

LOS ANGELES FIRE DEPARTMENT



BRIAN L. CUMMINGS
FIRE CHIEF

March 12, 2012

BOARD OF FIRE COMMISSIONERS
FILE NO. 12-050

TO: Board of Fire Commissioners

FROM: Brian L. Cummings, Fire Chief

SUBJECT: **ALMEIDA CONCILIATION SETTLEMENT AGREEMENT – REPORT**

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 Withdrawn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

Recommendation That the Board:

1. Accepts this report on the history, term, reliefs, posting and reporting requirements of the Almeida Conciliatory Settlement Agreement (Agreement).

Engineer of Fire Department Anthony Almeida's complaint was originally filed with and investigated by the Fire Department's Advocate Section of the Office of Operations and the Civil Service Commission's Office of Discrimination and Complaint Resolution (ODCR) in January of 2006. Seven month later Engineer Almeida filed an Equal Employment Opportunity Commission (EEOC) complaint against the Fire Department. In April of 2011, a Conciliatory Agreement was struck between the parties listing tasks, responsibilities and target dates.

Summary

In December of 2006, a member claimed that Engineer Almeida had made a verbal threat against him. Engineer Almeida subsequently filed a claim of discrimination based on religion, sexual harassment and retaliation. The Los Angeles Fire Department and ODCR jointly investigated the claim in January of 2007.

The Department and ODCR completed their investigation in May of 2007, and found no charges against Engineer Almeida. However, Engineer Almeida's claims against the other member were substantiated and the member was admonished regarding his conduct and comments towards Engineer Almeida. The investigation also stated that Engineer Almeida should be returned to his assignment.

The Los Angeles Fire Department was notified in October of 2007 by the EEOC that Engineer Almeida had filed a complaint with their office. Conciliation hearings began between the Department, the EEOC, and the City Attorney's Office in July of 2010. A settlement was reached in April of 2011. The Conciliation Agreement was approved in Budget and Finance Committee and then in a closed door City Council in October 2011. The Agreement was then provided to the EEOC for signatures and final approval. The final document was returned to the Department for execution in January 2012.

The terms of the Agreement will be in place for three (3) years from the date of execution, January 2012. The charging party was given a monetary amount, which was published by the news media in the amount of \$454,150.

The remedial relief is provided through various actions. First, the Department is to continue to enforce its policy against discrimination and harassment (Discrimination Prevention Policy Handbook). This policy is to be issued annually and all employees must acknowledge receipt of policies with statement indicating they have received the materials and will be expected to read these same materials by a specified time period. The next relief was for the Department to continue to offer an external Equal Employment Opportunity Complaint Procedure through ODCR.

The Department's Chief Officers will be required to complete a live two-hour training regarding compliance with and emphasis on various anti-discrimination laws and policies, including how to recognize and properly respond to harassment and discrimination in the work place. This first training must be completed within six months of the execution of the Agreement. The live training must be conducted on an annual basis and continue until the last live training in 2014.

Chief Officers are required to conduct a presentation to all rank and file members, which will include a live introduction of a video to all members in a group setting. After each video, discussions with attendees shall commence and last no less than 30 minutes. A sign-in sheet will be kept and comment cards will be forwarded to the EEO Coordinator assigned to the Department's Professional Standards Division. Journal entries as well as entries into F-393 training records, F-2 and Personnel Record Books will be completed to record the Department's compliance. The first training of their commands by the Chief Officers must be completed within twelve months of the execution of the Agreement and will continue each year until the last presentation in 2014.

The EEOC is required to be informed of dates, times and locations of trainings at least 20 days in advance. The Department is also required to forward copies of the training materials to the EEOC at least 30 days in advance of the scheduled training.

In accordance with the Agreement, the Fire Department has already posted the "NOTICE TO SWORN MEMBERS AND FIREFIGHTER I'S" on each Bulletin Board, and this notice will remain posted for a period of not less than 90 days.

Commencing nine months after the Agreement was executed, and thereafter every six (6) months for the life of the Agreement, the Department will make available to the EEOC, completed copies of all documentation for their review.

A table listing the tasks, responsibilities and target dates including current status is attached as Attachment No. 1 of this report.

Fiscal Impact

The Department has purchased and received a set of four videotapes that will be used for the training for the Chief Officers in May. Eighteen other sets have been ordered for training of the rank and file, which will arrive in May. These training materials have been purchased using VET funds in the amount of approximately eight (8) thousand dollars.

Conclusion

The Fire Department continues to work on meeting the tasks, responsibilities and required dates of compliance specified in the Almeida Conciliatory Agreement. The EEO Coordinator, representatives from the EEOC, and a representative from the City Attorney's Office will monitor the training. The attachment outlines what has been completed and target dates of completion for required training milestones. These include:

- Updating the Discrimination Prevention Policy Handbook, with the Professional Standards Division forwarding recommended revisions to the Board of Fire Commissioners by approximately March 30, 2012;
- Forwarding of the curriculum and training materials to the EEOC in mid-April;
- Live training of the Chief Officers scheduled for May 14, 15, and 16; and
- Chief Officers' presentations to the rank and file no later than September 2012.

The live training of all members will continue for the next 3 years with the last live training occurring in 2014.

The Department will be providing regular updates to the Fire Commission to keep them informed of the progress in meeting the requirements of the Agreement.

Board report prepared by Daren Palacios, Chief Deputy, Administrative Operations.

Attachment

ALMEIDA CONCILIATION AGREEMENT TASKS, RESPONSIBILITIES AND TARGET DATES

	Action	Potential Responsibility of	Target Start and Completion Date
1	Identification of potential video for purchase	Administrative Operations (In-Service Training Section) and Professional Standards Division's EEO Unit	Completed
2	Receipt of purchased video	Administrative Operations (In-Service Training Section)	Completed 3/1/12
3	Identification and selection of trainer for the Chief Officer live training	Administrative Operations (In-Service Training Section) and Professional Standards Division's EEO Unit	Completed – Human Relations Advocate Greg Apodaca and SR PAII Maria Aslan
4	Preview of purchased video and review/creation of corresponding handbooks or guides	Administrative Operations (In-Service Training Section), Professional Standards Division's EEO Unit and Greg Apodaca	Videos received 3/5/12 In progress - Chief Officer curriculum development
5	Posting of EEOC Notice Department-wide	Professional Standards Division's EEO Unit	Completed 2/17/12
6	Recommended revisions to the Discrimination Prevention Policy Handbook	Office of the Fire Chief, Professionals Standards Division's EEO Unit	In progress – anticipate routing to Board by March 30, 2012
7	Forwarding of all training materials to the EEOC	Office of the City Attorney, Administrative Operations (Risk Management and In-Service Training Section), Professional Standards Division's EEO Unit	Mid April 2012 (30 days before first session)
8	Forwarding of Chief Officer training schedule to the EEOC	Office of the City Attorney, Administrative Operations (Risk Management and In-Service Training Section), Professional Standards Division's EEO Unit	Mid April 2012 (20 days before first session)
9	Live training sessions for Chief Officers	Administrative Operations (In-Service Training Section)	Scheduled for May 14, 15, and 16, to be completed no later than July 2012
10	Chief Officer presentation of video to commands	Administrative Operations and Emergency Operations	To start no later than September 2012
11	Forwarding of presentation schedule for remaining ranks to the EEOC	Office of the City Attorney, Administrative Operations (Risk Management and In-Service Training Section), Professional Standards Division's EEO Unit	20 days or more before scheduled presentations
12	Distribution of Revised and Updated Discrimination Prevention Policy Handbook	Administrative Operations and Emergency Operations and/or Professional Standards Division's EEO Unit	At time of presentation by the Chief Officers of the video

Almeida Conciliation Agreement

HISTORY OF CLAIM

December 2006 – A member makes a claim of a verbal threat from Almeida

January 2007 – Almeida files a claim of Discrimination based upon Religion, Sexual Harassment and retaliation. Office of Discrimination and Complaint Resolution (ODCR) and the LAFD jointly investigate.

May 2007 – ODCR and LAFD complete investigation and no charges against Almeida, member shall be admonished on conduct and comments against Almeida. Engineer Almeida is returned to duty.

October 2007 – LAFD notified of EEOC complaint filed by Almeida

July 2010 – Conciliation hearings begin LAFD along with City Attorney's Office meet with EEOC.

January 2012 – Settlement fully executed and received from EEOC

TERM OF AGREEMENT

Three years and will end after last training in 2014.

CHARGING PARTY RELIEF

494, 150

REMEDIAL RELIEF

1. Continue to enforce its policy against Discrimination and Harassment. Issued annually and all employees must acknowledge receipt of policies with statement indicating receipt and read.
2. Continue to offer an external Equal Employment Opportunity Complaint Procedure through ODCR.
3. All Chief Officers will be required to complete a live two-hour training regarding harassment with compliance to various Civil Rights Acts and discrimination policies, including how to recognize and properly respond to harassment and discrimination in the work place (First training must be completed within six months). This live training shall be conducted on an annual basis and continue until the last live training in 2014.
4. The Chief Officers will provide live introduction of videos to attendee members in a group setting. After each video, discussions with attendees shall commence and last no less than 30 minutes. A sign-in control sheet will be kept and comment cards will be forwarded to Respondent's EEO Coordinator. F-393 training records will be completed along with entries in the F-2 and Personal Record Books. This shall be completed within twelve months and will continue until the last is presented in 2014.
5. EEOC will be informed of dates, times, and locations of trainings at least 20 days in advance. Copies of the training shall be sent to the EEOC 30 days in advance of the scheduled training.

POSTING

The LAFD agrees to post the NOTICE TO SWORN MEMBERS AND FIREFIGHTERS I on each Bulletin Board for a period of not less than 90 days.

REPORTING REQUIREMENTS

Commencing nine months after Agreement and thereafter every six months for the life of this agreement, the Department will make available to the EEOC, completed copies of all documentation for their review.

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