

November 4, 2014

LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS
FIRE CHIEF

October 20, 2014

BOARD OF FIRE COMMISSIONERS
FILE NO. 14-124

TO: Board of Fire Commissioners

FROM: Ralph M. Terrazas, Fire Chief

SUBJECT: RESPONSE TO REVIEW OF THE RECRUITMENT, SELECTION, AND
HIRING PROCESS FOR TRAINING ACADEMY CLASS 2013-1

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|---------------|-----------------------------------|---|------------------------------------|
| 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 Withdrawn |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

Attached for your review is the response to recommendations listed in Part VII of Independent Assessor Sue Stengel's review of the recruitment, selection, and hiring process for Training Academy Class 2013-1.

RECOMMENDATION

That the Board:

1. Approve the response to recommendations listed in Part VII of the Independent Assessor's report.

Board report prepared by Daren M. Palacios, Deputy Chief, Training and Support Bureau.

Attachments

Evaluating Potential Conflicts of Interest Involving Recruits and Probationers
Policy Prohibiting Contact Between Candidates and Raters
Memorandum of Agreement

Evaluating Potential Conflicts of Interest involving Recruits and Probationers

All potential conflicts of interest during the recruit training and probationary periods shall be evaluated immediately upon disclosure or discovery to assess whether there is a need for personnel action such as a transfer, detail, or removal from specific duties and responsibilities. Factors to be evaluated include, but are not limited to, the following:

- Nature of the external relationship between LAFD member and the recruit or probationer
- Proximity of working relationship between the involved parties
- Potential for member to influence (in a positive or negative manner) the progress or outcome of the recruit or probationer
- Ability of member to maintain objectivity at all times in regard to the training, supervision, and evaluation of the recruit or probationer
- Public perception of the matter

If it is deemed that the continued presence and/or role of the member would constitute a conflict of interest, or could be perceived as one to the extent that it would erode the public's trust and confidence in the selection, training, and probationary process, the Department shall take appropriate action to eliminate the potential conflict and transfer the member to an assignment outside the Section or Battalion. All transfers shall be executed administratively in accordance with Manual of Operation, Volume 2, 3/1-20.01.

Where a potential conflict of interest is identified for the probationary period, affected members who are in the rank of Firefighter to Battalion Chief shall be detailed to a position in a different battalion to which the Probationer is assigned. For members in the rank of Assistant Chief or higher, they shall be restricted from participating in any review, evaluation, and/or decision-making process that would impact the Probationer. Those duties shall be reassigned to the Fire Chief or designee.

POLICY PROHIBITING CONTACT BETWEEN CANDIDATES AND RATERS

All members of the Los Angeles Fire Department are strictly prohibited from contacting raters about a candidate's performance on an exam. Any employee who breaches this policy is subject to disciplinary action. Additionally, the candidate will be disqualified from the exam process.

The Fire Department is currently conducting Firefighter Entrance Exams for a Fire Academy to begin in December 2014, and will be continuously hired for the next few years, as well as conducting promotional exams. Many of our LAFD members have family, friends, and/or mentoring relationships with candidates and, consequently, have a personal interest in their success. In light of such relationships, it is critical that the Department maintain a fair and impartial testing process for all.

After conducting preliminary inquiries into the recent exam process for Firefighter I, the Personnel Department removed three Department members from their position as raters after they had reportedly been contacted by other members inquiring about individual candidates and/or the exam. Members are reminded that the Department policy strictly prohibits any contact with a rater about the performance of any candidate. This contact includes contact between candidates (or those inquiring on behalf of such) and raters.

In addition to Department policy that raters are expressly prohibited from assisting, or otherwise providing an unfair advantage, to candidates in any manner related to entry and promotional exams, the Personnel Department has a policy which subjects candidates to disqualification if they contact or attempt to contact any rater in an examination regarding their score. The Ethics Ordinance also prohibits a City employee from attempting to gain a private advantage for an individual. Procedures are in place to ensure the proper conduct of raters, such as the confidentiality agreement and disclosure requirements that raters must acknowledge and sign prior to participating in the exam process. Members are accountable for adhering to all such policies and ensuring the integrity of the exams and the selection process.

**Memorandum of Agreement
Between the Los Angeles Fire Department
and the Los Angeles Personnel Department
(Amended October 16, 2014)**

INTRODUCTION

In November of 2008, a Memorandum of Agreement was signed by representatives from the Los Angeles Personnel Department and the Los Angeles Fire Department. The purpose of the original Memorandum of Agreement (MOA) was to define the responsibilities of the Los Angeles Fire Department (LAFD) and the Personnel Department relative to the recruitment, selection, and hiring of full-time Firefighters. Further, it was the intent of the Agreement to foster a spirit of cooperation between the LAFD and the Personnel Department to ensure that the hiring process is professionally managed and that the best possible candidates are selected for service with the LAFD. The intent of this amended MOA remains the same; however, the departments have agreed to amend the original to reflect changes of responsibilities that have been implemented.

Charter Section 1005 provides that the authority and responsibility for selection of all civil service classifications rests with the Personnel Department. It is the responsibility of the Personnel Department to provide the LAFD with qualified candidates to hire into the Fire Department. The LAFD is the appointing authority for all employees entering the LAFD and has the right to select from among qualified candidates provided by the Personnel Department.

The provisions of this Agreement are not intended to restrict or limit the authority or duty of the Fire Chief (or designees) of the LAFD. Nor are the stipulations of this agreement intended to restrict or limit the authority or duty of the General Manager of the Personnel Department.

The LAFD and the Personnel Department may amend the terms of this Memorandum of Agreement as deemed necessary.

1. GENERAL RESPONSIBILITIES

The LAFD and the Personnel Department are jointly responsible for recruiting Firefighter candidates and shall work together to attract the most qualified candidates into service with the LAFD. Each department has the following additional responsibilities:

1.1 Los Angeles Fire Department

The LAFD shall:

- 1.1.1 Deploy and supervise staff dedicated to the recruitment and mentoring of Firefighters.
- 1.1.2 Provide personnel of an appropriate rank to assess Firefighter candidates in the civil service testing process.
- 1.1.3 Maintain statistical and historical data related to Firefighter attrition and make that information available to the Personnel Department upon request.

- 1.1.4 Provide accurate information regarding LAFD's projected hiring needs, subject to budget constraints, with updates on a quarterly basis for use by the Personnel Department in determining appropriate resource availability and allocation.
- 1.1.5 Coordinate and administer the Fire Chief Review of Qualifications for entry-level Firefighter candidates.
- 1.1.6 Notify Personnel Department of scheduled LAFD Family Orientation dates as soon as determined.

1.2 Personnel Department

The Personnel Department shall:

- 1.2.1 Provide qualified candidates to meet the LAFD's hiring needs.
- 1.2.2 Provide Firefighter recruitment, media services, and support, in consultation with LAFD.
- 1.2.3 Coordinate and administer the recruitment budget provided to the Personnel Department by the City of Los Angeles.
- 1.2.4 Coordinate and administer the entry-level Firefighter civil service selection process, including the written test, civil service interview, initial background, field investigation, medical evaluation, psychological evaluation or appropriate selection instruments.
- 1.2.5 Conduct background investigations for Firefighter candidates, as identified through the Interview process, to determine if candidates meet the background standards adopted by the Civil Service Commission.
- 1.2.6 At minimum, 5-days prior to a LAFD Family Orientation, the Personnel Department shall provide the LAFD with a list of certified eligible Firefighter candidates in accordance with the Rule of Three Whole Scores. The list of eligibles shall include candidates that have successfully completed the Firefighter examination process with valid test scores. Those candidates not appointed may be considered for subsequent LAFD Training Academy Classes provided that their final score on the eligible list and other test parts remain valid and they meet applicable certification and exam requirements. The provision of eligible candidates on the certification as stated above is contingent upon a sufficient number of candidates completing all necessary test parts in a timely manner and on timely processing by both the LAFD and Personnel Department.
- 1.2.7 Maintain statistical and historical data related to Firefighter recruitment and hiring including data on all aspects of the hiring process.

2. SPECIFIC RESPONSIBILITIES – RECRUITMENT

2.1 Los Angeles Fire Department

Recruitment of Firefighters is a high priority for the City and vital to the continued well-being of the LAFD and the City. The LAFD shall deploy and maintain a unit of employees dedicated to the recruitment and mentoring of Firefighters. Experience has shown that potential candidates desire to speak to recruiters who have completed the Drill Tower and staffed other fire-related assignments. Furthermore, the LAFD understands that recruitment is best accomplished with a long-term vision and is least effective when conducted in an inconsistent manner. Therefore, the LAFD shall make every reasonable attempt to staff and maintain a full-time Recruitment Unit.

The LAFD Recruitment Section shall:

- 2.1.1 Implement the strategies as directed by the Personnel Department, developed in consultation with LAFD, to recruit candidates through a variety of means. Recruitment shall take place at a variety of locations, including colleges, community centers, military bases, and other venues that are considered viable in the recruitment of Firefighters.
- 2.1.2 Mentor candidates as they progress through the selection process by answering any questions they may have about the testing process and discussing training programs and/or seminars offered by the LAFD.
- 2.1.3 Provide periodic question and answer seminars and oral interview seminars open to Firefighter candidates.
- 2.1.4 Provide recruitment materials to LAFD Stations and community groups for distribution to the general public.
- 2.1.5 Mentor high school students to pursue a career with the LAFD, subject to the availability of volunteer mentors and staff.
- 2.1.6 Administer a physical fitness preparatory program open to Firefighter candidates progressing through the selection process.
- 2.1.7 Assist the Personnel Department as needed to develop advertising and recruitment strategies, methods, and materials.
- 2.1.8 Seek opportunities for pro bono advertising and marketing, in coordination with Personnel and/or other LAFD affiliates.
- 2.1.9 Organize LAFD-sponsored recruitment and mentoring events.

2.2 Personnel Department

The Personnel Department will contribute its general recruitment expertise and administrative skill to the LAFD recruitment effort.

Marketing is an important facet of an effective recruitment program. Although LAFD will be consulted and has a significant role in this aspect of the recruitment effort, the Personnel Department has the primary responsibility for developing and implementing a marketing plan. The Personnel Department, with its human resource and public relations staff, will market the LAFD recruitment campaign and may utilize advertising experts from outside the City.

The Personnel Department shall perform the following recruitment tasks:

- 2.2.1 In consultation with LAFD, develop and implement innovative strategies to recruit Firefighters, including establishing liaison with colleges (including athletic programs), military, Firefighter academies and Paramedic schools, community centers, community organizations, employment centers, and other venues.
- 2.2.2 In consultation with LAFD, research recruitment methods, strategies, and incentives used by other fire agencies to determine applicability to the LAFD recruitment effort.
- 2.2.3 Along with LAFD, organize LAFD-sponsored recruitment and mentoring events.
- 2.2.4 In consultation with LAFD, develop and maintain a recruitment event calendar.
- 2.2.5 In consultation with LAFD, develop a yearly strategic recruitment plan including recommended use of budgetary funds, suggested media mix, targeted venues, etc.
- 2.2.6 Develop and maintain the budget for promotions/events and recruitment travel.

- 2.2.7 Coordinate and administer all contracts involving outside entities retained to assist in LAFD recruitment.
- 2.2.8 In conjunction with LAFD, collect data through recruitment surveys and other tools to determine the effectiveness of various recruitment strategies and advertising mediums, and provide the LAFD with a quarterly report relative to use of recruitment funds.
- 2.2.9 In conjunction with LAFD, analyze data to determine recruitment strategies to attract candidates most likely to succeed in the selection process and adjust recruitment strategies as needed after thorough analysis.
- 2.2.10 Maintain applicant demographic information throughout the selection process.
- 2.2.11 Design and maintain a database to store data obtained from recruitment surveys and other tools.
- 2.2.12 Create and maintain an automated system to track recruitment expenditures and evaluate the cost effectiveness of advertising campaigns and recruitment strategies.
- 2.2.13 Develop advertising and recruitment strategies, methods, and materials.
- 2.2.14 Develop a recruitment media budget and allocate funds based on proven effective recruitment strategies.
- 2.2.15 With LAFD, disseminate recruitment information to the Mayor and City Council offices, the State Employment Development Department, community organizations, and other local venues, including schools and churches.
- 2.2.16 Maintain a community resource mailing list.
- 2.2.17 Research various advertising methods, including placement and purchase of radio and television media, print, Internet advertising, outdoor advertising, and other advertising.
- 2.2.18 Coordinate the development and production of a variety of media presentations, videos, and commercials for all media types.
- 2.2.19 Design recruitment materials including brochures, pamphlets, posters, and flyers.
- 2.2.20 In consultation with LAFD, write and distribute press releases related to recruitment events.
- 2.2.21 Consult with media buying and advertising agencies to secure effective placement and purchases of advertising buys.
- 2.2.22 Seek pro bono advertising and advertising consulting services.

3. SPECIFIC RESPONSIBILITIES – SELECTION

As stated in the City Charter Section 1005, the Personnel Department is responsible for the civil service system, which requires that all applicants be examined and hired based on job-related criteria. Therefore, the Personnel Department has the ultimate responsibility for the Firefighter selection process. Furthermore, the Personnel Department has the human resource expertise to develop the appropriate tests to assess all applicants interested in joining the LAFD.

Examination materials used for testing and the evaluation of candidate qualifications are strictly confidential, and the staff members involved in the Firefighter selection process shall not share this information with anyone outside the Firefighter selection process. Examination materials include, but are not limited to, test questions, test scores, interview worksheets, and background information.

3.1 Los Angeles Fire Department

The LAFD shall:

- 3.1.1 Schedule, coordinate, and provide uniformed Officers to participate in the civil service interview process for Firefighter.
- 3.1.2 Designate a point of contact within the LAFD for the use of Personnel Department staff when scheduled sworn personnel do not report or must be replaced for any reason.
- 3.1.3 Schedule, coordinate, and provide uniformed Officers to participate in the Initial Background process for Firefighter.
- 3.1.4 Coordinate and administer the Fire Chief Review of Qualifications for entry-level Firefighter candidates.
- 3.1.5 Provide the Personnel Department a list of candidates selected for a Conditional Job Offer to continue in the selection process.
- 3.1.6 Strictly enforce the Fire Department's Conflict of Interest Protocol to ensure a fair and equitable review and selection process. LAFD representatives participating in the Firefighter selection process (including the civil service interview process, or Initial Background process) must be able to judge candidates in a fair and impartial manner and therefore may not (1) be involved in organized recruitment and/or mentorship efforts of Firefighter candidates; and/or (2) be related to and/or have a relationship or previous familiarity with a Firefighter candidate currently in the selection process. All such connections must be disclosed by LAFD members and properly vetted through the LAFD chain of command.

3.2 The Personnel Department shall:

- 3.2.1 Process applicants and ensure that they meet the minimum requirements for the examination.
- 3.2.2 Develop examination material and ensure that they are validated and job-related.
- 3.2.3 Coordinate the administration of the written test for Firefighter.
- 3.2.4 Coordinate and administer the civil service interview for Firefighter.
- 3.2.5 Provide Interview Specialists to serve on the Firefighter interview boards.
- 3.2.6 Train all LAFD staff participating in the civil service interview process for Firefighter.
- 3.2.7 Train all LAFD staff participating in the Initial Background process for Firefighter.
- 3.2.8 Determine rating criteria and passing score for Firefighter written test and interview.
- 3.2.9 Train all test proctors, including uniformed officers and Interview Specialists.
- 3.2.10 Ensure timely scoring of tests and processing of applicants throughout the selection process.
- 3.2.11 Provide a list of candidates to the LAFD for the Fire Chief Review of Qualifications process. The list of eligible candidates shall not be ranked in any particular order and shall include all candidates processed through completion of the Background Investigation.
- 3.2.12 When the Personnel Department receives a list of candidates selected for a Conditional Job Offer to continue in the selection process from LAFD, Personnel Department will coordinate the candidates' medical and psychological evaluations for the next Drill Tower class.
- 3.2.13 Administer the medical and psychological evaluations for entry-level Firefighter.

- 3.2.14 On a monthly basis, provide LAFD with tracking reports and information on candidates at each stage of the selection process according to each Drill Tower Class.
- 3.2.15 Answer questions and conduct any additional investigation requested by the Review of Qualifications members that is necessary to determine if a candidate meets the background standards.

4. BACKGROUND INVESTIGATION

The Background Investigation for an LAFD Firefighter requires a very thorough process. Furthermore, the background investigation is one of the most important risk management processes that the City can undertake. This particular part of the selection process requires considerable coordination and cooperation between the LAFD and the Personnel Department's Public Safety Division (PSD). Both departments must be uniform and consistent in their interpretation of the Background Standards and Guidelines, as they relate to the past behavior of Firefighter candidates. Additionally, candidates must be processed in a timely manner and should receive clear information and direction as to their status in the Background and Field Investigation segment of the examination.

The background investigation is one of several test parts in the Firefighter examination process. All information contained in background investigation files is confidential testing material and is not subject to disclosure.

4.1 The Los Angeles Fire Department

The LAFD shall:

4.1.1 Deploy a Background Liaison Officer (BLO) whose duties are to:

- Assist the Personnel Department's Background Investigator by contacting candidates who are not responding to telephone calls or electronic messages from the Background Investigator.
- Review list of non-compliant candidates provided by the Personnel Department.
- Assist the Background Investigator by contacting candidates who are not providing required documents or otherwise failing to comply with the background investigation process.
- Contact the Personnel Department's Background Manager if the BLO has questions regarding the status of a candidate's background investigation.
- Depending on available funding and staff, conduct orientation sessions with candidates to discuss the Firefighter testing process, including the background investigation.
- Establish a liaison with the Selection Division regarding candidate status in the testing process.
- Maintain "chain of custody" of all materials provided to the LAFD for the Review of Qualifications.

4.1.2 Deploy Mentors to contact candidates to encourage them to comply with Background Investigators' requests, subject to availability of Mentors.

- 4.1.3 Brief the Fire Chief, or his designee, on the status of candidate's background investigations including an analysis of processing times based upon statistics provided by the Personnel Department.
- 4.1.4 Maintain liaison with the Personnel Department and all LAFD entities involved in the training, testing, and selection of Firefighters.

4.2 The Personnel Department

The Personnel Department shall:

- 4.2.1 Conduct background investigations pursuant to the standards and guidelines established by the Civil Service Commission.
- 4.2.2 Determine which candidates shall continue in the selection process, based upon interview scores. The Personnel Department shall complete a thorough background investigation in a timely manner. The background investigation may include interviewing spouses, relatives, past employers, friends; reviewing the financial history and driving records of a candidate; investigating any encounters with law enforcement; assessing a candidate's respect for the rights of others, and investigating any drug and/or alcohol use.
- 4.2.3 Provide the appropriate materials along with a Firefighter Candidate Summary Form reflecting a written analysis of the pros and cons of each candidate presented for hiring consideration which will be considered as part of the Fire Chief Review of Qualifications.
- 4.2.4 Provide to the Fire Department the names of those Firefighter candidates who are having difficulty in the background investigation process in order for the BLO and/or Fire Department Mentors to contact such candidates to assist them with complying with the Background Investigators' requests.
- 4.2.5 Maintain statistics regarding the length of time to process the background cases including the ethnic and gender breakdown for such cases.
- 4.2.6 Administer the preliminary investigative questionnaire in conjunction with selected and trained LAFD Officers.
- 4.2.7 Review the preliminary investigative questionnaires to determine if candidates meet the background standards to continue processing.
- 4.2.8 Act as the Custodian of Records for all background packages for candidates hired and not hired after **July 1, 1999**.
- 4.2.9 Continue to use the agreed upon Preliminary History Form (PHF) and Pre-Investigative Questionnaire Form (PIQ). No changes shall be made to these forms unless mutually agreed to by the LAFD and Personnel Department. Legal mandates are exceptions for modifications to the forms. Requests from the Personnel Department shall be submitted to LAFD Training and Support Bureau; requests from LAFD shall be submitted to Personnel Department's Public Safety Division (PSD). LAFD and PSD shall each have 30 days to respond to any requests for changes to the forms. Failure to respond within 30 days shall constitute agreement to the requested changes.
- 4.2.10 Include all documentation, notes, supervisory directions, and discussions in the background package submitted for hire.
- 4.2.11 Maintain and store all background investigative packages.
- 4.2.12 Administer "Live Scan" fingerprints for Firefighter candidates.

5. CERTIFICATION

At minimum, 5-days prior to an LAFD Family Orientation, the Personnel Department shall provide the LAFD with a list of certified eligible Firefighter Candidates for hiring consideration. The LAFD shall hire eligible candidates from the certified lists provided by the Personnel Department in accordance with the Rule of Three Whole Scores. The list of eligible candidates shall be in sufficient numbers to fill the Academy class to capacity, plus 5 additional candidates. For example, for an LAFD Training Academy class of 60 candidates, the Personnel Department shall provide the LAFD with a total of 65 candidates. Those candidates not appointed may be considered in the next scheduled LAFD Training Academy, provided that their final score on the eligible list and other test parts remain valid, they meet applicable certification and exam requirements, and another class is budgeted. The provision of eligible candidates on the certification as stated above is contingent upon a sufficient number of candidates completing all necessary test parts in a timely manner and on timely processing by both the LAFD and Personnel Department.

The LAFD will report to the Personnel Department those eligible candidates appointed to the LAFD Drill Tower and the disposition of remaining candidates on the certification list.

6. COMMUNICATION

Effective communication between the LAFD and the Personnel Department is essential to ensuring a successful recruitment effort and to hiring qualified candidates for the LAFD Training Academy. Existing meetings such as the Fire Coordinating Committee (FCC) and Recruitment Coordinating Committee (RCC) should be used for this communication.

There is a broad spectrum of communication between departments, including confidential and non-confidential communication. Appropriate consideration must be given to the importance and type of communication in determining the method(s) of communication. Where appropriate, communication can be conducted via email, telephone, memo and/or face-to-face communication; telephonic and/or face-to-face communication can be confirmed via memo and/or email as appropriate. Routine business shall be conducted through weekly meetings, telephone, and email. Matters of importance, such as personnel and policy issues, shall be addressed in writing and in face-to-face or telephonic meetings as necessary.

6.1 Los Angeles Fire Department

The LAFD shall provide to the Personnel Department on a monthly basis:

- 6.1.1 A calendar of scheduled recruitment events, with updates as necessary.
- 6.1.2 Recruitment data for each event to determine cost effectiveness of each event. For example, Event Request forms and After Action Reports (two days after scheduled events) to determine the viability of each event.
- 6.1.3 A calendar of scheduled LAFD sponsored events including media appearances, community events, and station activities, for the purpose of providing sufficient advanced notice to maximize recruitment opportunities at such events.

6.2 Personnel Department

The Personnel Department shall provide to the LAFD on a monthly basis:

- 6.2.1 A calendar of media events.
- 6.2.2 A status report of the recruitment budget.
- 6.2.3 The number of candidates tested including demographic information.

This Agreement is entered into by the Los Angeles Fire Department and the Personnel Department, and becomes effective when both the Fire Chief and the General Manager have affixed their signatures to this document.

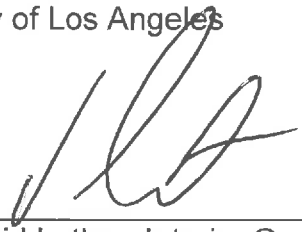
The Agreement shall guide subordinate management and supervising personnel in budgeting and tasking, and shall remain in effect until modified by both Department Heads or abrogated by either Department Head.



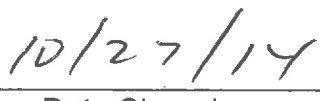
Ralph M. Terrazas, Fire Chief
Los Angeles Fire Department
City of Los Angeles



Date Signed



David Luther, Interim General Manager
Personnel Department
City of Los Angeles



Date Signed