



LOS ANGELES FIRE DEPARTMENT

KRISTIN M. CROWLEY
FIRE CHIEF

June 1, 2022

BOARD OF FIRE COMMISSIONERS
FILE NO. 22-056

TO: Board of Fire Commissioners

FROM:  Kristin M. Crowley, Fire Chief

SUBJECT: LOS ANGELES FIRE DEPARTMENT RESPONSE TO THE
INDEPENDENT ASSESSOR'S AUDIT OF EQUAL EMPLOYMENT
OPPORTUNITY COMPLAINTS

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 Withdrawn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

The Board of Fire Commissioners (Commission) directed the Los Angeles Fire Department (LAFD or Department) to provide a response to the audit conducted by the Office of the Independent Assessor (OIA) of the Equal Employment Opportunity (EEO) complaints. The assessment focused on EEO complaints from January 2013 through June 30, 2021 and the report was presented to Commission on May 17, 2022. The OIA made seven recommendations to the Department:

RECOMMENDATION

That the Board:

Receive and approve this report.

DISCUSSION

The OIA conducted an audit of EEO complaints received by the Professional Standards Division (PSD) from January 2013 through June 30, 2021. In particular, the Commission was interested in sexual harassment complaints dating back to 2013. In this assessment, the Independent Assessor makes seven recommendations, which the Department will respond to. The Department acknowledges the collaboration between the OIA and the Professional Standards Division and concurs with the following seven recommendations made by the OIA.

Recommendation #1

Configure the Complaint Tracking System (CTS) to capture and automatically populate the race, gender, and rank of employees (subjects, complainants and witnesses).

The Department concurs with this recommendation and it will be included into the architecture of the new platform/software that will be used to track complaints. Initial discussions with the Information Technology Bureau (ITB) and the Information Technology Agency (ITA) are in progress to make these updates prior to implementation of the new software. Additionally, there may be a potential migration from CTS to existing platforms in which case it is unknown if this information will be requested.

Recommendation #2

Ensure (and train members to use) the function in CTS for the “Person Completing this Form” is available and is used for every complaint. It should also capture and automatically populated the race, gender, and rank of employees.

The Department concurs with this recommendation and it will be included into the architecture of the new platform/software that will be used to track complaints. Initial discussions with ITB and ITA are in progress to make these updates prior to implementation of the new software. If this update is completed prior to implementation of the new complaint tracking software, all members will be provided training to complete this function. Additionally, there may be a potential migration from CTS to existing platforms in which case it is unknown if this information will be requested.

Recommendation #3

Adopt a policy for categorizing complaints made by non-LAFD employees, which include allegations based on protected classes.

The Department concurs with this recommendation and it will require new categories be programmed into CTS. For tracking purposes, the Department will work with ITA to appropriately categorize these complaints which are allegations based on a protected class.

Recommendation #4

Revise the Department’s Discrimination Prevention Policy Handbook (DPPH) to reflect the City’s updated policies and laws.

The Department agrees with this recommendation that the DPPH needs to be updated pursuant to the City’s EEO policy. In the meantime, EEO cases will be reviewed by the EEO Coordinator who will provide an analysis which will be considered in the adjudication. This process will be based on the City’s policy (City of Los Angeles Workplace Harassment and Use of Conduct Prevention Policy). The Department is currently working with the EEO coordinator to update the DPPH.

Recommendation #5

Use the EEO penalty guidelines in all cases that include sustained allegations implicating protected classes and/or hazing and horseplay.

The Department agrees that hazing and horseplay are part of the City's EEO policy and the Department's penalty guidelines should line up appropriately. In the current, agreed upon penalty guidelines, hazing and horseplay are separate from the penalty range for EEO violations. In cases where an individual's membership (or perceived membership) in a protected class is a component of the alleged hazing and/or horseplay, and the findings of the investigation are sustained, the EEO penalty guidelines will be used. In cases of hazing and/or horseplay that are not related to an individual's membership (or perceived membership) in a protected class, the EEO penalty guidelines will not be used. This process is in alignment with the City's EEO policies.

Recommendation #6

Implement Charter Section 1060 and discontinue the practice of revoking suspension days when members request a hearing before a Board of Rights.

The Department identifies value with this recommendation and supports such a change as it will provide for more timely discipline and continues to afford the member the right to appeal. While the Department is open to this change, suspension after confirmation of a Board of Rights has been a well ingrained, longstanding practice, in which the Department will need to engage in meet and confer discussions with labor prior to implementation.

Recommendation #7

Consistently and accurately mark the EEO Sustained or EEO Not Sustained boxes in CTS, including for hazing cases.

The Department concurs with this recommendation and has been consistent in this practice since 2021. Additionally, the moderator position was recently filled by a full-time Management Analyst which will ensure more consistency in coding EEO complaints and the closure of these investigations in CTS.

CONCLUSION

The Department concurs with the OIA recommendations for EEO complaints in order to maintain a fair and equitable investigative process in addition to accurate reporting of EEO complaints. To that end, the Department is responsive to and has already begun to address and implement these recommendations.

Board report prepared by Graham Everett, Deputy Chief, Chief of Staff.