




LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

October 24, 2017

BOARD OF FIRE COMMISSIONERS
FILE NO. 17-123

TO: Board of Fire Commissioners
FROM:  Ralph M. Terrazas, Fire Chief
SUBJECT: LAFD MEDIATION PILOT PROGRAM

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

As directed by the Board of Fire Commissioners, the Fire Department (Department) is providing an update on the Los Angeles Fire Department (LAFD) Mediation Pilot Program. In the spring of 2017 the Department embarked on the LAFD Mediation Pilot Program (MPP) with University of Southern California (USC) Gould School of Law Mediation Clinic to serve as an alternative for addressing and resolving personnel conflict in the work place, or as an adjunct to assist during or after the investigative process in resolving work place disputes.

RECOMMENDATION

That the Board:
Receive and file this report.

DISCUSSION

One of the pilot's goals is to identify the areas in which mediation would prove beneficial, this includes:

- 1) Minor workplace or personnel disputes that were the result of dynamics that would be better resolved through mediation as opposed to discipline,
- 2) Workplace or personnel issues that would benefit from mediation concurrent with the investigative process,
- 3) Mediation post the completion of a disciplinary investigation to assist in rebuilding workplace relationships.

Partnership with USC Gould School of Law Mediation Clinic

The Department partnered with the USC Gould School of Law Mediation Clinic to assist in the implementation of the MPP. Senior law students enrolled in the respective mediation clinic, with the assistance of program faculty, are utilized to mediate LAFD cases after their completion of an LAFD agency orientation.

Independent Assessor Sue Stengel assisted the Department in fostering its partnership with the USC Gould School of Law Mediation Clinic and has provided invaluable input on the MPP development efforts.

Mediation Program Pilot Period

Spring 2017

On February 9, 2017, the Department provided its first LAFD agency orientation (training) to the USC law students selected to serve as mediators for LAFD referred cases. In or around this same period, the Department identified three cases appropriate for mediation and extended invitations to the disputing parties. Of these three cases, parties to one case referral agreed to participate in the MPP. The respective mediation took place on April 21, 2017, at a neutral Fire Station and served to address a damaged work, as well as personal relationship between two sworn members.

Parties to the two other cases opted not participate in the MPP due to the newness of the program.

Lessons Learned

One of the goals of the pilot mediation program is to identify successes and failures that will shape the foundation for the Department's development of an official mediation program.

Some of the lessons learned from the Department's first mediation included:

Failures:

- The unfamiliarity with the new program influenced declines in the offer of mediation in two of the three cases.
- The medium in which the offer of mediation is made had a direct impact on the respective party's decision to mediate. Direct one-one conversation was determined to be the most effective.

Successes:

- The mediation was well received by both members who opted to mediate their dispute.
- The Mediators were able to bring the dispute to a positive conclusion.

Fall 2017

Currently four cases are being reviewed for suitability for the MPP. Invitations to Department members for two of these cases are in progress as of the date of this report. The remaining two cases are still under review.

Mediation Program Development

Currently the Department is still evaluating the MPP process. As additional mediations take place, the lessons learned, input from both participants and mediators, identification of all applicable policies and procedures, and the collection of other pertinent information will assist the Department in the establishment of an official mediation program.

CONCLUSION

The Department is hopeful that the development of its LAFD Mediation Pilot Program will foster positive working environments and will have lasting benefits for its sworn and civilian members. The Department intends to take an assessment of the MPP in the summer of 2018 to determine if the pilot period should be extended or if efforts to move forward with the establishment of an official mediation program should be undertaken.

Board report prepared by Stephen L. Gutierrez, Assistant Chief, Professional Standards Division.