



# ORANGE COUNTY FIRE AUTHORITY AGENDA

## Human Resources Committee Regular Meeting

Tuesday, May 1, 2018

12:00 Noon

**Orange County Fire Authority  
Regional Fire Operations and Training Center**

1 Fire Authority Road  
Room AE117  
Irvine, California 92602

Al Murray, Chair

Rob Johnson, Vice Chair

Laurie Davies   Gene Hernandez   Noel Hatch   Dave Shawver

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Human Resources Committee after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact Sherry A.F. Wentz, Clerk of the Authority, at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>

If you wish to speak before the Human Resources Committee, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority. Speaker Forms are available on the counter noted in the meeting room.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to assure accessibility to the meeting.

### CALL TO ORDER

**PLEDGE OF ALLEGIANCE** by Director Davies

### ROLL CALL

### PUBLIC COMMENTS

Any member of the public may address the Committee on items within the Committee's subject matter jurisdiction but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Committee as a whole, and do not engage in dialogue with individual Committee Members, Authority staff, or members of the audience.

**1. PRESENTATIONS**

**A. Workers' Compensation**

Presented by: Jonathan Wilby, Human Resources Risk Manager

Recommended Action:

Receive presentation.

**2. MINUTES**

**A. Minutes from the February 6, 2018, Human Resources Committee Regular Meeting**

Submitted by: Sherry Wentz, Clerk of the Authority

Recommended Action:

Approve as submitted.

**3. CONSENT CALENDAR**

**A. Investigating Employee Misconduct Procedure Update**

Submitted by Brigitte Gibb, Human Resources Director

Recommended Action:

Receive and file the report.

**B. FY 2017/18 Human Resources Domain Objectives - Third Quarter Update**

Submitted by Brigitte Gibb, Human Resources Director

Recommended Action:

Receive and file the report.

**END OF CONSENT CALENDAR**

**4. DISCUSSION CALENDAR**

**A. Professional Standards Unit Update**

Presented by: Brigitte Gibb, Human Resources Director

Recommended Action:

Receive and file the report.

**B. 2017 Annual Anonymous Hotline Report**

Presented by: Brigitte Gibb, Human Resources Director

Recommended Action:

Receive and file the report.

**C. Girls Empowerment Fire Camp**

Presented by: Brigitte Gibb, Human Resources Director

Recommended Action:

Direct staff to explore the concept of an OCFA-hosted Girls Empowerment Fire Camp and report back at the next Human Resources Committee meeting.

**D. Workers' Compensation Appointments**

Presented by: Brigitte Gibb, Human Resources Director

Recommended Action:

Review and approve the proposed agenda item and direct staff to place the item on the agenda for the Board of Directors meeting of May 24, 2018, with the Human Resources Committee's recommendation that the Board authorize payment of a stipend for safety personnel or members of the firefighter's unit attending Worker's Compensation related appointments off-duty in lieu of paying and forcing backfill for on-duty attendance.

**COMMENTS**

**HUMAN RESOURCES DIRECTOR'S COMMENTS**

**COMMITTEE MEMBER COMMENTS**

**CLOSED SESSION**

**CS1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Authority: Government code section 54956.9(b) – Significant Exposure to Litigation (42 cases)

**CLOSED SESSION REPORT**

**ADJOURNMENT** – The next regular meeting of the Human Resources Committee will be August 7, 2018, at 12 noon.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted in the lobby, front gate public display case, and website of the Orange County Fire Authority, Regional Fire Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting. Dated this 26<sup>th</sup> day of April 2018.

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Sherry A.F. Wentz, CMC  
Clerk of the Authority

**UPCOMING MEETINGS:**

Budget and Finance Committee Meeting	Wednesday, May 9, 2018, 12:00 noon
Claims Settlement Committee Meeting	Thursday, May 24, 2018, 5:00 p.m.
Executive Committee Meeting	Thursday, May 24, 2018, 5:30 p.m.
Board of Directors Meeting	Thursday, May 24, 2018, 6:00 p.m.

# **Workers' Compensation Cost Control**

Phase 2 - Injury Prevention



# Workers' Compensation Cost Control

## Phase 1

- Third party administrator (TPA)
- Medical provider network
- Utilization review
- Bill review
- Pharmacy benefits management plan
- Return to work program
- Alternative dispute resolution (ADR)

## Phase 2

- Occupational health and safety management system (OHSMS)
- WEFIT Program
  - Cancer prevention
  - Behavioral health

# **Workers' Compensation Cost Control – Strategic Planning**

- Domain Objective 10: develop a comprehensive safety management system to reduce annual claims, annual expenses, and backfill costs
- Domain Objective 11: develop a comprehensive wellness fitness program to reduce annual claims, annual expenses, and backfill costs
- Domain Objective 12: establish a behavioral health program that addresses suicide prevention and the impact of post-traumatic stress disorder (PTSD) in OCFA personnel
- Domain Objective 13: establish cancer prevention measures for safety personnel



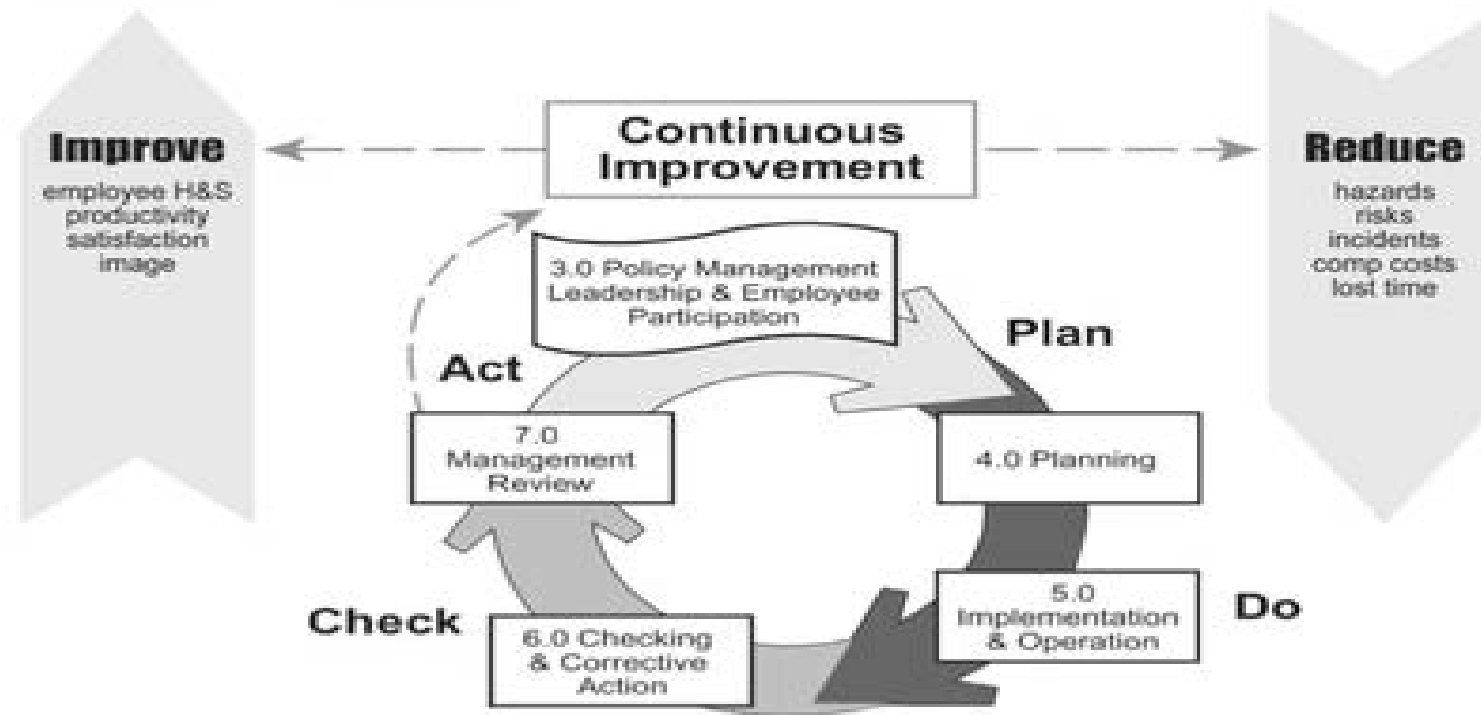
# **Safety Management System Introduction**

- Effective tool for:
  - continual improvement of OHS performance
    - Reduce workers' compensation costs
    - Reduce lost work days
    - Reduce overtime costs associated with workers' compensation
    - Maintain compliance with laws and regulations
    - Improve health
    - Reduce or eliminate property damage due to incidents
- ANSI/AIHA Z10 American National Standard - Occupational Health and Safety Management Systems





# Safety Management System Cycle



# Management Leadership

- Executive Team direction
- OHS Policy
- Responsibility and authority



# Employee Participation

- Provide mechanisms, time, and resources for employees to participate in:
  - Planning
  - Implementation
  - Evaluation, corrective and preventive action (CAPA)
- Provide timely access to information relevant to the OHSMS
- Identify and remove obstacles or barriers to participation



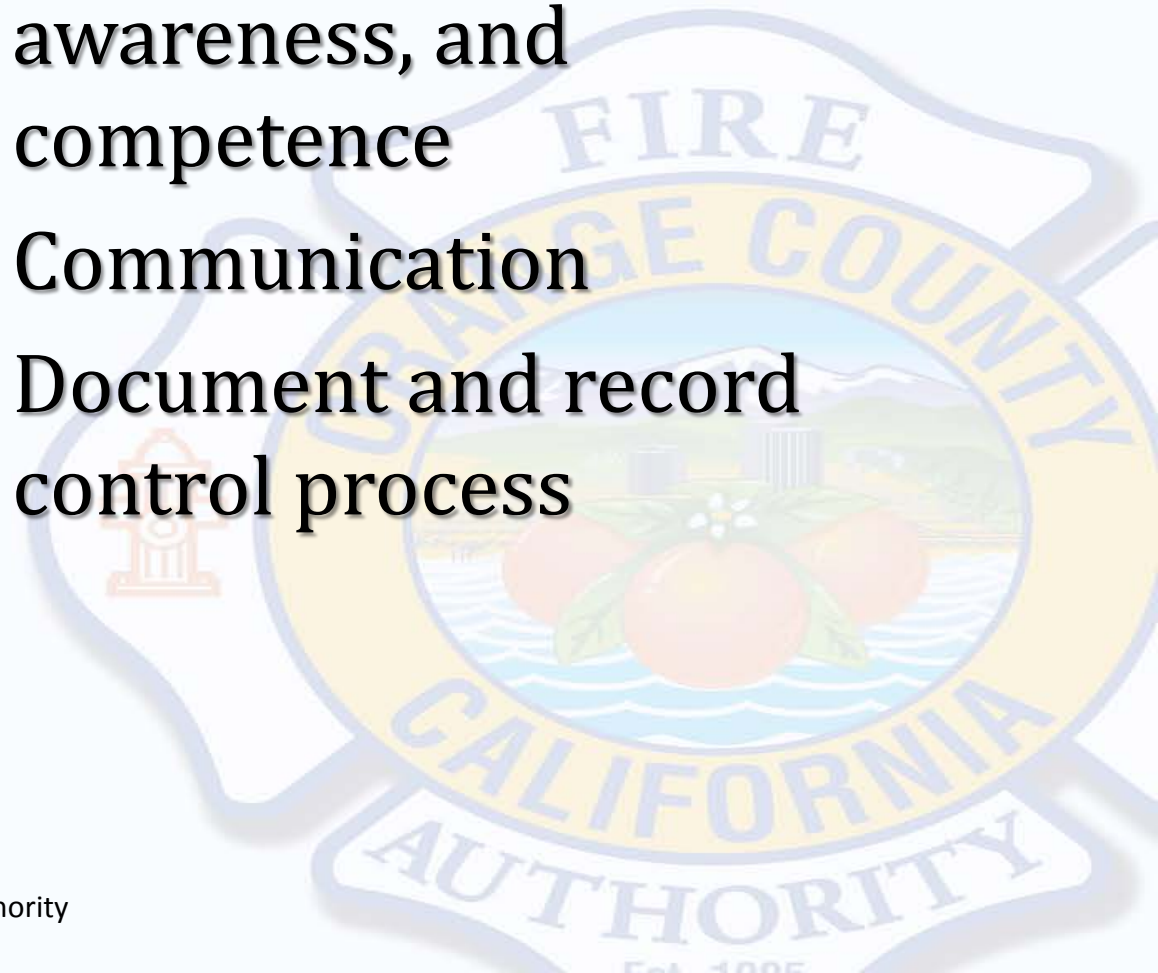
# Planning

- Review process
- Assessment and prioritization
- Objectives
- Implementation plans and allocation of resources



# Implementation & Operation

- OHSMS operational elements:
  - Risk assessment
  - Hierarchy of controls
  - Design review and management of change
  - Procurement
  - Contractors
  - Emergency preparedness
- Education, training, awareness, and competence
- Communication
- Document and record control process



# Evaluation & Corrective Action

- Monitoring, measurement, and assessment
- Incident investigation
- Audits
- Corrective and preventive actions
- Feedback to the planning process





# Management Review

- Top Management Reviews:
  - Progress in risk reduction
  - Effectiveness of processes
  - Input from employees and employee reps
  - Status of CAPAs
  - Follow-up actions from audits
  - Objective completion
  - Performance of OHSMS to expectations
- Top Management Determines:
  - Determine future direction of OHSMS based on organizational strategies and conditions
  - Need for changes to organizational policy, priorities, objectives, resources, or other OHSMS elements

# WEFIT Program History

- OCFA lost several firefighters in early 2000s to preventable deaths
- OCFA Management and OCPFA worked together to develop WEFIT Program in 2003
  - Appendix E of Memorandum of Understanding (MOU)



# IAFF/IAFC Wellness Fitness Initiative (WFI)

- WFI is a partnership between the IAFF/IAFC to improve wellness of fire department uniformed personnel
- 10 fire departments from US and Canada initially participated in the development of the WFI
- Five recommended program components:
  - Medical
  - Fitness
  - Injury and medical rehabilitation
  - Behavioral health
  - Data collection





# WEFIT Program

- Initial Funding:
  - OCPFA - \$579,912
  - FEMA Grant - \$476,000
- Implementation included:
  - Medical examinations and fitness testing
  - Immunization and disease screening
  - Standard complement of fitness equipment for the majority of OCFA fire stations

# WEFIT Program Structure

- Aligned under the Risk Management section
- WEFIT Oversight Committee
- Risk Manager has program oversight
- WEFIT Program Coordinator has responsibility for program activities
- Hoag Executive Health
  - Medical evaluations
  - Fitness assessments
  - Fitness and nutritional counseling
  - Training and education
  - Fitness challenges
- The Counseling Team International
  - 24/7 behavioral health and wellness services
  - Supervisor referrals and counseling
  - Critical Incident Stress Management
  - Training and education

# WEFIT Program Activities

- Medical evaluation and fitness testing
- Fitness and nutritional information
  - Fitness equipment in stations
  - Gym memberships for stations without room for fitness equipment
  - Firefighter Academy physical fitness program
  - WEFIT sponsored training and education
  - WEFIT sponsored fitness challenges
    - Biggest loser
    - Rowing
    - Mileage
- Lunch time workouts with headquarters personnel
- Peer fitness trainer program
- Newsletter, video newsletter, podcast, and online content
- Research and studies
  - Hydration/core body temperature study
  - Functional movement screening (FMS) study
  - Forward and Heroes study
  - Electrolyte and recovery study
  - Firefighter cardiac study



# Behavioral Health Program

- Contracted with TCTI for behavioral health and wellness services
  - Operations personnel
  - Emergency command center personnel
  - Retirees
  - Family members living in the same home
- Added behavioral health screening in WEFIT examination
- Recruited and trained additional peer support team members
- Trained chief officers on Critical Incident Stress Management (CISM)
- Conducted several CISM debriefings
  - Route 91 shooting
  - Suicide one-year anniversary
  - Montecito mudslide deployment
- Conducted a significant other survival (SOS) course for spouses
- Revamped the firefighter academy behavioral health training
- Conducted fire captain academy behavioral health training
- Launched behavioral health video newsletter and podcasts

# **TCTI Quarterly Statistics Summary**

## **October 1, 2017 through December 31, 2017**

- Quarterly Hours: 54
- Other Services:
  - Consultations- 3
- Top 5 Counseling Topics:
  - Marital/Relationship- 17
  - Stress- 16
  - Family- 14
  - Addictive behavior- 9
  - Depression- 8



# **TCTI Quarterly Statistics Summary**

## **January 1, 2018 through March 31, 2018**

- Quarterly Hours: 126
- Other Services:
  - Consultations- 6
- Top 5 Counseling Topics:
  - Stress- 24
  - Addictive behavior- 23
  - Marital/Relationship- 22
  - Family- 21
  - Separation/Divorce- 11





# Cancer Awareness and Prevention Program

- Purchased 2<sup>nd</sup> set of turnouts
- Implemented the selection, care and maintenance of firefighter ensemble SOP
- Implemented the respiratory protection program SOP
- Banned oriented strand board (OSB) from live burn training
- Installed sunscreen dispensers in every station/section
- Added skin cancer screening in WEFIT examination
- Developed cancer prevention video newsletter and podcasts
- Provided CAPP battalion level training
- Provided CAPP firefighter academy training
- Studied ice machine contamination
- Created the Firefighters Against Cancer Epidemic (FACE) team



# **MINUTES ORANGE COUNTY FIRE AUTHORITY**

**Human Resources Committee Meeting  
Tuesday, February 6, 2018  
12:00 Noon**

**Regional Fire Operations and Training Center  
Room AE117  
1 Fire Authority Road  
Irvine, CA 92602**

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## **CALL TO ORDER**

A meeting of the Orange County Fire Authority Human Resources Committee was called to order on February 6, 2018, at 12:02 p.m. by Chair Hatch.

## **PLEDGE OF ALLEGIANCE**

Director Johnson led the assembly in the Pledge of Allegiance to our Flag.

## **ROLL CALL**

**Present:** Laurie Davies, Laguna Niguel  
Noel Hatch, Laguna Woods  
Rob Johnson, Cypress  
David Shawver, Stanton

**Absent:** Al Murray, Tustin  
Gene Hernandez, Yorba Linda

## **Also present were:**

Interim Fire Chief McIntosh	Assistant Chief Brian Young
Assistant Chief Lori Zeller	Assistant Chief Lori Smith
Assistant Chief Dave Anderson	Assistant Chief Mike Schroeder
Human Resources Director Brigitte Gibb	Legal Counsel Barbara Raileanu
Clerk of the Authority Sherry Wentz	

## **PUBLIC COMMENTS (F: 12.02D3)**

Chair Hatch opened the Public Comments portion of the meeting. Chair Hatch closed the Public Comments portion of the meeting without any comments.

### **1. PRESENTATIONS**

#### **A. Employment Law Update (F: 12.02D9)**

Human Resources Director Brigitte Gibb presented a PowerPoint presentation update on California Employment Law Update.

#### **B. Staffing/Forced Overtime (F: 15.11)**

Human Resources Director Brigitte Gibb presented a PowerPoint presentation on Staffing/Forced Overtime.

### **2. MINUTES**

#### **A. Minutes from the December 19, 2017, Regular Human Resources Committee Special Meeting (F: 12.02D2)**

On motion of Director Johnson and second by Director Davies, the Human Resources Committee voted unanimously by those present to approve the Minutes of the December 19, 2017, Human Resources Committee Special Meeting as submitted.

### **3. CONSENT CALENDAR**

#### **A. Award of RFP DC2201 Psychological Assessment Services (F: 17.30)**

On motion of Director Shawver and second by Director Johnson, the Human Resources Committee voted unanimously by those present to review the proposed agenda item and direct staff to place the item on the agenda for the Executive Committee meeting of February 22, 2018, with the Human Resources Committee's recommendation that the Executive Committee receive and file the report.

#### **B. FY 2017/18 Human Resources Domain Objectives – Second Quarter Update (F: 12.02D8)**

On motion of Director Shawver and second by Director Johnson, the Human Resources Committee voted unanimously by those present to receive and file the report.



#### **4. DISCUSSION CALENDAR**

##### **A. Award of RFP SC2194 Firefighter Wellness & Fitness (WEFIT) Services and RFP DC2192 for Occupational Medical Services. (F: 17.17A) (F: 17.26)**

Human Resources Risk Manager Jonathan Wilby provided an overview of the Firefighter WEFIT and Occupational Medical Services contracts.

On motion of Director Shawver and second by Director Johnson, the Human Resources Committee voted unanimously by those present to direct staff to place the item on the agenda for the Board of Directors meeting of March 22, 2018, with the Human Resources Committee's recommendations:

1. Approve award of RFP SC2194 to Hoag Executive Health and authorize the Purchasing Manager to sign the proposed Professional Services Agreement for WEFIT services for a three-year term in an amount not to exceed \$1,678,437 (\$559,479 annually).
2. Approve award of RFP DC2192 to UCI and authorize the Purchasing Manager to execute a professional services agreement for occupational medical services for a three-year term in an amount not to exceed \$900,000 (\$300,000 annually).
3. Approve and authorize the Purchasing Manager to execute the two optional one-year renewals for each contract, provided that pricing remains the same.

##### **B. Policy for Processing Complaints Against the Fire Chief (F: 11.10P)**

Human Resources Director Brigitte Gibb introduced Legal Counsel Barbara Raileanu who provided an overview of the proposed Policy for Processing Complaints Against the Fire Chief.

On motion of Director Johnson and second by Director Davies, the Human Resources Committee voted unanimously by those present to direct staff to place the item on the agenda for the Board of Directors meeting of March 22, 2018, with the Human Resources Committee's recommendation that the Board adopt the policy as submitted.

#### **ELECTION OF HUMAN RESOURCES COMMITTEE CHAIR AND VICE CHAIR (F: 12.02D1)**

Chair Hatch opened the nominations for Chair of the Human Resources Committee.

On motion by Chair Hatch nominated Director Murray with a second by Director Davies.

On motion by Director Shawver and second by Director Johnson, the nominations for Human Resources Committee Chair were closed.

The Committee acclaimed Director Murray as Chair for the ensuing term.

In Director Murray's absence, Chair Hatch opened the nominations for Vice Chair of the Human Resources Committee.

Director Davies nominated Director Johnson with a second by Director Shawver.

On motion by Director Shawver and second by Director Davies, the nominations for Vice Chair of the Human Resources Committee were closed.

The Committee acclaimed Director Johnson as Vice Chair for the ensuing term.

## **COMMENTS**

### **HUMAN RESOURCES DIRECTOR'S COMMENTS (F: 12.02D4)**

Human Resources Director Brigitte Gibb introduced Tia Grasso, as a new Human Resources Manager.

### **COMMITTEE MEMBER COMMENTS (F: 12.02D4)**

Directors Johnson, Shawver, and Davies thanked Chair Hatch for his term as Chair of the Human Resources Committee.

### **CLOSED SESSION (F: 12.02D5)**

General Counsel Barbara Raileanu reported the Human Resources Committee would be convening to Closed Session to consider the matter on the Agenda identified as CS1, Conference with Legal Counsel-Anticipated Litigation.

#### **CS1. CONFERENCE WITH LEGAL COUNSEL–ANTICIPATED LITIGATION**

Authority: Government Code Section 54956.9(b) – Significant Exposure to Litigation  
(38 Cases)

Chair Hatch recessed the meeting to Closed Session at 1:30 p.m.

Chair Hatch reconvened the meeting from Closed Session at 1:35 p.m., with all members present.

### **CLOSED SESSION REPORT (F: 12.02D5)**

Legal Counsel Barbara Raileanu stated there were no reportable actions.

**ADJOURNMENT** – Chair Hatch adjourned the meeting at 1:36 p.m. The next regular meeting of the Human Resources Committee will be held May 1, 2018, at 12:00 noon.

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Sherry A.F. Wentz, CMC  
Clerk of the Authority



Orange County Fire Authority  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**May 1, 2018**

**Agenda Item No. 3A**  
**Consent Calendar**

**Investigating Employee Misconduct Procedure Update**

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**Contact(s) for Further Information**

Brigitte Gibb, Director [brigittegibb@ocfa.org](mailto:brigittegibb@ocfa.org) 714.573.6353  
Human Resources (HR)

Lucy Manfre, HR Manager [lucymanfre@ocfa.org](mailto:lucymanfre@ocfa.org) 714.573.6810

**Summary**

This agenda item is submitted to provide the updated procedure on Investigating Employee Misconduct.

**Prior Board/Committee Action**

On May 26, 2016, the Executive Committee considered a staff recommendation to award two contracts with external investigative firms to provide administrative investigative services. The Executive Committee requested the item be returned to the Committee in July 2016, along with additional information about the two recommended firms and an investigations procedure, which among other things, identified under what circumstances HR will retain an external investigator.

At its regular July 5, 2016, meeting, the Human Resources Committee reviewed and unanimously recommended approval of the proposed procedure with minor modifications.

At its regular July 28, 2016, meeting, the Executive Committee received the proposed procedure and directed staff to modify it to emphasize that before a determination to conduct an investigation is made, a vetting process is employed to determine if a prima facie case of misconduct exists.

**RECOMMENDED ACTION(S)**

Receive and file the report.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

The Orange County Fire Authority takes all complaints of employee misconduct seriously. Complaints of harassment, discrimination, and retaliation based on protected classes must be investigated pursuant to the California Fair Employment and Housing Act and Title VII of the Civil Rights Act. Currently, the Professional Standards Unit (PSU) has responsibility for investigating complaints, which based on allegations, would constitute serious employee misconduct (e.g. threats of or actual violence, insubordination, dishonesty, theft, coming to work under the influence of controlled substances or alcohol), or a serious violation of an OCFA Standard Operating Procedure, General Order, or state or federal law.

Since it is management's (often legal) obligation and responsibility to conduct investigations and ensure compliance with all legal requirements when doing so, the procedure for Investigating Employee Misconduct is not subject to the "meet and confer" process with employee labor groups; however, in the interest of fostering positive labor relations, the procedure was provided to all labor groups for input. Follow-up meetings were also held to discuss the procedure in detail.

The PSU has been operating within the scope of the procedure, and with the modification requested by the Executive Committee reflected in the updated Procedure, staff is ready to adopt the procedure for Investigating Employee Misconduct, which will then be shared with all employees.

**Attachment(s)**

Investigating Employee Misconduct Procedure

## INVESTIGATING EMPLOYEE MISCONDUCT

Prepared By: *Human Resources*

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### PURPOSE

The Orange County Fire Authority (OCFA) takes all complaints of employee misconduct seriously. The Professional Standards Unit (PSU) will have the ultimate responsibility for investigating complaints which, based on allegations, would constitute serious employee misconduct, such as: threats of or actual violence, insubordination, dishonesty, theft, coming to work under the influence of controlled substances or alcohol, or a serious violation of an OCFA Standard Operating Procedure (SOP), General Order (GO), or state or federal law. Once a complaint is brought to the level of the PSU, and depending on the nature of the issues raised and the individuals involved, the PSU may either conduct an investigation internally or delegate their authority to investigate to other appropriately trained employees, General Counsel, or an external investigator. This Procedure is not intended to cover general performance issues observed by Captains/Supervisors, Battalion Chiefs/Managers, and other management and executive management staff in the normal course of business other than when such problems are persistent or of such a severe nature that the first line supervisor requests PSU involvement.

### BACKGROUND

### DEFINITIONS

### PROCEDURE

#### **I. Initiating a Complaint**

Complaints may be filed by contacting a Human Resources (HR) Manager or any supervisor within the chain of command who will then forward the complaint to his or her supervisor and HR. Complaints may also be brought directly to the attention of the HR Director or Fire Chief.

When an employee is raising an issue that he or she believes should be investigated, the complaint may be submitted in person, by phone, email, or other written documentation to the HR Manager unless the complaint is against the HR Manager, in which case, it will be submitted to the HR Director or the Fire Chief. Complaints against the HR Director may be brought to the Fire Chief. Complaints against the Fire Chief may be filed with either the HR Director, the OCFA Board Chair or Vice Chair, or the HR Committee Chair and will be processed in accordance with Board Policy.

Whenever possible, complaints should be submitted as soon as possible from the event(s) which triggered the complaint. It is important to include names of possible witnesses and any documentation which supports the allegations in the complaint. OCFA will make every effort to ensure that the investigation process is conducted in the most confidential manner possible and expects that employees bringing complaints, as well as all others involved in the investigation process, do the same.

## INVESTIGATING EMPLOYEE MISCONDUCT

Prepared By: *Human Resources*

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### II. **Responsibility to Inform Human Resources Director**

If any HR professional or any supervisor (or above) becomes aware of information (either through a complaint or from direct observation) that would lead a reasonable person to believe that serious employee misconduct, as described above, has occurred, he or she will inform the HR Director within five (5) days of learning of the information. Corrective action may be taken against anyone with a duty to act who fails to do so.

### III. **Determining Whether to Investigate**

The HR Director, in consultation with staff from the PSU and/or a subject matter expert, if applicable, will decide whether an investigation is necessary based upon the allegations and, if so, whether to use internal staff, General Counsel, and/or a qualified external investigator. The HR Director will order an investigation when the complaint includes an alleged policy violation (e.g. SOP or GO or other).

### IV. **Determining Level of Investigation**

If it is concluded that a formal investigation is necessary to determine: (1) whether the allegations made have occurred; (2) whether the facts which, if found to be true, constitute a violation of policy; and/or (3) whether a concern is more prevalent than alleged, meaning it may be impacting more than just the complaining party, the HR Director and PSU shall (in consultation with General Counsel, if necessary) determine who should conduct the investigation.

If the matter involves an allegation of a violation of OCFA policy which, if true, would not also constitute a violation of law, and the individuals accused of misconduct hold the rank of Battalion Chief or below or Manager or below, the investigation will be conducted by OCFA staff (either by or in collaboration with HR staff) or General Counsel.

If the allegations involve personnel of any rank and matters which, if found to be true, may also constitute a violation of law, General Counsel or an external investigator will conduct the investigation.

Consistent with Section III above, after a determination has been made that a basis for conducting an investigation exists, an external investigator shall be used to conduct the investigation if the matter involves a complaint covered by this Procedure against a Human Resources professional, any Division Chief, any executive management employee, a Board member, or General Counsel, unless time is of the essence and an investigation must be commenced prior to the availability of any external investigator.

### V. **Investigator Duties**

- a. Investigations will be a collaborative effort between the department in which the involved employee(s) work, Human Resources, and the PSU. Notices regarding



## INVESTIGATING EMPLOYEE MISCONDUCT

Prepared By: *Human Resources*

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interviews may be issued by an executive manager within the interviewee's chain of command. The complainant will be informed of the investigation and its outcome on a timely basis.

- b. All investigations of firefighter employees which fall within the scope of the California Firefighters' Procedural Bill of Rights Act will be conducted in conformance with the rights set forth in the Act.
- c. The investigator will address the following with the complainant and accused, whenever applicable and feasible:
  1. The nature of the investigation and these investigation guidelines.
  2. For claims of harassment and discrimination based on a protected class (gender, race, disability, religion, etc.) and retaliation for complaining about such conduct, OCFA is under a legal obligation to investigate and address such concerns. As such, OCFA will conduct an investigation into the allegations even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.
  3. The importance of confidentiality during the investigation. To the extent possible, OCFA will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint must treat the matter under investigation with discretion and respect for the reputation of all parties involved.
  4. Upon conclusion of the investigation, if the investigation is not conducted by an attorney, records may be made available to the extent mandated by law pursuant to the California Public Records Act.
  5. The investigator, in collaboration with the complainant's Department and HR staff, will determine if any action is necessary to ensure that no discrimination/harassment occurs against the complainant while the investigation is pending and after it is concluded.

### **VI. Investigation Process**

- a. Purpose of the investigation

The purpose of any investigation is to evaluate the allegations (from a factual, legal, and policy standpoint), formulate a response that addresses the facts as they are determined, and follow up to ensure that the necessary action steps are completed.

## INVESTIGATING EMPLOYEE MISCONDUCT

Prepared By: *Human Resources*

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b. Method of Investigation

Depending on the facts of the case, an investigation may involve a one-on-one conversation with the accused and an agreement as to further interactions, to an inquiry with multiple witness interviews. During the investigation, the investigator may interview the parties and witnesses who have knowledge of the events and gather other relevant evidence such as electronic communications, documents, and video or audio surveillance. Unless specified otherwise, all interviews will be audio recorded. After analyzing all the information, the investigator will, in most cases, prepare a report with factual findings. Based on the factual findings, the PSU, in collaboration with the appropriate department staff and General Counsel (when deemed necessary), will determine appropriate steps to be implemented. The complainant and the accused will be provided with a notice of the ultimate conclusion of the investigation. Only if discipline is proposed against an employee (and the employee is not at-will) will the relevant portions of the investigation report be provided to that employee.

c. Representatives

1. The subject employee may be represented during the investigative interview and any subsequent interviews or meetings. Individuals who are not accused of wrongdoing are not entitled to a representative, but on a case by case basis, depending on the circumstances of the situation, OCFA may allow a representative to attend. The representative may not be someone who is a witness, complaining party, or subject of the investigation nor someone who is also representing a subject employee.
2. Role of Representative. The role of the union representative is critical to the interview process. An investigatory interview is not an adversarial process or court room procedure; therefore, objections to questions, as those made in a court room or in a deposition, will be noted for the record, but will not serve to absolve the interviewee from having to respond to the questions asked. The investigator's goal, when conducting an interview, is to obtain factual information relevant to the issue being investigated and to obtain the correct result. Investigator's goal is not to be intentionally confusing or misleading. Accordingly, union representatives may clarify a question which may be vague or confusing by clarifying the issue or asking the interviewer to clarify the question. In addition, the representative may ask questions which may lead to the discovery of additional information at the conclusion of the interview. While a union representative may make a general statement which may help guide the interview at the outset or the conclusion of the interview, the representative cannot answer questions on behalf of the employee. The union representative may not interfere with the interview. If a

## INVESTIGATING EMPLOYEE MISCONDUCT

Prepared By: *Human Resources*

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representative continues to try to interject responses on behalf of the employee; ask questions; or coach the employee through repeated legal objections, the interview may be stopped and the employee will be given a choice whether to proceed without a union representative or a different representative.

d. Possible outcomes

An investigation may result in one of the following findings:

- a. A determination that there is sufficient evidence to indicate the occurrence of serious misconduct, as defined in this Procedure. The allegation will be "sustained."
- b. A determination that there is insufficient or no evidence to show that the employee engaged in serious misconduct as defined in this Procedure. The allegation will be "not sustained."
- c. A determination that inappropriate behavior has occurred. The allegation will be "founded."
- d. A determination that there is sufficient evidence to indicate that an allegation is untrue (false) or not supported by any facts. The allegation will be "not founded."

If harassment, discrimination, retaliation, false allegation, serious employee misconduct (as defined within this Procedure), or other policy violation occurred, OCFA will take necessary action to correct the behavior. A false charge occurs when someone intentionally reports information or incidents that they know to be untrue and the evidence demonstrates that the employee has engaged in such action. Knowingly filing a false report may lead to discipline up to and including termination of employment.

OCFA must take prompt remedial action consistent with the severity of the offense, if any, and all applicable OCFA rules and regulations. The necessary action will be evaluated based on all of the circumstances taking into account discipline issued to others for similar offenses and will be evaluated by the department in conjunction with HR, the PSU, and General Counsel (when deemed necessary).

## **INVESTIGATING EMPLOYEE MISCONDUCT**

Prepared By: *Human Resources*

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### **VII. Confidentiality**

To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

### **VIII. Retaliation**

OCFA will not tolerate retaliation in any form against any employee, independent contractor, or volunteer who brings a complaint, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment based on a protected class. Retaliation can consist of any adverse action or treatment when directed at someone without a legitimate reason and solely because that individual brought or participated in a complaint. However, simply because an employee has brought, or has participated in, a complaint does not mean that that employee is shielded from any adverse treatment for a legitimate business reason when there is no causal nexus between the complaint and the negative action or treatment.

### **IX. Recordkeeping**

Investigation reports, all interviews, attachments, and notices informing employees of the outcome of the investigation, which do not result in discipline against an employee, will not be placed in any employee's personnel file. If discipline is imposed, the relevant portions of the report will be included with the disciplinary notice(s) which, in turn, will be placed in the offending party's personnel file. The report and all related documentation will instead be kept in the PSU files within the HR Department. Investigation records will be kept in accordance with OCFA's record retention schedules. Such documents may be provided to outside agencies such as the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission if a complaint is filed and a response by OCFA is required.

## **RELATED REFERENCES**

California Firefighters Procedural Bill of Rights Act

## **LEGAL CITES/REFERENCES**

California Firefighters Procedural Bill of Rights Act

## **ATTACHMENTS**

None



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Human Resources Committee Meeting  
May 1, 2018

Agenda Item No. 3B  
Consent Calendar

**FY 2017/18 Human Resources Domain Objectives – Third Quarter Update**

**Contact(s) for Further Information**

Brigitte Gibb, Director  
Human Resources

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714.573.6353

**Summary**

This routine agenda item is submitted to present the third quarter update of the FY 2017/18 Human Resources Domain Objectives.

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

Receive and file the report.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

After the initial development of the Human Resources' FY 2017/18 Domain Objectives, several unanticipated events occurred within the Authority, which required a shift in priorities and necessitated a re-evaluation of those Objectives. The adopted objectives and initiatives are indicated in the bold and italicized font on the FY 2017/18 Domain Objectives – 3<sup>rd</sup> Quarter Update matrix (Attachment). The other objectives and initiatives (non-bold and not italicized) will be considered when developing objectives for the next fiscal year.

**Attachment(s)**

FY 2017/18 Domain Objectives – 3<sup>rd</sup> Quarter Update

# FY 2017/18 DOMAIN OBJECTIVES – 3<sup>rd</sup> Quarter Update

## HUMAN RESOURCES

Brigette Gibb, Human Resources Director

Lead	Role	Not Started	In Progress	Completed	Metric		
					Min	Target	Max

### 1. Expand the scope of the professional standards unit (PSU) beyond investigations

<b>Initiative 1.1 - Hire HR Manager assigned to Employee Relations/PSU</b>	ER	P				July 2017	July 2017	July 2017
<b>Initiative 1.2 - Assign BC to PSU as support/subject matter expertise</b>	ER	P				July 2017	July 2017	July 2017
<b>Initiative 1.3 - Reassign part-time HR Analyst to Employee Relations/PSU on a part-time basis</b>	ER	P				July 2017	July 2017	July 2017
<b>Initiative 1.4 - Meet with stakeholders to identify desired components of expanded scope of PSU</b>	ER	P				Expanded scope components identified by June 2018	Expanded scope components identified and project plan established by June 2018	Partial implementation of expanded scope by June 2018
<b>Initiative 1.5 – Finalize research of PSU components (best practices) in other safety agencies</b>	ER	P				June 2018	April 2018	January 2018
Initiative 1.6 - Implement preventative action to reduce the incidences of common personnel issues from occurring	ER	P				Issues tracked and identified by June 2018	Corrective measures identified by April 2018	Corrective measures implemented by June 2018
Initiative 1.7 - Develop training component of PSU	ER	P				Training needs identified by June 2018	Course curriculum developed for 3 trainings by June 2018	Delivered 2 new trainings by June 2018
Initiative 1.8 - Enhance current training offerings for the following: coaching, counseling, documentation, FBOR, progressive discipline	ER	P				Course curriculum updated by June 2018	Delivered updated curriculum for 3 of the training classes by June 2018	Delivered updated curriculum for all 5 of the training classes by June 2018
<b>Initiative 1.9 - Expand harassment prevention training target audience beyond supervisors, leads, and HR staff to:</b> <ul style="list-style-type: none"> <li>All non-safety personnel</li> <li>New safety personnel</li> <li>Current safety personnel</li> </ul>	ER	P				Harassment prevention training offered to firefighter trainees	Harassment prevention training offered to firefighter trainees and leads	Harassment prevention training offered to firefighter trainees, non-safety personnel, and current safety personnel
<b>Initiative 1.10 – Revise and update OCFA’s harassment and discrimination policy and reporting procedures</b>	ER	P				June 2018	June 2018	April 2018
Initiative 1.11 – Incorporate training regarding OCFA’s harassment and discrimination policy/procedure into new employee orientation	ER	P				June 2018	June 2018	April 2018
Initiative 1.12 – Implement workplace conduct policy	ER	P				June 2018	June 2018	April 2018
<b>Initiative 1.13 – Create and implement subsequent arrest policy</b>	ER	P				June 2018	April 2018	January 2018

**KEY:**   = Designates long-term or perpetual initiative; ER = Employee Relations RM = Risk Management RS = Recruitment & Selection HR = Human Resources Ops = Operations OP = Organizational Planning P = Primary Role S = Secondary Role

Initiative 1.14 – Purchase and implement a database for storing investigative cases and tracking personnel issues	ER	P				June 2018	April 2018	April 2018
<b>Initiative 1.15 – Ensure compliance with all legal mandates relative to the posting of employment information</b>	ER	P				June 2018	April 2018	January 2018
Initiative 1.16 – Offer new supervisor training to include key policies and employment laws	ER	P				Curriculum developed by June 2018	Training offered by June 2018	Training offered by April 2018
<b>2. Develop and implement a comprehensive recruitment outreach program to increase workforce diversity in the firefighter academies</b>								
<b>Initiative 2.1 – Consider multiple entry portals for each academy</b>	RS	P				June 2018	April 2018	January 2018
<b>Initiative 2.2 – Attend 3 – 5 recruitment events at various locations, including local colleges and universities</b>	RS	P				June 2018	April 2018	April 2018
<b>Initiative 2.3 – Explore and implement recruitment strategies to recruit females and minorities</b>	RS	P				Partial recruitment strategies implemented for academy 45 & 46	All recruitment strategies implemented for academy 47	All recruitment strategies implemented for academy 47 and additional strategies identified and implemented
<b>Initiative 2.4 – Analyze FF Trainee selection process steps for potential disparate impacts</b>	RS	P				1 step evaluated by June 2018	2 steps evaluated by June 2018	All steps evaluated by June 2018
Initiative 2.5 – Develop creative marketing solutions to target females and minorities	RS	P				June 2018	April 2018	January 2018
<b>3. Increase the effectiveness of performance feedback</b>								
Initiative 3.1 – Collapse the number of steps within the salary range for interested bargaining groups	RS	P				June 2018	April 2018	January 2018
Initiative 3.2 – Revise ratings areas/scoring	RS	P				June 2018	April 2018	April 2018
Initiative 3.3 – Update MOUs with updated performance evaluation language, where needed	RS	P				June 2018	April 2018	April 2018
Initiative 3.4 – Develop a performance management guide for employees and supervisors	RS	P				Draft completed by June 2018	Draft completed by June 2018	Draft completed by June 2018
Initiative 3.5 – Identify common performance evaluation program issues and solutions	RS	P				June 2018	April 2018	January 2018
<b>4. Negotiate with labor groups</b>								
<b>Initiative 4.1 - Negotiate OCEA MOU</b>	HR	P				Begin Negotiation of MOU	Reach Tentative Agreement	Obtain Approval of New MOU
<b>Initiative 4.2 – Negotiate OCFAMA MOU</b>	HR	P				Begin Negotiation of MOU	Reach Tentative Agreement	Obtain Approval of New MOU

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<b>Initiative 4.3 – Negotiate implementation of AB 119 - Employee Orientation Bill</b>	HR/ RS	P				June 2018	April 2018	January 2018
<b>5. Reduce force hiring of safety personnel</b>								
<b>Initiative 5.1 - Implement solutions to force hiring due to vacancies</b>	HR	P				April 2018	January 2018	October 2017
<b>Initiative 5.2 – Explore solutions to force hiring due to need for specialty skills</b>	HR	S				June 2018	April 2018	January 2018
<b>Initiative 5.3 - Implement solutions to force hiring due to workers' compensation leave/light duty</b>	HR	P				June 2018	April 2018	January 2018
<b>Initiative 5.4 - Implement solutions to force hiring due to lack of availabilities listed in staffing</b>	HR	S				June 2018	April 2018	January 2018
<b>Initiative 5.5 - Explore solutions to force hiring due to employee leaves</b>	HR	P				June 2018	April 2018	January 2018
<b>Initiative 5.6 - Implement solutions to force hiring due to partial shift absences</b>	HR	S				June 2018	April 2018	January 2018
<b>Initiative 5.7 - Explore solutions to force hiring due to personnel on strike teams</b>	HR	S				June 2018	April 2018	January 2018
<b>6. Update OCFA's classification and compensation program</b>								
Initiative 6.1 – Identify program components	ER	P				June 2018	April 2018	January 2018
Initiative 6.2 – Determine classification & compensation factors	ER	P				June 2018	June 2018	April 2018
Initiative 6.3 – Determine comparable agencies by bargaining group and specialized classifications	ER	P				June 2018	June 2018	April 2018
Initiative 6.4 – Determine pay philosophy	ER	P				June 2018	June 2018	April 2018
Initiative 6.5 – Identify all benchmark classifications	ER	P				June 2018	June 2018	April 2018
Initiative 6.6 – Identify occupational series	ER	P				June 2018	June 2018	April 2018
Initiative 6.7 – Identify classifications within pay grades	ER	P				June 2018	June 2018	April 2018
Initiative 6.8 – Develop policies and procedures for department requests for re-classification studies	ER	P				June 2018	June 2018	April 2018
Initiative 6.9 – Develop policies and procedures for department requests for compensation studies	ER	P				June 2018	June 2018	April 2018
Initiative 6.10 – Develop policies and procedures for department requests for classification studies	ER	P				June 2018	June 2018	April 2018
Initiative 6.11 – Develop timeline of groupings of classifications to be studied each year	ER	P				June 2018	June 2018	April 2018

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7. Enhance all promotional processes									
	Initiative 7.1 – Revise fire captain promotional process to “task book/academy” style	RS	P				Fall 2018	Fall 2018	Draft process and curriculum completed by June 2018
	Initiative 7.2 – Revise battalion chief promotional process to “task book/academy” style	RS	P				Fall 2018	Fall 2018	Draft process and curriculum completed by June 2018
	Initiative 7.3 – Identify and implement enhancements to non-safety processes based on focus group/user feedback	RS	P				Enhancement identified by January 2018	High priority enhancements implemented by June 2018	High priority enhancements implemented by April 2018
8. Support OCFA succession planning efforts									
	Initiative 8.1 – Complete succession planning analysis of all HR positions	HR	P				80% complete by June 2018	100% complete by June 2018	100% complete by April 2018
	Initiative 8.2 – Identify challenges to smooth transition/promotion of current HR professionals	HR	P				April 2018	January 2018	October 2017
	Initiative 8.3 – Create succession plans for each position within HR	HR	P				80% complete by June 2018	100% complete by June 2018	100% complete by April 2018
	Initiative 8.4 – Create individualized development plans for each HR professional	HR	P				80% complete by June 2018	100% complete by June 2018	100% complete by April 2018
	Initiative 8.5 – Document key processes as part of creating “desk manuals” for each HR function	HR	P				2 key processes documented in each HR function by June 2018	4 key processes documented in each HR function by June 2018	7 key processes documented in each HR function by June 2018
9. Develop and implement a structured leave program									
	Initiative 9.1 – Identify and create a comprehensive chart on all leave programs available to employees including labor group specific leaves and state and federal mandated leaves	ER	P				January 2018	October 2017	September 2017
	<b>Initiative 9.2 – Determine agency practice on discretionary parameters</b>	ER	P				June 2018	April 2018	January 2018
	<b>Initiative 9.3 - Draft and implement a Family Medical Leave Act/California Family Rights Act policy</b>	ER	P				June 2018	April 2018	January 2018
	Initiative 9.4 - Review, revise, and update leave templates	ER	P				January 2018	October 2017	September 2017
	Initiative 9.5 – Revise, create, and implement leave tracking codes	ER	P				January 2018	October 2017	September 2017
	Initiative 9.6 - Develop training program	ER	P				June 2018	April 2018	January 2018

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<b>10. Develop a comprehensive safety management system to reduce annual claims, annual expenses, and backfill costs</b>								
Initiative 10.1 – Conduct a gap analysis between safety management system standards and current policies and procedures	HR	P			November 2017	October 2017	September 2017	
Initiative 10.2 – Develop a project plan to develop and implement missing elements of the safety management system	HR	P			November 2017	October 2017	September 2017	
Initiative 10.3 – Identify and acquire software necessary to implement the safety management system	HR	P			February 2018	January 2018	December 2017	
Initiative 10.4 – Develop missing elements of the safety management system	HR	P			June 2018	May 2018	April 2018	
Initiative 10.5 – Implement missing elements of the safety management system utilizing acquired software	HR	P			June 2018	May 2018	April 2018	
<b>11. Develop a comprehensive wellness fitness program to reduce annual claims, annual expenses, and backfill costs</b>								
Initiative 11.1 – Transition the WEFIT Program from Emergency Medical Services (EMS) to Risk Management	HR	P			August 2017	August 2017	August 2017	
Initiative 11.2 – Conduct a gap analysis between the International Association of Firefighters (IAFF) Wellness Fitness Initiative (WFI) and current policies and procedures	HR	P			August 2017	August 2017	August 2017	
Initiative 11.3 – Create a project plan to develop and implement missing elements of the wellness fitness program and address any resource deficiencies	HR	P			November 2017	October 2017	September 2017	
Initiative 11.4 – Develop missing elements of the wellness fitness program and resolve any resource deficiencies	HR	P			June 2019	January 2019	June 2018	
Initiative 11.5 – Partner with WEFIT contractor to implement missing elements of the wellness fitness program	HR	P			June 2019	January 2019	June 2018	
<b>12. Establish a behavioral health program that addresses suicide prevention and the impact of post-traumatic stress disorder (PTSD) in OCFA personnel</b>								
Initiative 12.1 – Evaluate current programs that are designed to provide support to behavioral health issues in personnel	HR	P			July 2017	July 2017	July 2017	
Initiative 12.2 – Identify additional programs and/or program enhancements necessary to address the needs of personnel	HR	P			August 2017	August 2017	August 2017	
Initiative 12.3 – Develop additional programs and/or program enhancements necessary to address the needs of personnel	HR	P			June 2019	January 2019	June 2018	
Initiative 12.4 – Partner with contractor(s) to implement additional programs and/or program enhancements	HR	P			December 2019	June 2018	June 2018	
<b>13. Establish cancer prevention measures for safety personnel</b>								
Initiative 13.1 – Implement respiratory protection program changes	HR	P			June 2018	March 2018	December 2017	
Initiative 13.2 – Conduct cancer prevention education/awareness campaign	HR	P			June 2018	March 2018	December 2017	
Initiative 13.3 – Develop and implement asbestos testing procedure	HR	P			June 2018	March 2018	December 2017	

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<i>Initiative 13.4 – Evaluate potential contaminants from ice machines being installed in apparatus bays.</i>	<i>HR</i>	<i>P</i>			<i>June 2018</i>	<i>March 2018</i>	<i>December 2018</i>
<i>Initiative 13.5 – Update and implement vehicle exhaust collection use procedures.</i>	<i>HR</i>	<i>P</i>			<i>June 2018</i>	<i>March 2018</i>	<i>December 2018</i>
<b>14. Ensure OCFA Board of Directors and personnel are prepared for emergencies</b>							
<i>Initiative 14.1 – Oversee an active shooter incident (ASI) drill for Board of Directors</i>	<i>RM</i>	<i>S</i>			<i>June 2018</i>	<i>March 2018</i>	<i>September 2017</i>
<i>Initiative 14.2 – Conduct RFOTC emergency action plan training for OCFA personnel</i>	<i>RM</i>	<i>P</i>			<i>March 2018</i>	<i>December 2017</i>	<i>September 2017</i>
<i>Initiative 14.3 – Conduct an RFOTC evacuation drill</i>	<i>RM</i>	<i>P</i>			<i>June 2018</i>	<i>March 2018</i>	<i>December 2017</i>
<i>Initiative 14.4 – Participate in Great California ShakeOut</i>	<i>RM</i>	<i>P</i>			<i>October 2017</i>	<i>October 2017</i>	<i>October 2017</i>
<b>15. Maintain flexibility for unforeseen events</b>							

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**Orange County Fire Authority**  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**May 1, 2018**

**Agenda Item No. 4A**  
**Discussion Calendar**

**Professional Standards Unit Update**

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**Contact(s) for Further Information**

Brigette Gibb, Human Resources Director	<a href="mailto:brigettegibb@ocfa.org">brigettegibb@ocfa.org</a>	714.573.6353
Lucy Manfre, Human Resources Manager	<a href="mailto:lucymanfre@ocfa.org">lucymanfre@ocfa.org</a>	714.573.6810

**Summary**

This agenda item is submitted to provide an update on the development and activity of the Professional Standards Unit (PSU).

**Prior Board/Committee Action(s)**

At its regular January 2, 2018, meeting the Human Resources Committee (HRC) received and filed a progress report update on the development and activity of the PSU.

At its regular January 3, 2017, October 4, July 5, and April 5, 2016 meetings, the HRC received and filed progress report updates on the development of the PSU.

At its regular January 5, 2016, and November 3, 2015, meetings, the HRC received oral progress report updates on the development of the PSU from the Human Resources Director.

**RECOMMENDED ACTION(S)**

Receive and file the report.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

At its regular May 26, 2016, meeting, the Executive Committee directed staff to define the mission of the PSU. At its regular October 4, 2016 meeting, the HR Committee received and filed the mission as presented by staff. The PSU mission was adopted as follows:

*To preserve the trust of our public, our Board of Directors, and our workforce, the Orange County Fire Authority's Professional Standards Unit strives to ensure ethical, effective, and efficient conduct through leadership from all members, trust between management and labor, and accountability by everyone.*

The components of the PSU have similarly been vetted by the HRC and labor groups through ongoing informal and formal discussions, most recently in January and April 2018. To date, the PSU has been operating under the following four component structure:

- Investigations
- Tracking
- Training
- Policy Development

### ***Scope***

Although a primary role of the PSU has been to receive, investigate, and track complaints of employee misconduct, the PSU has made strides in other component areas including, but not limited to, training personnel; policy development; and auditing specified processes and procedures to ensure ethical, effective, and efficient performance.

### ***Training***

A summary of the 2018 enhanced trainings provided by the PSU staff are listed below. These courses have been revamped to include performance management tools for handling not only poor performance and misconduct, but also medical/fitness issues. In addition to the group trainings listed below, HR/PSU staff continue to meet with supervisors and managers, as requested, to provide one-on-one counsel regarding the management of personnel issues; creating performance improvement plans and appraisals; and engaging in the interactive process. Moreover, as of today, training in protected leaves and disability status will have been presented to Division and Battalion Chiefs.

#### 2018 Revised/Updated Trainings

Fire Captain Academy HR Training  
Battalion Chief Academy HR Training  
Progressive Discipline Training  
Firefighter Procedural Bill of Rights

#### Targeted Training

Protected Leaves and Disability Status Training

### ***Policy Development***

The following policies have been adopted/updated:

- Criminal Records Policy - Standard Operating Procedure (SOP) HR.03.15
- No Expectation of Privacy – General Order (GO) #10
- Harassment, Discrimination, and/or Retaliation Complaints SOP HR.02.06 (under labor review)
- Investigating Employee Misconduct SOP (separate HRC agenda item)

Additional policies in draft form/under current revision:

- Family Medical Leave
- Workplace Conduct
- Hazing/Bullying
- Drop Files/Preparation of Performance Evaluations

### ***Processes and Procedures***

In 2017-2018, the PSU HR Manager and Battalion Chief engaged in an administrative review of the execution of the 6-month and 1-year manipulative examinations given to our Firefighter Trainees. As a result of this review, various recommendations were made and adopted by Academy Cadre.

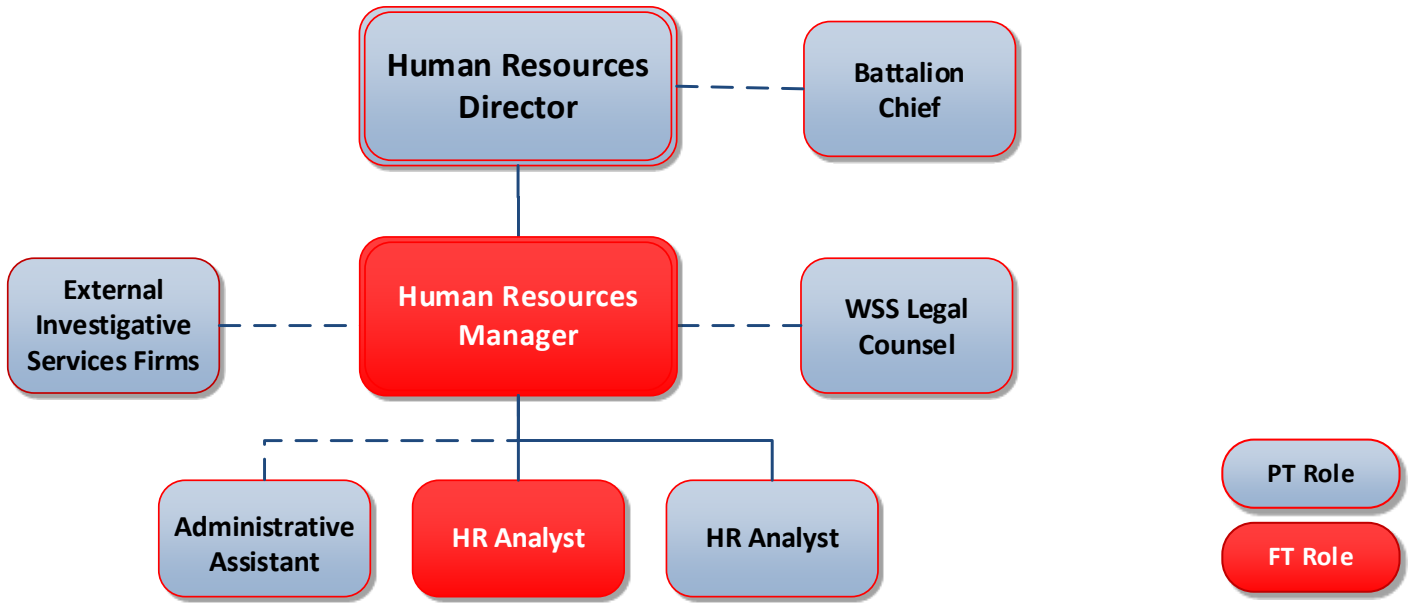
Further, the PSU updated a two-step process for generating and implementing a Performance Improvement Plan for employees falling below standard in any performance rating factors. These templates were distributed to Fire Captain and Battalion Chief Academy participants, and are available to all managers/supervisors of the Orange County Fire Authority.

### **Attachment(s)**

1. PSU Organizational Chart
2. Criminal Records Policy SOP HR.03.15
3. No Expectation of Privacy GO #10
4. Harassment, Discrimination, and/or Retaliation Complaints SOP HR.02.06



# PROFESSIONAL STANDARDS UNIT (PSU)



## **CRIMINAL RECORDS POLICY**

Prepared By: Human Resources

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### **PURPOSE**

The Orange County Fire Authority (OCFA) is entrusted to protect the health, well-being, property, and safety of its employees, volunteers, and over 1.8 million Orange County residents.

To honor that trust, the Agency has an obligation to refrain from hiring or continuing to employ any individual who is excluded from employment, licensing, or certification based on specific criminal conduct as prescribed by state and/or federal law. This policy is designed to provide a means by which criminal background and subsequent arrest reports may be vetted to ensure only those with the proper credentials and clearance are allotted that trust.

### **BACKGROUND**

Refer to Policy

### **DEFINITIONS**

None

### **POLICY**

Pursuant to Penal Code Sections 11105(b)(11) and 13300(b)(11), Health and Safety Code Sections 1797.117(c)(1) and 1797.118(a), and by Resolution of the Board of Directors, OCFA is authorized to access state and federal level criminal history information by transmitting fingerprint images and related information to the State of California, Department of Justice (DOJ) to be transmitted to the Federal Bureau of Investigation (FBI) for the following reasons:

1. Employment purposes (including volunteers and contract employees) and
2. Certification for OCFA Emergency Medical Technicians (EMT).

Human Resources is responsible for maintaining the confidentiality of these criminal records and ensuring the information is properly retained, relied upon, and destroyed. The report is not disseminated to any private entity.

This policy has been developed to meet the requirements of the DOJ which provides OCFA Criminal Offender Record Information (CORI). CORI is a log of all criminal court appearances for individuals, including arrests, convictions, dismissals, and serious violations.

OCFA shall not consider a person eligible for employment (including volunteers and contract employees) who has been convicted of a violent or serious felony or misdemeanor except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or volunteer in question. Criminal records check information shall not be used to discriminate against any individual on the basis of race, religion, ancestry, color, sex, sexual orientation, gender identity, age, physical disability, mental disability,

## **CRIMINAL RECORDS POLICY**

Prepared By: Human Resources

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veteran status, marital status, pregnancy, medical condition, genetic information, national origin, and any other protected classification specified by state or federal law.

### **PROCEDURE**

During the hiring process, the selected candidate(s) who has/have been found to meet the minimum qualifications for the posted job positions(s), is/are asked to complete a series of pre-employment actions including a Live Scan Questionnaire and Live Scan Service. An Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. The candidate's fingerprints are digitally captured and sent electronically to the DOJ and FBI for processing. Individuals asked to submit to a Live Scan are provided written notification of this request; the purpose thereof; the opportunity to complete or challenge the accuracy of the report; and informed of the procedures for doing so are set forth in Title 28, C.F.R., Section 16.34.

The State of California returns national criminal history record information (CHRI) responses via a secure electronic mailbox protected by an agency Response Mail Code and password. The mailbox is set up to retrieve messages containing CORI. In addition, DOJ provides OCFA website access for identifying any subsequent arrests of those individuals whose fingerprints were submitted for review. A Human Resources, DOJ confirmed, Custodian of Records reviews the site on a weekly basis to identify any new actions. Upon notification of an employee or volunteer's subsequent arrest, the Custodian of Records informs the Human Resources Director and/or designee(s).

Upon notice of subsequent arrest for an employee or volunteer who is certified as an EMT by OCFA, the Human Resources Director or designee(s) notifies the Emergency Medical Services Section (EMS). EMS is an approved California EMT Certifying Entity and as such is also informed of adjudication of charges. The EMS Section staff only uses the information to meet statutory and regulatory duties related to mandatory state and federal requirements for EMTs as a condition of certification and disciplinary action. EMS staff with access to the records are also DOJ approved Custodian of Records.

As an authorized agency, OCFA maintains the mailbox according to the guidelines established by the DOJ. If an individual is employed or appointed an OCFA volunteer, the date of the fingerprint transmission and processing number are retained by the Agency as evidence of the criminal record check. Within two weeks of non EMS new employee or volunteer's start date, the Custodian of Records will log into the DOJ's website and delete the CORI file with respect to that particular employee or volunteer. EMS employee CORI files are deleted at certification and/or entry into the State Registry. If a decision is made not to extend an offer or the applicant decides to withdraw from the process, the printout of the CORI is shredded and the electronic version is deleted from the CORI file. In addition, Human Resources submits a "No Longer Interested Form" (NLI) to

## **CRIMINAL RECORDS POLICY**

Prepared By: Human Resources

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the DOJ, so that the OCFA does not receive subsequent arrest notifications for that individual. When an EMS employee or volunteer terminates service, Human Resources first verifies with EMS that it does not require continued reporting before submitting an NLI. Once Human Resources is provided with the date that the former employee's certification ends, the NLI is submitted. For those employed or volunteering, any subsequent arrest notification will be deleted from OCFA's DOJ website upon final adjudication of the action.

OCFA will not deny employment to any applicant solely because the person has been convicted of a crime. It may, however, consider the nature, date, and circumstances of the offense as well as whether the offense is relevant to the duties of the posted position. In addition, such factors will be considered when determining whether certification action is necessary based on California EMS Authority Disciplinary Guidelines. If the CORI is a basis for an adverse employment, licensing, or certification decision, OCFA will immediately furnish a copy of the CORI to the person to whom the information relates. The individual of record has the option of picking up the report in person at OCFA Headquarters or receiving a copy via certified mail. Individuals may also request and challenge the contents of his/her own criminal record directly with the DOJ and/or FBI. For information on state requests, visit <http://oag.ca.gov>. FBI procedures are outlined in 28, C.F.R., Section 16.34 as stated above and may be found at <http://www.fbi.gov>. In addition, candidates may mail inquiries/challenges to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306 or contact the agency which contributed to the questioned information.

### **Maintenance of Employee Records**

Any questions regarding the release, security, and privacy of CORI are to be resolved by the Human Resources Director or his/her designee.

CORI shall be used only for the purposes for which it was requested. CORI shall be securely maintained and accessible only to the Human Resources Director and/or designee(s) committed to protecting CORI from unauthorized access, use, or disclosure.

CORI shall not be reproduced for secondary dissemination to any other employment or licensing agency.

### **RELATED REFERENCES**

None

## **CRIMINAL RECORDS POLICY**

Prepared By: Human Resources

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### **LEGAL CITES/REFERENCES**

Penal Code Section 11105(b)(11)  
Penal Code Section 13300(b)(11)  
Health and Safety Code Section 1797.117(c)(1)  
Health and Safety Code Section 1797.118(a)  
Title 28, C.F.R., Section 16.34

### **ATTACHMENTS**

Attachment 1 - [Resolution No. 2010-05](#) - Authorizing Access to State and Federal Summary Criminal History Information for Employment and Certification Purpose

Attachment 2 - [Resolution No. 95-028](#) - Authorizing Access to State and Local Summary Criminal History Information

**RESOLUTION NO. 2010-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE  
COUNTY FIRE AUTHORITY AUTHORIZING ACCESS TO STATE AND  
FEDERAL SUMMARY CRIMINAL HISTORY INFORMATION FOR  
EMPLOYMENT AND CERTIFICATION PURPOSES**

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and districts to access state and local summary criminal history information for employment or certification purposes; and

**WHEREAS**, Penal Code Section 11105(b)(11) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment or certification based on specific criminal conduct on the part of the subject of the record; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment or certification purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Fire Authority is hereby authorized to access state and federal level summary criminal history information for employment purposes (including volunteers and contract employees) or certification for Orange County Fire Authority Emergency Medical Technicians and may not disseminate the information to a private entity; and

**BE IT FURTHER RESOLVED**, that the Orange County Fire Authority shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees) except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or volunteer in question.

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of March 2010.

  
\_\_\_\_\_  
DOUG DAVERT, CHAIRMAN  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
SHERRY A.F. WENTZ, CMC  
Clerk of the Authority



STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.  
CITY OF IRVINE }

I, Sherry A. F. Wentz, Clerk of the Orange County Fire Authority, do hereby certify that the foregoing Resolution No. 2010-05 was duly passed and adopted at a meeting of the Board of Directors of the Orange County Fire Authority held on the day of March 25, 2010, by the following roll call vote, to wit:

AYES:	Neil Blais, Rancho Santa Margarita	Bill Campbell, County of Orange
	Gary Capata, Laguna Niguel	Henry Charoen, La Palma
	James Dahl, San Clemente	Doug Davert, Tustin
	Sukhee Kang, Irvine	Trish Kelley, Mission Viejo
	Don McCay, Buena Park	Mark Nielsen, San Juan Capistrano
	Janet Nguyen, Alternate, County of Orange	Brad Reese, Villa Park
	Nancy Rikel, Yorba Linda	Martin Rhodes, Laguna Woods
	R. Craig Scott, Laguna Hills	Todd Seymore, Cypress
	Gordon Shanks, Seal Beach	David Shawver, Stanton
	Ken Stephens, Los Alamitos	Tri Ta, Westminster
	Mark Tettemer, Lake Forest	Steven Weinberg, Dana Point
	Jeremy Yamaguchi, Placentia	

NOES: None

ABSTAIN: None

ABSENT: Pat Bates, County of Orange

Donald Garcia, Aliso Viejo

  
SHERRY A. F. WENTZ, CMC  
Clerk of the Orange County Fire Authority

RESOLUTION NO. 95-028

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE ORANGE COUNTY FIRE AUTHORITY  
AUTHORIZING ACCESS TO STATE AND LOCAL  
SUMMARY CRIMINAL HISTORY INFORMATION

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

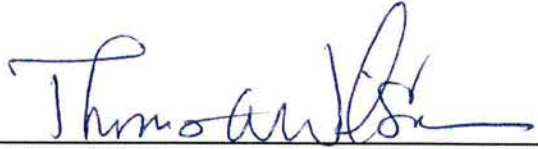
WHEREAS, Government Code Section 6502 imparts to the Orange County Fire Authority, as a Joint Powers Authority, all powers commonly held by the cities and county who, by contract, make up the Fire Authority; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the governing body of the Authority to specifically authorize access to summary criminal history information for employment, licensing or certification purposes;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Fire Authority is hereby authorized to access summary criminal history information for employment, licensing, or certification purposes; and

BE IT FURTHER RESOLVED, that the Orange County Fire Authority shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or license in question.

  
THOMAS W. WILSON, CHAIR

ATTEST:

  
NANCY SWANSON,  
Clerk of the Orange County Fire Authority

STATE OF CALIFORNIA        }  
COUNTY OF ORANGE        } ss.  
CITY OF ORANGE            }

I, Nancy Swanson, Clerk of the Orange County Fire Authority, do hereby certify that the foregoing Resolution No. 95-028 was duly passed and adopted at a regular meeting of the Board of Directors of the Orange County Fire Authority held on the 16th day of November, 1995 by the following roll call vote, to wit:

AYES:       Patrick Ahle, Joseph Barsa, Ronald Bates, Donald Bone, George Brown, Sherri Butterfield, Tom Carroll, Carol Downey, Duane Schuster, David Shawver, Dave Swerdlin, Helen Wilson, Tom Wilson

NOES:

ABSENT:     Marian Bergeson, Wyatt Hart, Harold Kaufman, Tony Lam, Thomas Saltarelli, R. Craig Scott, William Steiner, Michael Ward, Daniel Welch

  
NANCY SWANSON,  
Clerk of the Orange County Fire Authority



ORANGE COUNTY FIRE AUTHORITY

Page 1 of 1  
March 14, 2018 REVISED

GO #10

GENERAL ORDER

NO EXPECTATION OF PRIVACY

Employees of the Orange County Fire Authority (OCFA) may be assigned Authority-owned vehicles, lockers, offices and workplaces, desks, cabinets, etc. for the mutual convenience of the Authority and its personnel. The Authority assumes no liability whatsoever for the damage, loss or theft caused by third parties to the personal property of employees who keep personal items in such vehicles, containers, or facilities unless directly related to the proper performance of an employee's duties as specified in OCFA Standard Operating Procedures (SOP) [HR.04.12](#) – Personal Property Damage/Loss Claim.

In addition, the Authority reserves the right to have access to such Authority-owned property at any time and to inspect such areas under the following circumstances: in the employee's presence; with the employee's consent; pursuant to a valid search warrant; or, upon notification to the employee that a search will be conducted. This right of access and inspection applies even if the employee has placed a personally-owned lock on Authority property.

Likewise, Authority issued electronic mail and voicemail are considered Authority property and are to be used only for agency purposes. Internet accounts are similarly to be used only for Authority business. Accordingly, the Authority also reserves the right to inspect, monitor, and have access to agency computers, electronic mail, voice mail messages, text messages, photographs, videos, and internet communications on Authority-owned electronic, cell, and digital issued devices.

Personal letters addressed to the Authority or to employees at the Authority's address may be inadvertently opened. Those letters conspicuously marked "Personal" when addressed to individual employees will not be opened.



Patrick McIntosh, Interim Fire Chief

Orange County Fire Authority  
Standard Operating Procedures

Human Resources: HR.02.06  
Issue/Revision Date: 03/29/2018

## **HARASSMENT, DISCRIMINATION, AND RETALIATION COMPLAINTS**

Prepared By: Human Resources

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### **PURPOSE**

This procedure is designed to prohibit and prevent harassment, discrimination, and retaliation in all employment related matters based on a protected class as well as whistleblowing and/or union activities. Supervisors, co-workers, and third-parties with whom employees interact are prohibited from engaging in the proscribed conduct in this Standard Operating Procedure (SOP).

Applicants, officers, officials, employees, and contractors are protected from all forms of harassment or intimidation because of a protected class; perceived class; or, for associating with someone who is perceived to have a protected class under federal and/or state law.

Protected classes include the following: race, age, color, religion, sex (including pregnancy, childbirth, breastfeeding and related medical conditions), gender, gender identity, gender expression, transgender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), marital status, national origin, ancestry, citizenship status, familial status, disability (including mental and physical, HIV/AIDS, and cancer), medical condition, genetic characteristics or information, and military or veteran status.

The Orange County Fire Authority (OCFA) has a zero-tolerance policy for any conduct that violates this SOP or the spirit thereof. Conduct need not rise to the level of a violation of law to violate this Procedure. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc. may constitute conduct that violates this Procedure. In addition, the conduct need not be unwelcomed and a person may violate this Procedure even if he/she did not intend to harass, discriminate, or retaliate. It is not one's intentions but the effect that one's conduct has on the workplace that is analyzed in a complaint. If the conduct reasonably would be considered inappropriate for the workplace by the OCFA, it may violate this Procedure and provide grounds for discipline.

### **BACKGROUND**

The Orange County Fire Authority is committed to providing a work environment free from harassment, discrimination, and retaliation.

### **DEFINITIONS**

#### **Prohibited Behavior**

1.) Harassment refers to behavior which is not welcome; objectively offensive; debilitates morale; and/or, has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment may take on many forms, including, but not limited to:

- A. Verbal - epithets, derogatory comments, jokes, slurs, rumors, innuendos, suggestive sounds, stories or remarks about a person's clothing, body or activities
- B. Visual - posters, cartoons, gestures, written and electronic materials which depict or discuss people based on a protected status
- C. Physical - pinching, grabbing, patting, leering, staring, touching, blocking movement, or interfering with a person's normal work

*Sexual Harassment* is a specific type of sex/gender harassment, which may take on any of the forms described above and may include a conditional element as follows:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment, or
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.

It is not a defense to a complaint of harassment based on sex that the alleged harassing conduct was not motivated by sexual desire. In addition, an individual alleging sexual harassment is not required to sustain a loss of tangible job benefits in order to establish harassment.

2.) Discrimination is the practice of prejudicial treatment in employment decisions because of one's actual or perceived protected class or for associating with someone of an actual or perceived protected classification.

3.) Retaliation is an adverse action taken by an employer or employee against a reporting party; someone who associates with a reporting party; an individual who participates in the complaint or investigation process; and/or an employee who has exercised a right or attempted to exercise a right provided by law.

#### Protected Activities

1.) Whistleblowing is when an employee discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

- A violation of a federal or state statute;
- A violation or noncompliance with a federal or state rule or regulation; or
- With reference to employee safety or health, unsafe working conditions, or work practices in the employee's employment or place of employment.

2.) Union Activities are the forming, joining/refusing to join, and participation in employee organizations.

The OCFA and employee organizations shall not interfere with, intimidate, restrain, coerce, harass, or discriminate against an employee because of the exercise of his/her rights under the Meyers-



Milias Brown Act (MMBA). In addition, the OCFA shall not impose or threaten to impose reprisals on employees because of their exercise of rights under the MMBA.

## **PROCEDURE**

### **Duty to Report Possible Violations**

The OCFA will take preventative, corrective, and/or disciplinary action for any behavior that violates this Procedure or the rights and privileges it is designed to protect. Accordingly, any employee who believes that he/she has been/are the victim of harassment, discrimination, or retaliation is encouraged to report the behavior to his/her supervisor or manager, or to any other supervisor or manager, the Fire Chief, or to the Human Resources Division. Complaints should include details of the incident(s), the names of all persons involved and the names of any witnesses. All complaints will be forwarded to the Human Resources Director. Attached is a Complaint Form that may be used for reporting such conduct in writing. This document is also available on the Hive. A reporting party is not required to follow the chain of command when reporting a violation of this Procedure.

Any supervisor, manager, or department head who receives a complaint must immediately report it to the OCFA's Professional Standards Unit Manager or the Human Resources Director. Failure to do so may, in and of itself, be grounds for disciplinary action up to and including discharge.

At the onset of any such behavior, although not required, employees are also encouraged to inform the offender that the conduct is unwelcome and request that it be discontinued immediately. Sometimes an individual is unaware that his/her conduct is offensive. In these situations, the offensive behavior might be eliminated by informing the offender.

When the OCFA receives allegations of misconduct under this Procedure, confidentiality will be maintained to the extent possible. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. Therefore, the OCFA shall not disclose detailed results of the investigation to others except for business-related needs; as necessary to support a disciplinary action; take remedial or corrective action; defend itself in adversarial proceedings; or, comply with the law or a court order.

### **Complaint Investigation**

Upon receiving notification of a harassment, discrimination, and/or retaliation complaint, the Professional Standards Unit Manager, Human Resources Director and/or designee shall:

- a) Determine if the complaint falls within the parameters of this Procedure;
- b) Take reasonable steps to protect the complainant/victim(s) from further harassment, discrimination, and/or retaliation as a result of communicating the complaint;
- c) Authorize, investigate, and/or supervise a fair, timely and thorough investigation of any applicable complaint;
- d) Document and track the investigation for reasonable progress;
- e) Review the factual findings of any investigation;
- f) Assess whether or not the conduct is in violation of OCFA policy;

- g) If appropriate, recommend options for remedial action(s) and resolution(s) which are commensurate to the circumstances; and
- h) Provide a timely response and closure.

Investigators will be impartial, qualified, and have full authority to investigate all aspects of the complaint including details of the specific incident(s), frequency, date(s) of occurrence(s), and name(s) of witness(es). This authority subsumes access to records and the cooperation of any employees involved. During this process, all parties will be accorded appropriate due process and conclusions will be based on the evidence collected.

Employees, including the alleged complainant/victim, are required to fully cooperate in the investigation by responding truthfully and fully to all questions posed. In addition, an individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the investigator, due to legitimate business reasons such as preserving the integrity of the investigation. Any individual who discusses the content of an investigatory interview in violation of a direct order may be subject to discipline up to and including discharge.

No influence will be used to suppress any complaint and no employee will be subject to retaliation for filing a complaint and/or for cooperating as a witness. Individuals who file false accusations that are proven to be deliberate, malicious, and/or intentional may be subject to disciplinary action up to and including discharge.

If a complaint is not sustained, the alleged offending party(ies) will be provided with a Notice of Determination informing him/her/them of the outcome.

It is important to be aware that a supervisor may be held personally liable for any acts of unlawful sexual harassment.

### **Retaliation Prohibited**

OCFA Personnel are specifically prohibited from discouraging or retaliating against others from using this complaint procedure. OCFA will not retaliate against any person for filing a complaint or for cooperating in an investigation into complaints of harassment, discrimination, and/or retaliation.

### **RELATED REFERENCES**

None

### **LEGAL CITES/REFERENCES**

None

### **ATTACHMENTS**

- Complaint Form

**ORANGE COUNTY FIRE AUTHORITY  
COMPLAINT FORM**

**1. EMPLOYEE INFORMATION**

Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date: \_\_\_\_\_

Department/Location: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**II. FACTS OF THE INCIDENT** (Please be specific in answering all questions.  
Attach additional sheets if necessary.)

Name of person whose behavior is in question: \_\_\_\_\_

Job Title: \_\_\_\_\_

Describe the nature of the harassment, discrimination, and/or retaliation (what was  
said or done?)

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Location(s) where the incident(s) occurred:

Time(s): \_\_\_\_\_ Date of incident(s): \_\_\_\_\_ Witness(es)      Yes  
No

If yes, please provide name(s):

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What was your immediate reaction to the incident(s)?

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How did the person(s) respond to your reaction?

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Has the person in question been involved in any other incident(s)?

Yes   No   Don't Know

If yes, was it reported?   Yes   No   Reported to: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date Reported: \_\_\_\_\_

Describe your work-related and/or personal relationship with the person in question before the incident occurred:

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List anyone who might be able to contribute information that will assist the Human Resources Director or his/her designee in the investigation process:

\_\_\_\_\_ Work Phone: \_\_\_\_\_

\_\_\_\_\_ Work Phone: \_\_\_\_\_

List anyone you know of who may also have been subject to similar harassing, discriminatory, and/or retaliatory conduct:

\_\_\_\_\_ Work Phone: \_\_\_\_\_

\_\_\_\_\_ Work Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Professional Standards Unit



Human Resources Manager  
Lucy A. Manfre

# PSU Components

- Investigations
- Tracking
- Training
- Policy Development





# Training

Fire Captains Academy  
Battalion Chiefs Academy  
Progressive Discipline Training



Protected Leaves & Accommodations

# What Now?



Hazing	Insubordination	Sick
Attitude Problem		Retaliation    Bulling
Medical Issue		Vehicle Accident
Attendance		GO Violation
Harassment		Violence
Performance		Theft    Anger
Discrimination		Criminal Activity
SOP Violation	Bad Attitude	Safety Risk

# Which way will you choose?

OPTION 1  
Performance

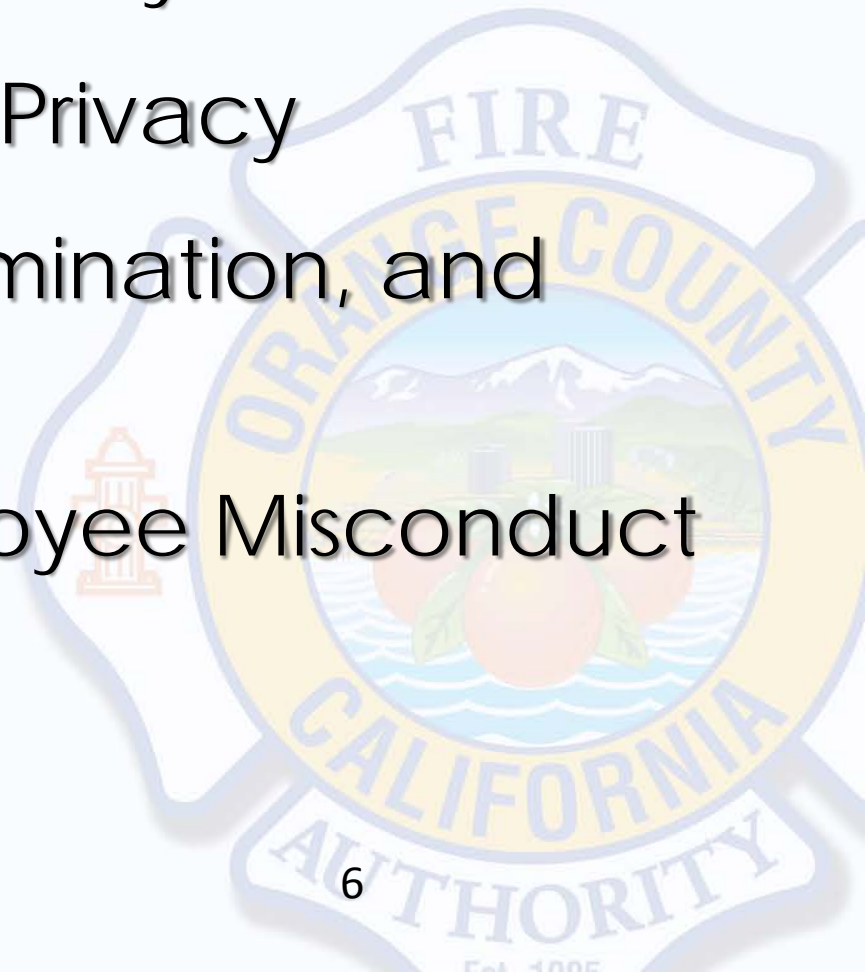
OPTION 3  
Medical

OPTION 2  
Misconduct



# Policies

- Criminal Records Policy
- No Expectation of Privacy
- Harassment, Discrimination, and Retaliation
- Investigating Employee Misconduct



# *ethical, effective and efficient efforts . . .*

- Administrative Review of the 6 month and 1 year manipulative examinations
- 360° Assistance - ECC
- Performance Improvement Plan



# Administrative Review Implemented Recommendations

- Signage
- Admonishments
- Uniform Performance Results
- Mandatory Participation in Taskbook Orientation
- Captain's Role





Thank you.





Orange County Fire Authority  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**May 1, 2018**

**Agenda Item No. 4B**  
**Discussion Calendar**

**2017 Annual Anonymous Hotline Report**

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**Contact(s) for Further Information**

Brigette Gibb, Director  
Human Resources (HR)

[brigettegibb@ocfa.org](mailto:brigettegibb@ocfa.org)

714.573.6353

**Summary**

This annual agenda item is submitted to provide a summary of activity that occurred with the OCFA's anonymous hotline during 2017.

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

Receive and file the report.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

The OCFA implemented an internal anonymous hotline (the "Hotline") in December 2011 for employees to utilize for reporting concerns that they believe should be investigated. The Hotline is hosted by an external vendor, Ethics Point, and employees may submit reports to the Hotline by either phone or internet. Furthermore, employees may remain anonymous when submitting their reports, if desired.

The implementation plan that was created with the Hotline requires OCFA staff provide an annual report, summarizing the number of complaints filed and status or disposition of cases. In addition, the implementation plan calls for staff to report to the full Board of Directors regarding individual Hotline cases, as necessary, based on the nature of findings that may result from the investigation.

The Hotline is primarily administered by the Fire Chief, with secondary support provided by the HR Director, and legal guidance provided by General Counsel.

The Hotline resulted in the following caseload for calendar year 2017:

<b>Complaint Status</b>	<b>Annual Period Ending December 31, 2017</b>
Beginning Caseload (from previous reporting period)	2
Vetted - No Investigation Needed	1
Investigated and Closed (response issued)	1
Investigation in Progress	0
New Complaints	4
Vetted and No Investigation Needed	3
Investigated and Closed (response issued)	0
Investigation in Progress	1
Ending Caseload (remaining from this reporting period)	1

<b>Conclusion of Cases Closed</b>	<b>December 31, 2017</b>	
Cases Closed	1	100%
Actionable	0	0
Not Actionable	1	100%

**Attachment(s)**

None.



Orange County Fire Authority  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**May 1, 2018**

**Agenda Item No. 4C**  
**Discussion Calendar**

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**Girls Empowerment Fire Camp**

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**Contact(s) for Further Information**

Brigette Gibb, Director  
Human Resources Division

[brigettegibb@ocfa.org](mailto:brigettegibb@ocfa.org)

714.573.6353

Tia Grasso, HR Manager

[tiagrasso@ocfa.org](mailto:tiagrasso@ocfa.org)

714.573.6835

**Summary**

This agenda item is submitted to discuss pursuing research on the concept of an OCFA-hosted Girls Empowerment Fire Camp.

**Prior Board/Committee Action(s)**

None.

**RECOMMENDED ACTION(S)**

Direct staff to explore the concept of an OCFA-hosted Girls Empowerment Fire Camp and report back at the next Human Resources Committee meeting.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

One of the FY 2017/18 Domain Objectives of Human Resources is to “*Develop and implement a comprehensive recruitment outreach program to increase workforce diversity in the firefighter academies.*” An initiative within this domain is to “*Explore and implement recruitment strategies to recruit females and minorities.*”

A challenge in recruiting women into firefighting careers within the fire service is self-perception. Recruitment and outreach methods targeting post-adolescent females often run counter to the psychosocial development processes of identity formation and individuation. These processes, driven by dominant societal norms and expectations, often divert females away from firefighting and other male-dominated professions, due to misconceptions about gender roles. Historically, females have not considered a career in firefighting service, as evidenced by our female applicant rates.

Among the various recruitment strategies currently being explored is the concept of an OCFA-hosted Girls Empowerment Fire Camp (GEFC). GEFCs are designed to introduce young women to the fire service and provide them with a realistic, hands-on overview of firefighting. The programs also empower attendees with guidance that encourages them to pursue a career in fire service.

Most importantly, GEFCs can introduce fire service to younger females (14-18) before the process of individuation has been completed, which occurs in the late teens and early twenties. The program would introduce girls and their families to the OCFA, give them a hands-on fire training experience, and empower them to believe they belong in the fire service. The establishment of this belief during adolescence should make OCFA recruitment efforts targeting them, or their peers, as women more effective.

### ***Program Structure***

San Diego Fire-Rescue Department and the Los Angeles Fire Department both host annual GEFCs. Each two-day camp lasts all day and hosts up to 100 girls (and boys). The camps have been held on department training grounds. Active firefighters, fire apparatus engineers, and fire captains guided the campers through a series of stations in small groups. At the San Diego Fire-Rescue Department's GEFC, the stations included various safety-related exercises, such as dry hose deployment, charged hose deployment, ladder ascent, roof ventilation, victim removal, CPR/First Aid, and repelling. Each day, campers were provided with lunch and healthy snacks. Due to the small groups, the campers have the opportunity to introduce themselves to seasoned safety personnel and form *de facto* mentor-mentee relationships.

### ***Staffing***

The events are staffed by female and male safety personnel from the host department and surrounding agencies. These camps require approximately 50 volunteers, who serve in either an administrative or facilitating/teaching capacity.

### ***Funding***

As these are free events, funding is provided by sponsorships from local business and grants from charitable foundations.

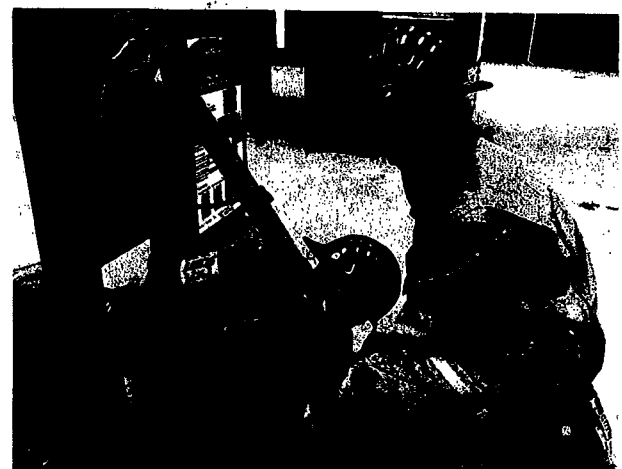
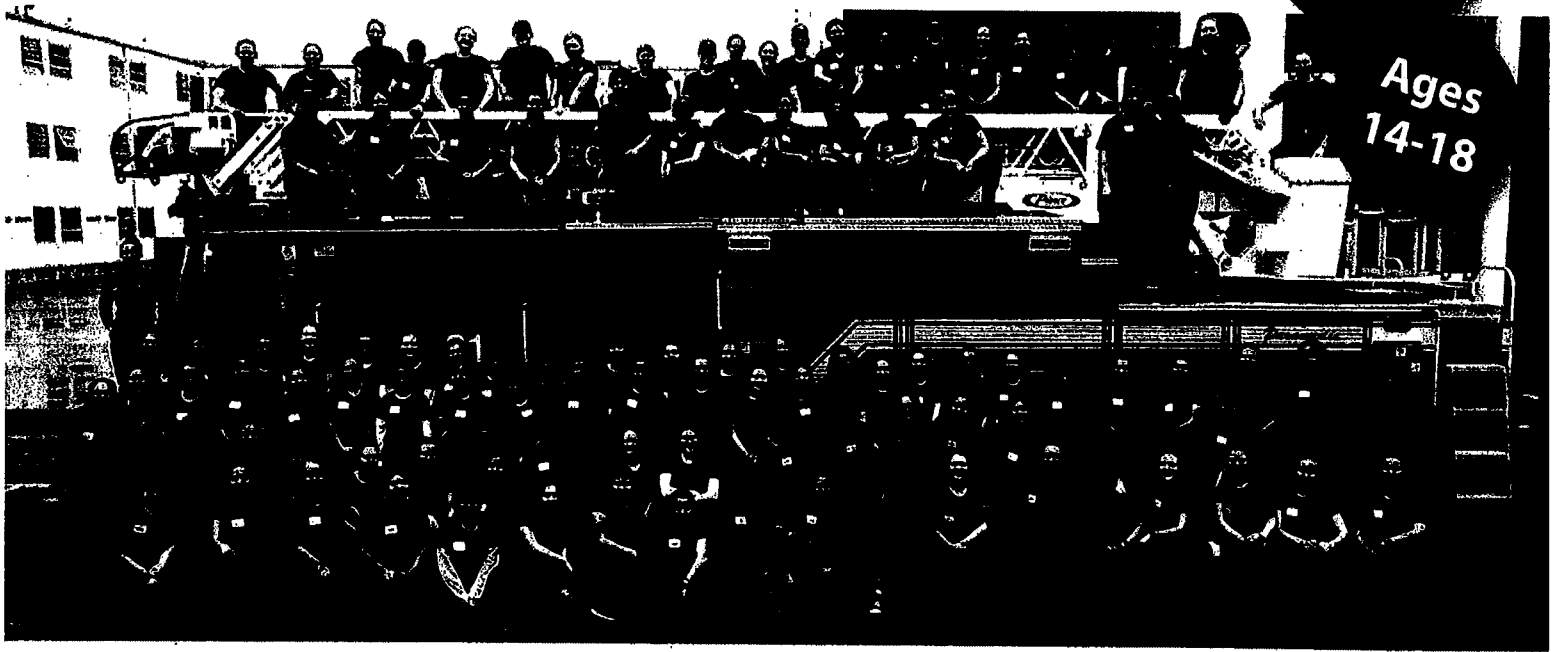
### ***Attachment(s)***

1. San Diego Girls Empowerment Camp Flyer
2. Los Angeles Girls Empowerment Camp Flyer



# Girls Empowerment Camp

## March 3-4, 2018 *Free!*



## 2-Day Camp For Girls!

- Hands-on training with firefighting tools and equipment
- 180-degree exposure to public safety career options
- CPR/AED training

For more info visit: [sdfirerescue.org](http://sdfirerescue.org)

In partnership with:



SAN DIEGO  
FIRE RESCUE  
FOUNDATION

Sponsored by:



ANR

SUMMIT  
FINANCIAL



FIRE ETC  
YOUR COMPLETE RESOURCE FOR FIRE & SAFETY EQUIPMENT

WORLD CLASS TEAMS





Commit to Service • Commit to Courage • Commit to Respect

## **LAFD GIRLS CAMP**

### **SATURDAY AND SUNDAY**



## **APRIL 7 & 8\***

9am - 5pm

**Valley Recruit Training Academy**

Drill Tower 81

14355 Arminia St.

Panorama City, CA 91402

**REGISTRATION IS MANDATORY:**

[lafd-camp.eventbrite.com](http://lafd-camp.eventbrite.com)

\* This is NOT an overnight Camp

**ALL ARE WELCOME!**



### **Ever wonder what it's like to be a firefighter?**

Girls ages 14 to 18, you're invited to experience LA's bravest job with a hands-on, two-day weekend program taught by our very own female firefighters and cadets.

### **What are you waiting for?**

Challenge yourself and learn about future career opportunities with fun activities using actual firefighting tools and equipment. You can even suit up and try on official protective gear. We can't wait to meet you!

For Info go to:

**JOINLAFD.ORG**

or call: 213.890.9699

Follow Us  
@JoinLAFD





Orange County Fire Authority  
**AGENDA STAFF REPORT**

**Human Resources Committee Meeting**  
**May 1, 2018**

**Agenda Item No. 4D**  
**Discussion Calendar**

**Workers' Compensation Appointments**

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**Contact(s) for Further Information**

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**Summary**

This agenda item is submitted for approval to explore the concept of paying a stipend to safety personnel for attending Workers' Compensation related appointments off-duty in lieu of paying and forcing backfill for on-duty attendance.

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

Review and approve the proposed agenda item and direct staff to place the item on the agenda for the Board of Directors meeting of May 24, 2018, with the Human Resources Committee's recommendation that the Board authorize payment of a stipend for safety personnel or members of the firefighter's unit attending Workers' Compensation related appointments off-duty in lieu of paying and forcing backfill for on-duty attendance.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Funding for backfill in the FY 2018/19 Budget will be used to absorb the cost of the stipend.

**Background**

Although not required by law, the Authority's past practice has been to authorize paid time-off from work (without requiring leave accruals to be utilized) to an injured worker (who has returned to work with or without medical restrictions) who seeks medical treatment related to his/her Workers' Compensation injury or illness. The employee's shift is covered utilizing backfill, which often results in a force hire.

Executive Management and representatives from the Orange County Professional Firefighters Association, Local 3631 have a mutual interest in reducing the amount of backfill staffed through force hiring, and have been working together to identify and implement solutions to reduce force hiring resulting from backfill, due to personnel attending workers' compensation appointments while on-duty. Executive Management is interested in pursuing the concept of offering a stipend, in lieu of paid time-off, to safety personnel when an employee whose Workers' Compensation leave has been discontinued, returns to work, and while off-duty to attend medical appointments related to his/her work-related injury or illness.

It is estimated approximately 100 appointments related to Workers' Compensation, are attended on-duty each year, resulting in a payroll cost (hourly and backfill) of approximately \$75,599. Additionally, it is estimated that approximately 600 appointments related to Workers' Compensation are attended by personnel while off-duty.

<b>Current Workers' Compensation Appointments for On-Duty Personnel</b>				
<b>Employee Type</b>	<b>FAE</b>	<b>FC</b>	<b>FF</b>	<b>Totals</b>
<b>Actual Hours*</b>	120.25	115.75	177.50	<b>413.50</b>
<b>Estimated Hour Cost (Top Step)</b>	\$8,783	\$9,898	\$11,559	<b>\$30,240</b>
<b>Backfill for Actual Hours</b>	\$13,175	\$14,847	\$17,338	<b>\$45,359</b>
<b>Total Actual Costs</b>	<b>\$21,958</b>	<b>\$24,744</b>	<b>\$28,897</b>	<b>\$75,599</b>
<b>Estimated Workers' Compensation Appointments for Off-Duty Personnel</b>				
<b>Stipend Occurrence</b>	125	225	350	700
<b>Stipend Rate</b>	\$250	\$250	\$250	
<b>Stipend Cost</b>	\$31,250	\$56,250	\$87,500	\$175,000
<b>Potential Costs</b>	<b>\$9,292</b>	<b>\$31,506</b>	<b>\$58,603</b>	<b>\$99,401</b>

**Attachment(s)**

None.