeatedly called himself "the Big Dog," a can of dog food was purchased as a practical joke. The original intent of the joke was to place the unopened can of dog food in front of the African-American Firefighter's dinner. However, another Firefighter who sat beside the victim, decided the joke would be more humorous by opening the can and mixing its contents into the victim's spaghetti dinner. The victim subsequently ate a bite of the tainted food.

The LAFD opened an inquiry into the incident. Based on a review of the documents provided by department management, it appears that management requested a written statement from all involved members of Fire Station 5 regarding the incident. The documents do not indicate that any in-person interviews were conducted. In fact, one document is a request from management for the individual who mixed the dog food in the dinner to elaborate on certain issues.

The LAFD implemented the following discipline in response to this incident. Both Captains assigned to the station were reassigned to different stations. The Captain II received a 30 calendar-days suspension, the Captain I received a 24 calendar-days suspension. The Firefighter who actually mixed the dog food into the other member's food received a 6 working-days suspension. The LAFD indicated that the substantial penalties for the Captains were implemented to send the message that the Department is holding supervisors responsible for the actions of their subordinates. After some discussion with Personnel Department staff, LAFD management conceded that the lesser penalty given to the Firefighter who actually mixed the dog food into the member's meal might not have sent a sufficient message to other Firefighters to deter future conduct of the kind. Despite staff's concerns about the conduct by those involved and the fact that the victim was the only African-American Firefighter at the station at the time, staff did not find any evidence to indicate that race was a motivating factor in this incident.

Incident #2

On January 26, 2004, after an African-American staff assistant found a dead rat in his bedding locker and reported the matter, the LAFD conducted an investigation. Staff reviewed the

Department's investigation of this incident. Based on the documents provided by LAFD management, members were interviewed and asked a series of questions regarding their knowledge and/or involvement in the incident. Additionally, members were directed to provide written statements about the incident. The LAFD's Bureau of Operations prepared a summary report of the interviews and findings. The documents indicate that initially, all interviewed members denied any involvement in the incident. As a result, initially no disciplinary action was taken by the LAFD. However, approximately two months later, an Apparatus Operator came forward and admitted to placing the dead rat in the locker. This Apparatus Operator was suspended for 5 working days. Based on staff's review of the information provided, staff did not find any inference that race was a motivating factor in this incident.

Incident #3

On June 19, 2004, a female Firefighter was injured as she attempted to raise a 35-foot extension ladder while dressed in full fire fighting protective gear and a breathing apparatus connected "on air." Other members were also required to wear the same gear while performing the same exercise. The injured Firefighter did not file any internal complaint about the event.

The LAFD investigated the incident and found that the supervising Captain failed to assist the Firefighter and stopped others from assisting her when it was evident that she was unable to raise the ladder. The Captain was charged with failing to take appropriate safety measures and for placing his crew at risk. His actions were found to have contributed to the Firefighter's injury. The LAFD concluded that the Captain needed improvement in his approach toward training. The Department proposed a 2 working-day suspension, however, the Board of Rights reduced this penalty to a reprimand. The Captain was also reassigned. Based on a review of the documents provided by the Fire Department, staff did not find an issue of gender-based harassment in this case

Overall Discipline

The Personnel Department reviewed approximately 938 disciplinary cases administered over the past 10 years in the LAFD. While specific circumstances of each disciplinary case is unique, and different levels of discipline may be appropriate, the review indicated an exceedingly wide variety of discipline imposed for similar type infractions. This finding was consistent with input from the stakeholders that disciplinary action is not administered equally. Lastly, the Board of Rights process is marked with inconsistency, and does not appear to consistently uphold the LAFD's internal disciplinary standards.

FINDINGS

The LAFD entire disciplinary process does not meet the City standard for the application of appropriate discipline. The failure of the process to meet the City's standard for fair, and progressive discipline, is not only damaging to morale, but is also a contributing factor in the inability of the LAFD to establish and maintain a workplace free of hazing, horseplay and inappropriate behavior. In assessing discipline in other City departments, failures in the process are usually traced to specific individuals; however in the LAFD, the failure of the discipline system is systemic, beginning with the City Charter provision governing the administration of discipline, and ending with the assignment of unqualified staff to administer the system.

Charter Section 1060

Charter Section 1060 is the governing provision of the discipline for sworn Firefighters, while Charter Section 1070 governs the administration of Police Officer discipline. The provisions are similar, but the Charter Section 1060 is deficient in that there is no civilian involvement in the

Board of Rights as exists in the Police Officer process. The Firefighter Board of Rights is composed entirely of sworn Firefighters at the Battalion Chief level. Due to the limited number of Battalion Chiefs it is very difficult to establish a Board of Rights whose members have not supervised, or had extensive contact with the appellant prior to the hearing the appeal. This results in the unanimous opinion of the stakeholders that the Board of Rights are marked with conflict of interest, favoritism, nepotism, and excess both in leniency and in stringency. To ameliorate this condition, the addition of a civilian member to the Board would assist the Board in reaching fair, progressive and consistent decisions.

Policy

The administration of discipline in the LAFD is distinctly different from the rest of the City. It is marked by limited application of progressive discipline. During the period July 1996 to January 2002, there were 104 reprimands, but over 170 suspensions of various lengths. The relative lack of reprimands is indicative of work environments where the initial inappropriate behavior is tolerated or ignored, which then escalates into more egregious behavior requiring a suspension. This failure to address problems through appropriate progressive discipline is hampering the LAFD's ability to establish a consistently appropriate work environment.

To begin to provide some consistency to its administration of discipline, the LAFD adopted Personnel Department Policy 33.2 as the Department's guideline to discipline. While this was an appropriate first step, it will not meet the needs of the LAFD in the long term. The living and working conditions of the LAFD are unique and in order to address the employee behavioral issues that arise in that work environment, it is essential that the LAFD develop its own unique guide to discipline. Issues of hazing, horseplay and appropriate field station behavior must be addressed with established standards and appropriate progressive penalties.

Procedure

In the three incidents identified above, the LAFD's investigative approach was to request written statements from the involved employees and supervisors. While the documentation of discipline is critical, this type of investigative approach is insufficient. One of the values of interviewing parties in person, particularly an alleged perpetrator, is having the opportunity to delve further into particular topics that may surface during the interview. A face-to face interview also assists the investigator in reaching an opinion about the credibility of witnesses. Written requests for elaboration limit the scope of such an inquiry to those specific topics raised in the written request. In addition, there is little to prevent witnesses from colluding with one another to make sure that their statements are consistent.

One of the key elements in successfully implementing progressive discipline is trained human resource staff, thoroughly knowledgeable in the disciplinary process. The LAFD's current practice involves rotating Fire Captains into the Operations Bureau's discipline function for limited special duty assignments. This rotating assignment, does not permit the LAFD to develop a cadre of discipline experts that would bring uniformity and equity to the process.

Implementation

The most problematic area for LAFD discipline is in the implementation of appropriate penalties. At best, the implementation of penalties was inconsistent; at worst, it was marked by excessive leniency in some cases and excessive strictness in others. None of the stakeholders expressed any confidence in the implementation of discipline. To be effective, the penalty must be appropriate for the offense. In the case of the dog food incident, the minor penalty for the instigating employee and the major penalties for the two Captains is clearly inappropriate and

fails to send the correct message to the workforce. In the case of the rat in the bedding, the minor penalty, not only for the incident, but also for lying to investigators, almost certainly ensures that this type of behavior will happen again due to management failure to respond appropriately. In addition, the reliance on transfers is equally inappropriate. While transfers may be appropriate in some instances, they are frequently ineffective in resolving the problem behavior and only result in moving the inappropriate behavior to a new environment.

RECOMMENDATIONS

10. Amend Charter Section 1060 g. of the Disciplinary Procedures for the Fire Department to reflect the provisions of Charter Section 1070 f. governing the composition and selection of the members of the Board of Rights, thereby adding a non-sworn independent civilian member to the Board of Rights.
11. Direct the Fire Department to develop and implement its own Guideline to Disciplinary Standards, to reflect the unique operating conditions of the Fire Department and model the new Guideline after Personnel Department Policy 33.2.
12. Direct the Fire Department to ensure that any sworn or civilian employee receive training from experts in public sector employment law and the use of effective investigation techniques prior to being assigned to conduct, supervise or review disciplinary investigations.
13. Direct the Fire Department to revise its current investigation procedures to ensure that all pertinent witnesses are interviewed and that the interviews are thoroughly documented.

CONCLUSIONS

This review of the various issues related to diversity, training and discipline reveals that, while the Fire Department adopted a comprehensive plan to address these issues over ten years ago, many of the proposed changes were either temporarily implemented or not implemented at all. Much has changed in the Fire Department and in the City over the past ten years, but many of the perceptions and problems identified in 1995 continue to persist in 2005.

The LAFD of 2005 clearly is not the LAFD of 1995. There has been much progress in the areas of Firefighter selection, increases in workforce diversity at all ranks and a commitment to training. However, it is in the fire station and, generally, out in the field where we continue to see problems. Because of the unique workplace of the LAFD with its 24-hour shifts requiring people from diverse backgrounds to live and work together, it is especially challenging to create and maintain a work environment in which all may flourish and succeed. However, that is the task at hand. The management of the LAFD must make an absolute commitment to changing the work environment. Only after this significant commitment is made will a complete cultural change in the LAFD be realized.

The recommendations on the preceding pages are aimed at ensuring that the Fire Department brings its programs and policies into compliance with the City's policies and procedures related to maintaining a discrimination-free workplace and at reducing the overall risk to the City in this area. Consistent follow-up on all these items is required to ensure compliance.

RECOMMENDATION

14. Direct the LAFD and Personnel Department report back to the Mayor and Council on the implementation of these recommendations in six months.