

November 6, 2018

# LOS ANGELES FIRE DEPARTMENT



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FIRE CHIEF

October 17, 2018

BOARD OF FIRE COMMISSIONERS  
FILE NO. 18-117

TO: Board of Fire Commissioners

FROM: *RMT* Ralph M. Terrazas, Fire Chief

SUBJECT: PROFESSIONAL STANDARDS DIVISION UPDATE ON THE LOS ANGELES FIRE DEPARTMENT 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 Withdrawn |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 Los Angeles Fire Department (LAFD) is providing an update on the LAFD Mediation Pilot Program (Program). In April 2017, the LAFD partnered with the 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 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

To date, a total of six cases that were initially filed through the LAFD's internal Complaint Tracking System (CTS) were resolved utilizing the Program. The following is a chronological list of mediation session dates:

April 21, 2017  
November 14, 2017  
November 17, 2017  
June 7, 2018  
July 30, 2018  
August 7, 2018

All the cases were related to work-environment issues. Post-mediation, participants were asked to complete a (non-mandatory) survey. The survey is designed to elicit overall impressions and satisfaction of the process and the assigned mediators, and is being used to assist the LAFD's assessment of the Program.

Six of the twelve participants completed the survey. Three other individuals provided in-person feedback to the LAFD. All the feedback was positive. Moving forward, the LAFD plans to require participants to complete a post-mediation survey.

Post-mediation participants in one case recently re-filed “work-environment” complaints against each other. In this case, the mediation session was conducted on November 14, 2017. The participants explained that after mediation their communication with one another improved but that other work-related issues had not dissipated.

As the LAFD noted in its October 24, 2017 Board Report, in two cases, mediation invitations were extended to parties but one or both of the parties in those cases declined to participate in the Program. No invitations have been declined since the date of the last Board Report.

In fact, the LAFD has seen an increase in interest in the Program. Since its initial posting on the LAFD’s portal on February 2, 2018, the LAFD has received a steady flow of inquiries from members seeking information about the Program. In the near future, the LAFD plans to post a second announcement about the Program on the Information Portal.

#### Ongoing Training to Mediation Clinic Students

As noted in the LAFD’s October 24, 2017 Board Report, the LAFD provided its first orientation training on February 9, 2017 to the USC law students (second and third year students) selected to serve as mediators in the Program. An additional training for second and third year law students was conducted on September 20, 2017.

On July 16, 2018, the LAFD provided orientation training to USC graduate students earning an LL.M. degree (Master of Laws) and/or a MDR degree (Master of Dispute Resolution), expanding the pool of potential Program mediators.

The purpose of the training is to familiarize students with LAFD’s mission, culture, and operations. In addition to this training, after a referral is made, the LAFD also conducts case-specific briefings to the USC mediators assigned to a case. The purpose of the briefings is to provide some information about the involved participants (e.g., rank, tenure, work assignments/duties, etc.), describe the nature of the dispute, and answer any questions they may have about the referral.

### Letter of Agreement

The LAFD is phasing out the Pilot Program to establish a formal Mediation Program Letter of Agreement with USC. In anticipation of that plan, the LAFD met with Independent Assessor Sue Stengel who provided input and recommendations. The LAFD also plans to meet with other stakeholders and outside agencies (that have established mediation programs) for additional input. The LAFD aims to execute a Letter of Agreement (LOA) by the end of 2019.

### Codify LAFD's Mediation Program Policy

The LAFD is drafting a policy regarding the Mediation Program so that members have a clear understanding of the process. The policy will explain the purpose of mediation, provide the criteria for what cases are suitable for the process, and outline the obligations and roles of the parties. The LAFD's work on this task will be concurrent with its efforts to complete the LOA.

### **CONCLUSION**

The LAFD looks forward to formalizing its partnership with USC and building a professional long-term Mediation Program for its members.

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