

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

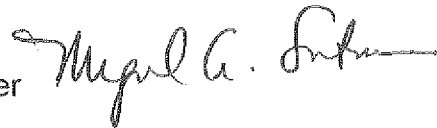
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Date: August 20, 2012

CAO File No. 0220-04675-0002  
Council File No. 11-1392  
Council District: ALL

To: The Council

From: Miguel A. Santana, City Administrative Officer



Reference: Council Report Back Request from the Fiscal Year 2012-13 Budget Hearings

Subject: **FIRST STATUS UPDATE REGARDING THE CONSOLIDATION OF THE  
OFFICE OF PUBLIC SAFETY INTO THE POLICE DEPARTMENT**

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### SUMMARY

On May 15, 2012, the Council approved an Office of the City Administrative Officer (CAO) report that recommended consolidating the Department of General Services (GSD), Office of Public Safety (OPS) into the Police Department (LAPD). The consolidation was adopted with an effective implementation date of July 1, 2012, as a part of the Mayor and the Council's Fiscal Year 2012-13 Budget. On July 1, 2012, the LAPD established the Security Services Division (SECSD) under the Assistant to the Director, Office of Special Operations. An interim Memorandum of Agreement (MOA) was signed between the GSD and the LAPD to maintain operational continuity between the OPS and the SECSD until the consolidation is completed.

### STATUS OF THE CONSOLIDATION

#### Impact Bargaining

As provided for in Charter Section 514 (a), the decision to consolidate is a management right and not subject to mandatory bargaining. However, the practical consequences as a result of the consolidation are subject to impact bargaining. The duty to impact bargain does not preclude the City from implementing the consolidation. The City began impact bargaining on May 22, 2012 and has met with all six of the bargaining units (AFSCME, LIUNA, SEIU, EAA, LAGSPOA, and LAPMA) representing the impacted employees. Our Office prepared a Frequently Asked Questions (FAQ) document to address questions raised by the bargaining units. A copy of the FAQ is provided as an Attachment to this report.

The City continues to meet with LAPMA, LIUNA, and LAGSPOA to discuss the transition plan for sworn employees. Additionally, the City will continue to impact bargain on issues as they arise. Separate and apart from the impact bargaining sessions, the LAPD and its command staff have met with sworn and civilian employee representatives to welcome them into the LAPD, and to discuss issues important to the employees, such as class titles, uniforms and patch options.

#### Civilian Personnel

All civilian employees were transferred to the SECSD on July 1, 2012. As stated in the feasibility report, no employee was laid off as a result on the consolidation. The LAPD has conducted

seven civilian orientation meetings to welcome transferred employees. The LAPD has received background packets from all but five full-time employees due to military leave and pending retirements. The LAPD is working with these employees to complete the process. The LAPD has completed background checks on 108 employees and continues to process the remaining packets.

**Sworn Personnel**

All sworn employees will remain on the GSD payroll until Penal Code (PC) Section 830.31 (c) is amended to allow them to maintain their peace officer status while employed by the LAPD. Background packets for officers to remain in their current Civil Service classification with the SECSO were distributed on August 17, 2012 and are due back from officers by September 10, 2012. Officers will remain in their current classifications (Table 1) with the SECSO and/or apply to be transitioned to an existing LAPD sworn classification (Table 2). Any employee who meets all of the Department's requirements, including backgrounds, may transition into an existing LAPD sworn classification (Table 2). Employees seeking employment opportunities outside of their current job classifications will be expected to meet any and all background requirements set forth by the LAPD for placement in the desired classification. Sworn orientation meetings have been scheduled for all sworn OPS employees between September 9, 2012 and October 6, 2012.

Existing OPS Sworn Classifications– Table 1	
Class Code	Current Class Title
3183	GS Police Officer
3185	GS Police Sergeant
3198	GS Police Lieutenant
3188	GS Police Chief

Existing LAPD Sworn Classifications – Table 2	
Class Code	Class Title
2217	Police Specialist
2227	Police Sergeant
2232	Police Lieutenant
2244	Police Captain

New class titles may replace the existing OPS class titles in Table 1. The LAPD and the Personnel Department have requested input and discussed possible new class titles with the affected employees. Final approval of the new class titles will be made by the Board of Civil Service Commissioners. Once the class title review has been completed, our Office will work with the LAPD, the Personnel Department, and the Controller's Office to ensure provision of temporary position authorities in the appropriate job classifications until regular position authorities can be authorized through the budget process. The City continues to meet with LAPMA, LIUNA, and LAGSPOA to discuss the transition of sworn officers to the LAPD.

**Memoranda of Agreement (MOAs)**

The LAPD has met with the General Managers of all of the involved client departments to discuss service commitments and to gain consensus on MOA related issues. The MOAs for the Los Angeles Zoo and the Convention Center are in the final phase. The MOA with the Bureau of Sanitation is with the City Attorney for review. The MOA with the Library will be transmitted to the City Attorney for review shortly. The LAPD continues to meet with representatives from the Department of Recreation and Parks.

## **Penal Code and Administrative Code Amendments**

The City is working with the California State Legislature to amend Penal Code (PC) Section 830.31(c)(1) to enable OPS sworn personnel to maintain their peace officer status while employed by the LAPD, as well as, bring the code in-line with Federal regulations.

In addition, the City Attorney's Office is working on an ordinance to amend Los Angeles Administrative Code (LAAC) Section 22.545 which assigns the responsibility of City building and facility security to OPS, absent the proprietary, police and fire departments. The amendment will transfer authority for such services to the LAPD.

The City Attorney's Office has prepared an ordinance adding Subsection (c) to Section 4.1002 of Chapter 10 of Division 4 of the Los Angeles Administrative Code to allow sworn peace officer personnel, who provide police services for the City, to maintain membership in the Los Angeles City Employees' Retirement System when their sworn positions are transferred from the Department of General Services' Office of Public Safety into the Los Angeles Police Department. The retirement ordinance requires two readings before Council, therefore the retirement ordinance is being transmitted at this time for the first reading to ensure its effective date will correspond with the effective dates of LAAC 22.545 and PC 830.31(c)(1).

## **Equipment and Facilities**

The LAPD has inspected the OPS vehicle inventory and has begun to transition civilian vehicles to the LAPD fleet. Additionally, all of the OPS facilities have been inspected and the LAPD is in the process of assessing technologies that will be integrated into existing LAPD systems. For instance, the LAPD is in the process of installing LAN connections at OPS headquarters to connect to the LAPD's network. The LAPD continues to explore moving all communication functions to LAPD's Communications Division, including moving camera monitoring capability to the Real-Time Analysis and Critical Response (RACR) Division, in addition to, maintaining at SECSO.

## **RECOMMENDATION**

That the Council note and file this report as it is intended for informational purposes only.

## **FISCAL IMPACT STATEMENT**

The recommendation in this report does not have a fiscal impact as this report it is intended for informational purposes only.

## Office of Public Safety – Functional Transfer FAQ's

Existing OPS Sworn Classifications in GSD – Table 1			Existing LAPD Sworn Classifications – Table 2	
Class Code	Current Class Title	Prior Class Title	Class Code	Class Title
3183	GS Police Officer	Special Officer	2214	Police Officer
3185	GS Police Sergeant	Senior Special Officer	2217	Police Specialist
3198	GS Police Lieutenant	Principal Special Officer	2227	Police Sergeant
3188	GS Police Chief	Chief Special Officer	2232	Police Lieutenant
			2244	Police Captain

**1. What is a functional transfer?**

A functional transfer is moving one of the City's functions from one entity to another entity. In this case, the work of the Office of Public Safety is being moved from the General Services Department to the Los Angeles Police Department (LAPD). This is provided for in Charter Section 514 (a).

**2. Am I being laid off?**

No.

**3. Will there be an LAPD background check?**

There will be a background check. Officers will be required to undergo the following background checks:

- Fingerprints (CA DOJ; CA DOJ Firearms; FBI)
- DMV
- Narcotics Information Network
- Gangs (CA – Gangs Statewide system): as necessary
- Basic POST
- Review of GSD Personnel File
- LAPD Law Enforcement check
- Employee Information Sheet

Medical Services Division (MSD) of the Personnel Department will be reviewing work restrictions currently on file with GSD, primarily to ensure they are up to date. MSD may follow up with employees if/when necessary. MSD will then provide LAPD any updated work restriction information, as necessary.

Employees seeking employment opportunities outside of their current job classifications will be expected to meet any and all background requirements set forth by the LAPD for placement in the desired classification.

**4. What happens if an “egregious incident” is found in my background?**

This will be reviewed on a case by case basis. However, both the LAPD and the Personnel Department will work with the employee to find appropriate employment in his/her current class.

A domestic violence conviction is an example of an egregious incident.

5. **Will I continue to work in the same place with the same schedule?**

Deployment is at the discretion of the Chief of Police. For the immediate future, most employees will notice minimal change. However, as the transition continues, and until it is completed, there may be operational needs to make changes to location or schedules. Before any change happens you and your Union will be given timely notice. Ultimately, work assignments for all employees will depend on the needs of the LAPD and the Departments they service.

6. **What happens to my job?**

You can remain an officer in your current classification (Table 1) with the LAPD Security Services Division and/or you can apply to be transitioned to an existing LAPD sworn classification (Table 2). Any employee, who meets all of the Department's requirements, including backgrounds, may transition into an LAPD sworn classification (Table 2).

Each employee will receive additional training which will be tailored according to an employee's training history.

7. **What happens to my pension?**

All OPS employees will remain in LACERS. Contributions and years of service remain unchanged. Employees who successfully transition to an existing LAPD sworn classification (Table 2) may make a one-time irrevocable election to opt-out of LACERS to join Fire and Police Pensions.

8. **What was the basis of the recommendation made to City Council?**

The CAO transmitted a feasibility report to City Council on April 17, 2012. This was the only report provided to Council. This was considered by the Public Safety Committee as well as full Council. The Council approved the CAO's report on May 15, 2012 forthwith; the Mayor acted on the Council's action on May 18, 2012, and the Council's action was formally adopted on May 21, 2012. The consolidation was adopted with an effective implementation date of July 1, 2012 as a part of the Mayor and Council's Fiscal Year 2012-13 Budget. This action resulted in a General Fund savings of \$2.23 million for Fiscal Year 2012-13 due to the elimination of one Police Academy class of 40 officers. The class was no longer needed due to the efficiencies identified in the CAO's report. The on-going General Fund savings of this action are, at least, \$2 million per year.

9. **What assignments are available, especially for those not of the "37" identified in the report?**

General Services Police Officers will continue in assignments consistent with their job description. These assignments may be current OPS assignments or may be assignments which are new to OPS, but in existence within the LAPD. It is important to note that OPS does not provide facility security to the LAPD, so General Services Police Officers may be assigned to other properties that the LAPD is responsible for.

10. **Will there be a probationary period?**

There is no probation period when remaining in the current Civil Service classification (Table 1). There will be a probation period, up to 18 month, for those who successfully transition to an LAPD sworn position (Table 2) in accordance with Rule 5.26 of the Rules of the Board of Civil Service Commissioners.

**11. What happens to LACERS time for those not yet vested?**

That time stays in the LACERS system.

**12. What will our class title be?**

The following are possible class titles for General Services Police Officers once transferred to the Los Angeles Police Department. The new class titles will replace the existing OPS class titles (Table 1). This process is the same process that was used to change the class titles from Special Officer (Table 1 – Prior Class Title column) to GS Police Officer (Table 1 – Current Class Title column). Input is welcome. The final determination will be made by the Board of Civil Service Commissioners.

- Municipal Police Officer
- General Services Police Officer
- Security Services Officer
- Special Police Officer
- LA Police Security Services Officer
- Security Services Police Officer
- Police Services Officer
- City Police Officer

**13. Will there be a change to our job descriptions?**

Class specifications will be reviewed by the Classification Division of the Personnel Department, if there is a class title change. The LAPD may also revise position descriptions, if necessary.

**14. Can we enroll in Tier 5 since we are not “new hires”?**

No, employees who did not have a retirement account with Fire and Police Pensions prior to July 1, 2011 are subject to retirement benefits under Tier 6, approved by Charter Amendment G.

**15. From Association Proposal – July 11, 2012****1. Backgrounds**

See No. 3 above.

**2. LAPD Applicants**

Personnel actions are at the discretion of the Chief of Police

Probation – see No. 10 above.

Seniority issues are set forth in various authoritative documents including the Rules of the Board of Civil Service Commissioners, MOUs, the LAPD manual, and LAPD orders and notices.

**3. Maintenance of Benefits**

No loss of employment, salary, or benefits to any employee who satisfies the requirements for continued employment with the LAPD.

**16. What is the change to the Penal Code?**

The language has not yet been finalized. However to summarize the two key changes, the employer in subsections (c) (1) and (2) is changed from the Department of General Services to the Los Angeles Police Department and the other change is to bring the statute in conformance with federal law, by eliminating subsection (c) (3) which limited carrying firearms only while on duty.

**17. What bargaining unit will I belong to?**

If you remain in your current classification (Table 1), you will also remain in bargaining unit #28, represented by LAGSPOA. If you successfully transition to an existing LAPD sworn classification (Table 2) you will become a member of bargaining unit #24, represented by LAPPL.

**18. Because there are significant differences between LACERS and LAFPP, how can we supplement our LACERS retirement to bring it closer to the pension and benefits provided under LAFPP?**

The functional transfer of OPS did not include any change to retirement benefits.

Additional retirement benefits will have to be negotiated as a reopener to current closed contracts or during future contract negotiations. Please note that officers, who transition to LAPD sworn classifications (Table 2), will be members of bargaining unit #24, represented by the LAPPL regardless of the retirement system chosen.

**19. As a LAGSPOA officer, our discipline is covered by Civil Service. When we transfer to the LAPD, will discipline continue to be under Civil Service or will it be under the Police Commission?**

If you remain in your current classification (Table 1), discipline will continue to be under the jurisdiction of the Board of Civil Service Commissioners. If you transition to an existing LAPD sworn classification (Table 2), discipline will be under the jurisdiction of the Board of Police Commissioners. Charter section 1070 describes the disciplinary process for peace officers as defined in California Penal Code Section 830.1 in the LAPD.

**20. An employee started as an LAPD officer, and then became a LAGSPOA officer. 1) Will he/she have to remain a LAGSPOA officer or does he/she have the option to re-apply for an LAPD sworn position? 2) How does this affect his/her retirement?**

This is case by case, specific to individual officers. It will depend on how and why the officer separated from the LAPD. If the officer left the LAPD in good standing he/she is eligible to re-apply. The effect on retirement will also depend on what the officer did with the LAFPP time upon separation.