



County of Los Angeles
**CHIEF EXECUTIVE OFFICE
OPERATIONS CLUSTER**

WILLIAM T FUJIOKA
Chief Executive Officer

DATE: June 7, 2012
TIME: 1:00 p.m.
LOCATION: Kenneth Hahn Hall of Administration, Room 830

AGENDA

Members of the Public may address the Operations Cluster on any agenda item by submitting a written request prior to the meeting.
Three (3) minutes are allowed for each item.

1. Call to order – Ellen Sandt
 - A) **Upcoming IT Items**
CIO – Richard Sanchez or designee
 - B) **Board Letter – AMENDMENT NUMBER ONE TO MASTER SERVICES AGREEMENT WITH OPEN TEXT, INC.**
CIO – Richard Sanchez or designee
 - C) **Board Letter – AMENDMENT NUMBER ONE TO MASTER SERVICES AGREEMENT WITH EMC CORPORATION**
CIO – Richard Sanchez or designee
 - D) **Countywide Disaster Recovery Center Discussion**
CEO – Ellen Sandt or designee
 - E) **Live Scan Feasibility Report**
DHR – Lisa Garrett or designee
 - F) **eCAPS/eHR Update**
Auditor-Controller – Wendy Watanabe or designee
2. Public Comment
3. Adjournment

Board IT Agenda Items

Department	Board IT Agenda Item	Description	Amount	CEO Cluster	New Term	Planned Hearing Date
ISAB	Contract between LA County and Capita Tech. for Case360 Application Management Services	<p>ISAB is requesting Board approval for a Contract with Capita Technologies to provide Application Management Services to support Case360 applications on behalf of the APD, PD, LASD, DA, and Probation.</p> <p>Funding Sources: ISAB Operating Budget Existing Agreement: N/A</p>	\$1,560.00	Operations	2 year term with 2 one-year options	6/12/2012
ISD and CIO	Authorization to Execute an Agreement with Cisco Systems for Cisco SMARTnet Technical Equipment Maintenance Services	<p>Agreement will: 1) Authorize ISD to execute a 5-year, pre-paid, direct agreement with Cisco Systems for SMARTnet technical equipment maintenance services in the amount of \$20,400,950; 2) Authorize ISD to make necessary agreement amendments and change scope of services during the 5-year term based on the County's need for SMARTnet services, and to increase the maximum value up to 20% of the original agreement amount; and 3) Authorize CEO to finance the pre-paid services not to exceed 2.58 percent and to execute required financing documents and amendments.</p> <p>Funding Sources: \$970,261 from General Fund for Countywide finance charges, remainder from participating department's operational budgets based on their inventories. Existing Agreement: Replaces a variety of approximately 160 different contracts Countywide.</p>	\$21,371,211	Operations	5 years	6/12/2012
CDC	Contract and Capital Lease for Data Migration and Data Center Implementation Plan Services	<p>Migrate data from 3 existing data centers and install data center at new CDC headquarters in Alhambra.</p> <p>Funding Source: CDC FY 2011-12 and 2012-2013 Budgets Existing Agreement: N/A</p>	\$3,764,722	Community & Municipal Services	12 months	6/12/2012
CEO/DHS	Amendment No. 3 to IBM Software License Agreement (SLA) and Purchase of Initiate Licenses	<p>Existing IBM SLA will be amended and IBM software Initiate Licenses will be purchased.</p> <p>Funding Source: CIO ITF Fund Existing Agreement: TBD</p>	Est. \$3,000,000	Health & Mental Health Services	5-10 years	

Department	Board IT Agenda Item	Description	Amount	CEO Cluster	New Term	Planned Hearing Date
LASD	Sole Source Agreement with DataWorks Plus	Sole Source Agreement for hardware and software updates and customization. Sole Source Advance Notification submitted on 3/14/12. Dataworks is used by the Sheriff for capturing mugshots and facial recognition. Funding Source: Automated Fingerprint Identification System (AFIS) Fund Existing Agreement: N/A	Est. \$1,400,000	Public Safety	2 year term with 2 one-year options	
CDC	Amendment No. 1 to Agreement 2098 with Yardi Systems, Inc.	Amendment will extend the Agreement term and increase the contract amount to enable implementation of additional system modules. The system is used by the Assisted Housing and Housing Management Divisions in administering programs funded by HUD. Funding Source: Federal Funds Existing Agreement: 2098	\$220,000	Community & Municipal Services	4 additional one-year terms (2014 - 2017)	
CEO	Agreement with Fairchild Consulting for Business Continuity Consulting Services	Agreement for consulting services to support the ongoing development of the County's Business Continuity Program. Funding Source: CEO/OEM FY 2011-12 Operating Budget (\$200,000) and CEO Technology Funds (\$100,000). Existing Agreement: N/A	\$300,000	Operations	2 year term with 1 option year	
LASD	Sole Source Agreement with Northrup Grumman for the Computer-Aided Dispatch System	Agreement will: 1) perform an upgrade of the Sheriff's Computer-Aided Dispatch System to a more current hardware and software platform; and 2) to transition system maintenance and support from Norm Fogel. Funding Source: LASD FY 2011-12 Operating Budget Existing Agreement: N/A	Est. \$875,000	Public Safety	TBD	
LASD	Sole Source Amendment with Norm Fogel for the Computer-Aided Dispatch System	Amendment will: 1) assist in the upgrade of the Sheriff's Computer-Aided Dispatch System to a current hardware and software platform; and 2) to transition its maintenance and support to Northrup Grumman. Funding Source: LASD FY 2011-12 Operating Budget Existing Agreement: 71792	Est. \$480,000	Public Safety	TBD	

Department	Board IT Agenda Item	Description	Amount	CEO Cluster	New Term	Planned Hearing Date
RR/CC	Memorandum of Understanding (MOU) with Orange County Clerk-Recorder for SECURE eRecording System	MOU with the Orange County Clerk-Recorder to provide maintenance and support services for the SECURE eRecording System. Funding Source: N/A Existing Agreement: N/A	\$0	Operations	5 months, with automatic 5-year renewal	
CIO	Authorization to use ITF for Enterprise IT Security and Privacy Awareness Training Software	Authorization to use ITF to acquire and implement the enterprise IT Security and Privacy Awareness training content for use in the County's Learning Net. Funding Source: ITF Existing Agreement: N/A	\$240,000	Operations	N/A	
DHS	Agreement to purchase Hardware for HA and DR for Emergency Department Information System (EDIS)	Agreement to purchase hardware for DHS Emergency Department Information System. EDIS Phase II implementation will need High Availability and Disaster Recovery. Funding Source: DHS Operational Budget Existing Agreement: N/A	\$316,874.89	Health & Mental Health Services	TBD	
CIO	OpenText MSA 77037 Amendment Number One	OpenText MSA 77037 Amendment Number One to exercise the first two year extension option. Funding Source: Departmental Budgets Existing Agreement: 77037	\$0	Operations	July 7, 2012 to July 6, 2014	
DPH	Environmental Health Permit & Inspection Management System (EHPIMS)	Replacement of Environmental Health's existing management information system for permits and inspections. Funding Source: EH Trust Fund Existing Agreement: N/A	Initial Term: \$5,722,900.67 Option Years: Approx. \$3M	Health & Mental Health Services	7 years with 3 1-year options	
DPW	Spreading Grounds Telemetry System Upgrade	Contract with Tetra Tech Inc. to upgrade, install, connect, configure, and maintain the telemetry systems at groundwater recharge facilities in Pico Rivera, Bell Gardens, and Azusa. Funding Source: Flood Control District Fund, not to exceed \$750,000 Existing Agreement: N/A	\$750,000	Community & Municipal Services	1 year plus optional 1 year extension	

Department	Board IT Agenda Item	Description	Amount	CEO Cluster	New Term	Planned Hearing Date
Probation	Amendment Number 3 to Agreement 77285 with Cerner Corp. for PEMRS	Includes 500 additional limited use licenses, second point of demarcation for communication links to host site, changes to medical device interfaces, changes to vendor-provided training data.	TBD	Public Safety	N/A	
CIO	EMC MSA 77036 Amendment One	EMC MSA 77036 Amendment Number One to exercise the first two (2) year extension option. Funding Source: Departmental Budgets Exsting Agreement: 77036	\$0	Operations	July 7, 2012 to July 6, 2014	
DHS	Amendment No. 1 to Agreement H-702828 with the Hospital Association of Southern California (HASC) for Emergency and Disaster Management Services	Amendment will: 1) extend the Agreement term; 2) upgrade the ReddiNet Emergency Communications System; and 3) decrease the amount from \$946,873 to \$655,216. Funding Source: DHS Operational Budget Exsting Agreement: H-702828	\$655,216	Health & Mental Health Services	2 Years	

Information Systems Advisory Body



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Michael P. Judge
Public Defender

CHAIR PRO TEM
John Ruegg
Director, ISAB

ISAB

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MEMBERS

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Executive Officer/Clerk
L.A. Superior Court

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District Attorney

Janice Fukui

Alternate Public Defender

William T. Fujioka

Chief Executive Officer

Michael P. Judge

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Chief Probation Officer

Jim Hudson

President, Police Chiefs Association

Dr. Lakshmanan Sathyavagiswaran

Chief Medical Examiner

Department of the Coroner

Richard Sanchez

Interim Chief Information Officer

Tom Tindall

Director, Internal Services Department

William J. Bratton

Chief of Police, City of Los Angeles

June 12, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

CONTRACT BETWEEN THE COUNTY OF LOS ANGELES AND CAPITA TECHNOLOGIES INC. FOR CASE360 APPLICATION MANAGEMENT SERVICES

**CIO RECOMMENDATION: APPROVE (X) APPROVE WITH MODIFICATION
()
DISAPPROVE ()**

SUBJECT

Approval of a contract between the County of Los Angeles on behalf of the Information Systems Advisory Body and Capita Technologies Inc. for Case360 Application Management Services.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and authorize the Director of Information Systems Advisory Body (ISAB) to finalize and execute a contract with Capita Technologies Inc. (Capita) for Case360 Application Management Services (Contract), substantially similar to the attached Contract, for a period of two (2) years (Initial Term) with up to two (2) additional one-year option periods (Extended Term) at County's sole option, at an annual cost of \$390,000 for a maximum total Contract Sum of \$1,560,000 for the four year term of the Contract.
2. Delegate authority to the Director of ISAB during the Extended Term (i) to increase the rates for Services up to 4 percent per year from the previous year and (ii) to increase the Contract Sum by no more than 10 percent cumulatively.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended Contract is to provide Case360 Application Management Services (Services) for the ongoing maintenance, enhancement and operational support of County applications developed and implemented using CASE360 application software development tool licensed by ISAB from OpenText Corporation (OpenText), f/k/a Global 360, Inc. (Global 360), and currently operated by the Alternate Public Defender, District Attorney, Probation, Public Defender and Sheriff Departments.

The County currently has a number of Case360 applications in production or in development for production deployment soon, with additional Case360 applications in discussion for future development. These include:

1. DNA Offender Tracking System (DOTS)
2. Alternate Public Defender Document Management System
3. Sheriff's Records and Identification Bureau Request Tracking System
4. Sheriff's Electronic Criminal Document Archive (SECDA) System
5. District Attorney Document Management
6. Public Defender Forms Project
7. Probation PEDMS conversion

Like any enterprise software platform, Case360 requires platform expertise to manage and maintain, including tasks such as setting up and configuring Case360 applications, keeping the core software versions up-to-date, addressing minor application change requests, applying security patch updates and generally assuring system uptime and reliability. With multiple Case360 applications in or nearing production, economies of scale can be realized by having a single resource maintain those applications. The application management services sought by this Contract are designed to maintain County's Case360 production systems from end-user administration through application maintenance and system upgrades. Capita consultants will work with County resources to ensure that systems are managed and maintained as designed and are kept up-to-date with the latest releases and features of the OpenText Case360 base product.

Implementation of Strategic Plan Goals

The public/private partnership between the County of Los Angeles and Capita supports Strategic Plan Goals No. 1, Operational Effectiveness, Goal No. 2, Fiscal Responsibility, and Goal No. 3, Integrated Service Delivery, by providing responsive, efficient and high quality public service through teamwork and collaboration.

FISCAL IMPACT/FINANCING

The maximum County obligation under the proposed Contract is \$1,560,000 over the entire Contract term, including the Initial Term of two (2) years and the Extended Term of up to two (2) additional years. Funding for this Contract will be provided by current budget allocations with ongoing year costs budgeted each fiscal year.

No new net County funds are being requested for this Contract. There are no other fiscal impacts.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This is not a Proposition A Contract, since approval of this Contract will not displace County employees, and the Services offered under this Contract currently cannot be performed by the individual County Departments due to the need for specialized skills. Further, ISAB will not require Capita to perform Services in excess of the Board approved Contract Sum, scope of work and/or Contract dates.

The Contract contains all the latest Board required and policy driven provisions, such as Consideration of GAIN/GROW Program Participants for Employment, Compliance with Jury Service Program, Safely Surrendered Baby Law, Assignment and Delegation and Budget Reductions.

The Chief Information Office (CIO) recommends approval of this Contract (CIO Analysis attached). County Counsel has reviewed and approved this Contract as to form.

CONTRACTING PROCESS

On March 23, 2012, the County released a Request for Proposals (RFP) for Case360 Application Management Services. One proposal from Capita was received by the closing date of April 23, 2012. The proposal was evaluated and selected as qualified after meeting all RFP minimum requirements. ISAB interviewed Capita's proposed staff on May 8, 2012. The County has selected Capita based upon price, technical capability and the proposed staff.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

On April 7, 2010, ISAB contracted with Global 360 (now OpenText) for similar services using the CIO's Master Services Agreement (MSA). After reaching the \$300,000 threshold for the CIO Global360 work order beyond which Board approval is required, ISAB issued an RFP to secure the required Services under a Board approved contract. This Contract will insure the continuation of a collaborative, cost effective application maintenance and management strategy for the various Case360 applications within the ISAB community.

CONCLUSION

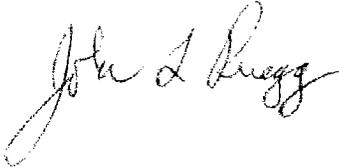
Upon your Board's approval, it is requested that the Executive Officer, Clerk of the Board of Supervisors, return two (2) adopted stamped copies of the Board letter to: Information Systems Advisory Body, Attention Felix Basadre, Assistant Director, 12750 Center Court Drive, Suite 500, Cerritos, CA 90703.

The Honorable Board of Supervisors

6/12/2012

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Respectfully submitted,



JOHN RUEGG

Director

JR

Reviewed By:



RICHARD SANCHEZ

Chief Information Officer

Enclosures

- c: Chief Executive Officer
- Alternate Public Defender
- Auditor-Controller
- Chief Probation Officer
- County Counsel
- District Attorney
- Executive Officer, Board of Supervisors
- Public Defender
- Sheriff



RICHARD SANCHEZ
CHIEF INFORMATION OFFICER

Office of the CIO
CIO Analysis

NUMBER: CA 12-10	DATE: 5/22/2012
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SUBJECT: APPROVE CONTRACT BETWEEN THE COUNTY OF LOS ANGELES AND CAPITA TECHNOLOGIES INC. FOR CASE360 APPLICATION MANAGEMENT SERVICES	
RECOMMENDATION: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with Modification <input type="checkbox"/> Disapprove	
CONTRACT TYPE: <input checked="" type="checkbox"/> New Contract <input type="checkbox"/> Sole Source <input type="checkbox"/> Amendment to Contract #: <input type="checkbox"/> Other:	
CONTRACT COMPONENTS: <input type="checkbox"/> Software <input type="checkbox"/> Hardware <input type="checkbox"/> Telecommunications <input checked="" type="checkbox"/> Professional Services	
SUMMARY: Department Executive Sponsor: John Ruegg, Director, Information Systems Advisory Body Description: Information Systems Advisory Body (ISAB) is requesting Board authorization to execute a contract with Capita Technologies, Inc. (Capita) for the initial term and optional extensions to provide application management services to support Case360 applications on behalf of the Alternate Public Defender, District Attorney, Public Defender, Probation Department, and Sheriff. Contract Amount: \$1,560,000 Funding Source: ISAB Operating Budget <input type="checkbox"/> Legislative or Regulatory Mandate <input type="checkbox"/> Subvended/Grant Funded:	

Strategic and Business Analysis	PROJECT GOALS AND OBJECTIVES: The proposed application management services are to support Case360 applications currently in production operations or planned for implementation. Production applications include: DNA Offender Tracking System (DOTS), Sheriff's Records and Identification Bureau Request Tracking System, Probation Electronic Document Management System, and Public Defender, Alternate Public Defender and District Attorney Document Management Systems. The Sheriff's Electronic Criminal Document Archive (SECDA) is planned for implementation in the next Fiscal Year. The term of this Contract is two years with the option for two one-year extensions.
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	<p>BUSINESS DRIVERS:</p> <p>Case360 is case management platform for the justice community supported by ISAB. The proposed application management services are necessary for the maintenance and support of the various Case 360 implementations by the Alternate Public Defender, District Attorney, Probation Department, Public Defender, Sheriff.</p> <p>ISAB is entitled to future software versions under its current software maintenance with OpenText (current version 10.x will be discontinued as of 3/1/2013). The Capita application management services under this Contract includes services to perform upgrades of Case360 to future software releases, at no additional costs.</p>
	<p>PROJECT ORGANIZATION:</p> <p>The governance and management of the proposed contract is consistent with ISAB’s role in supporting the justice community.</p>
	<p>PERFORMANCE METRICS:</p> <p>The services under this contract include: performing ongoing configuration of Case360 applications, applying software updates, implementing minor software enhancements and changes, and performing system upgrades.</p>
	<p>STRATEGIC AND BUSINESS ALIGNMENT:</p> <p>Case360 is recognized as the case management platform for the County’s justice community.</p>
	<p>PROJECT APPROACH:</p> <p>Not applicable.</p>
	<p>ALTERNATIVES ANALYZED:</p> <p>Capita Technology was the only proposer in response to ISAB’s Request for Proposals (RFP) solicitation for Case360 application management services. Capita Technology’s \$125/hr blended rate, inclusive of travel and incidental expenses, is significantly lower than service rates (\$122.50/hr – \$262.50/hr plus travel and incidental expenses) under the County’s Global 360 Master Services Agreement.</p>
<p>Technical Analysis</p>	<p>ANALYSIS OF PROPOSED IT SOLUTION:</p> <p>Case360 software has been in use by County justice departments since 2006. The DNA Offender Tracking System, which is based on Case360, was successfully implemented in 2010 and received a 2011 Global Award for Adaptive Case Management.</p>
<p>Financial Analysis</p>	<p>BUDGET:</p> <p>Contract costs</p> <p>One-time costs:</p> <p>Hardware..... \$ N/A</p>

Software	\$ N/A
Services	\$ N/A
Ongoing annual costs:	
Hardware.....	\$ N/A
Software	\$ N/A
Services	\$ 1,560,000 (\$390,000/year for 4 years)
Sub-total Contract Costs:	\$ 1,560,000
Other County costs:	
One-time costs:	
Hardware	\$ N/A
Software	\$ N/A
Services (ISD)	\$ N/A
County staff (existing)	\$ N/A
County staff (net new)	\$ N/A
Sub-total one-time County costs:	\$ N/A
Ongoing annual costs:	
Hardware.....	\$ N/A
Software	\$ N/A
Services (ISD).....	\$ N/A
Services (Contractor)	\$ N/A
County staff (existing)	\$ N/A
County staff (net new)	\$ N/A
Sub-total ongoing County costs:	\$ N/A
Total one-time costs:	\$ N/A
Total ongoing annual costs:	\$ 1,560,000 (\$390,000/year for 4 years)
<p>Note: Capita Technology’s \$125 hourly rate (inclusive of travel and incidental expenses) is significantly less than the rates of similar services provided under the County’s Global 360 Master Services Agreement. The Contract also includes provisions for annual rate increases of up to 4% from the previous year and an increase of up to 10% of the Contract Sum during the term of the Contract.</p>	

Risk Analysis

- RISK MITIGATION:
1. The proposed application management services will ensure that Case360 applications are properly maintained and are current with versions supported by the software manufacturer.
 2. The Chief Information Security Office (CISO) has reviewed the Contract and did not identify any security issues.

CIO Approval

PREPARED BY:

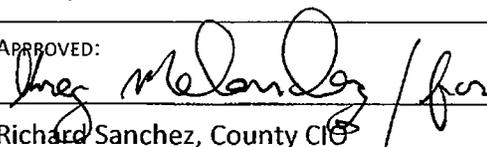
Peter Loo

5/21/2012

Name, Sr. Associate CIO

Date

APPROVED:


Richard Sanchez, County CIO

5/29/2012

Date

Please contact the Office of the CIO (213.253.5600 or info@cio.lacounty.gov) for questions concerning this CIO Analysis. This document is also available online at <http://ciointranet.lacounty.gov/>



TOM TINDALL
Director

County of Los Angeles
INTERNAL SERVICES DEPARTMENT

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Los Angeles, California 90063

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"To enrich lives through effective and caring service"

June 12, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AUTHORIZATION TO EXECUTE AN AGREEMENT
WITH CISCO SYSTEMS FOR CISCO SMARTNET®
TECHNICAL EQUIPMENT MAINTENANCE SERVICES
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Authorization to procure technical equipment maintenance services known as SMARTnet® from Cisco Systems on a countywide basis under a Western States Contracting Alliance Agreement for a period of five (5) years at a 33 percent discount off list price; and to finance the purchase of the services at an annual interest rate of not to exceed 2.58 percent.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Delegate authority to the Director of the Internal Services Department (ISD), or his designee to execute an Agreement identified as an "Authorization to Order Under State Contract" (ATO), similar to Attachment I, with Cisco Systems (Cisco) under the Western States Contracting Alliance's (WSCA) Data Communications Equipment and Associated Original Equipment Manufacturer (OEM) Maintenance and Training Master Agreement; and to manage the Cisco equipment maintenance centrally at ISD.

This Agreement will provide technical equipment maintenance services for the County's Cisco equipment, known collectively as SMARTnet®, in the amount of \$20,400,950 to be used over the next five-years from Fiscal Years (FY) 2012-13 through 2016-17.

2. Authorize the Director of ISD, or his designee, to execute amendments and to make necessary changes to the scope of services to accommodate the future addition and/or deletion of equipment covered under the Agreement through the term, and to increase the Agreement amount up to 20 percent of the sum approved by your Board based on the County's needs for Cisco equipment maintenance.

3. Authorize the Chief Executive Officer, or his designee, to finance the purchase of the services in the amount of \$20,400,950 through Key Government at an annual interest rate of not to exceed 2.58 percent, and to execute all related financing documents and amendments.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to authorize ISD to procure Cisco equipment and software services for County departments at a significantly reduced cost directly from Cisco, through a WSCA Agreement, as amended by the State of California.

Cisco is the OEM for the majority of the networking equipment used by County departments. SMARTnet® is the umbrella of maintenance services that enables software upgrades, return material authorization replacements, and technical support for covered Cisco equipment.

Currently, there are approximately 160 individual SMARTnet® Contracts in effect across the County, covering more than 10,300 pieces of equipment. Nearly all of these Contracts are effective for 12-month periods, and are generally managed in a decentralized fashion. County departments pay an average of 15 percent off Cisco's Global List Price for these maintenance services.

Cisco has proposed a five-year direct Agreement with the County to provide SMARTnet® maintenance services under a single Agreement rather than the approximately 160 separate Contracts currently in effect. By simplifying the contracting process, leveraging the County's combined expenditure on SMARTnet®, and pre-paying for these services for a multi-year term, Cisco will extend a 33 percent discount from its Global List Price for SMARTnet® services. Additionally, by pre-payment (which will be financed), the County avoids any periodic price increases that Cisco may make for SMARTnet for that equipment for the life of the Agreement.

Consolidated program oversight will be managed by ISD and will require 2 positions (included in ISD's FY 2012-13 final changes request) to manage the Agreement and centrally coordinate the program for the County.

Implementation of Strategic Plan Goals

The recommended action supports the County's Strategic Plan Goal 1, Operational Effectiveness, by effectively managing County resources.

FISCAL IMPACT/FINANCING

This action will lead to net savings countywide estimated at approximately \$5.5 million over five years versus individual 12-month Contracts given similar equipment inventories. Beyond the projected savings, the Cisco offer includes additional services and support, which include a designated County Technical Services Manager, Network Optimization Services, and other benefits, which are valued at approximately \$3.5 million.

The estimated cost of the five-year Agreement for FYs 2012-13 through 2016-17, which will be financed, is \$21,371,211, including finance charges. The annual financing cost is not to exceed 2.58 percent per year. Total interest payments to the County will be in the amount of \$970,261. The additional discount from Cisco list price as compared to current County pricing exceeds the financing cost and generates the net \$5.5 million in savings across all departmental funding sources over the term of the Agreement.

Any increase(s) to provide service coverage of new equipment added beyond the initial Agreement amount will be prepaid, using prices calculated at 33 percent off of the Cisco Global List Price at the time of those additions through the term of the Agreement. At the County's option, the additional amount due may be financed as an additional schedule to the proposed financing Agreement at the then-current market rates and within the existing term of the financing period.

The annual payments will be funded from the existing IT operating budgets of the various departments and agencies with the covered equipment. Those departmental budgets already include funding for the Cisco maintenance of existing equipment at the higher rate.

In order to obtain the significant savings identified above, this Agreement reflects a five-year County commitment, prepaid to Cisco and financed by the County with Key Government, a Cisco partner in government financing. The financing arrangement includes interest costs that are payable over four fiscal years beginning in FY 2013-14.

According to the Auditor-Controller, interest costs incurred in conjunction with maintenance and other operating expenses are generally not reimbursable for programs funded by the State and federal government. In this case, the Agreement savings significantly exceed the related interest costs and are cost effective for all programs, including those which are subvented. The Auditor-Controller will work with the State Controller during FY 2012-13 to explain the overall cost-effectiveness of this arrangement. Based on the savings that this Agreement will provide to County programs funded by State and federal revenues, the Auditor-Controller will seek permission to allow the County to claim reimbursement for the related interest costs.

The Chief Executive Office will identify County General Funds to pay for interest costs, beginning with \$408,554 due in FY 2013-14. This amount will be included in ISD's FY 2013-14 budget request. If the State Controller determines that interest costs are allowable under Federal guidelines, future fiscal year County General Fund appropriations will not be required.

To manage Cisco equipment maintenance centrally, ISD's FY 2012-13 Final Changes Budget request will include 1 Senior Typist-Clerk and 1 Staff Assistant III positions and \$4.6 million for services and supplies appropriation for the first year maintenance payments. ISD will recover an administration fee of 7 percent from participating departments for the centralized administration of the Cisco agreement. ISD will bill each department for their pro-rata share of the Cisco equipment maintenance contract.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

SMARTnet® is the brand name for a set of technical equipment maintenance services provided directly by Cisco to maintain, repair, and optimize its products. It includes technical support, advanced hardware replacement, network equipment software upgrades, online technical resources, inventory management, and other maintenance-related services.

The County has approximately 10,300 Cisco devices under SMARTnet® maintenance Contracts, ranging from network routers and switches, to Voice over Internet Protocol (VoIP) equipment and handsets, to security-related hardware. The County opened 1,260 technical support cases and requested 419 equipment replacements during the period of July 1, 2009 through March 16, 2012 under SMARTnet®.

The initial SMARTnet® coverage is typically acquired at time of the initial equipment purchase and is generally one-year in length. After the first year, SMARTnet® may be extended through competitive bid award or acquired through Board-approved master agreements, such as the Cisco Networking Equipment and Technical Service Master Agreement or the Telecommunications Equipment and Services Master Agreement (TESMA).

Historically, Cisco's SMARTnet® services have been provided to local governments through its channel partners (resellers). Based on this practice, there are currently 160 SMARTnet® contracts supporting the County's Cisco equipment, which are held by 14 Cisco resellers. These contracts do not leverage the County's total Cisco services purchase volume, nor do they realize multi-year discounts as each contract is paid on a year-by-year basis.

Due to these decentralized SMARTnet® purchases and the large number of existing contracts, it is difficult to determine the County's total spend on SMARTnet®. However, the departments with annual SMARTnet® maintenance renewals greater than \$100,000 have procured those services under TESMA, as reflected below:

- FY 2008-09 - \$3,758,838
- FY 2009-10 - \$4,617,393
- FY 2010-11 - \$4,801,230
- FY 2011-12 - \$6,012,963

There are eleven main departments participating in this Agreement: Fire, Health Services, Mental Health, Natural History Museum, Public Health, Public Social Services, Public Works, Regional Planning, Registrar-Recorder/County Clerk, Sheriff, and ISD, which provides network support for other County departments.

This Agreement does not alter the County's current procurement practices with regard to future purchases of Cisco equipment and related initial SMARTnet® terms purchased via the competitive bid process. Instead, following the initial one-year maintenance term, ISD, under its delegated authority, may add those SMARTnet® services to the direct Agreement with Cisco on a co-terminus basis. Additions to the Agreement will be pre-paid and receive a 33 percent discount from Cisco Global List Price in effect at the time. SMARTnet® coverage acquired under this Agreement will not extend beyond June 30, 2017.

Not all Cisco equipment is covered by this technical equipment maintenance agreement. The County has the right to determine coverage and service levels. There are approximately 2,100 eligible devices that are not covered because County departments have elected not to cover them. There are also many devices that are beyond their designed lifespan but are still in active use.

The Agreement amount does not include any equipment not already in use nor assumes any future equipment coverage. The amount of SMARTnet® services for the current equipment inventory will decline over time as equipment reaches the end of maintenance support, as reflected below:

- FY 2012-13 - \$4,565,607
- FY 2013-14 - \$4,887,924
- FY 2014-15 - \$4,541,155
- FY 2015-16 - \$3,983,695
- FY 2016-17 - \$3,392,929

Replacements and additions are not included in the initial Agreement amount, so changes based on the departments' future SMARTnet® needs will increase the Agreement amount during the five-year period.

In addition to the discount to SMARTnet® services, Cisco is offering value-added services at no additional cost to enhance the County's technical equipment maintenance operations. These include Network Optimization Services for the County's networks and consolidated County data center, knowledge transfer, and an assigned Cisco Technical Services Operations Manager to expedite technical support requests and return materials authorizations.

ISD will provide contract management, contract monitoring, and billing services for all departments to ensure successful delivery of the Agreement services. This will ensure consistency in those functions and relieve departments of some of the contract administration responsibilities associated with SMARTnet®.

CONTRACTING PROCESS

The Western States Contracts Alliance (WSCA) is a purchasing cooperative administered by nine state agencies in the western region of the United States, including California. These state agencies aggregate their purchases and solicit bids for commonly used products and services to leverage their combined purchasing power, and establish Agreements that are accessible to other state and local government agencies. On behalf of WSCA, the State of Utah conducted a competitive solicitation to procure SMARTnet® services in August 2006, which resulted in a direct Agreement with Cisco. On May 23, 2008, the State of California entered into an amendment to the WSCA Agreement with Cisco. The WSCA Agreement term, with extensions runs through May 31, 2014. The executed Agreement between the County and Cisco will be extended along with the standard terms and conditions set forth in any successor WSCA Agreement, or will stand alone and incorporate the terms and conditions of the current WSCA, as amended by the State of California, if no successor WSCA Agreement is established.

As a "piggyback" Agreement and Amendment established by other government entities, the WSCA and amended agreements possess basic protections in its terms and conditions that are inherent in most government contracts. Additionally, Cisco has agreed, as noted in the ATO, to comply with the following County-specific contract provisions:

- Jury Service Policy
- Safely Surrendered Baby Law
- Governing Law, Jurisdiction and Venue
- Child Support Compliance Program
- County's Defaulted Property Tax Reduction Program

However, this does not include all of those terms and conditions specific to the Board's social programs that are included in County Contracts. Attachment II represents a comparison and explanation of those County terms and conditions that are addressed, or partially addressed in the base WSCA Agreement and/or State of California Amendment, as well as those County terms and conditions that will be excluded in the Cisco Agreement with the County.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

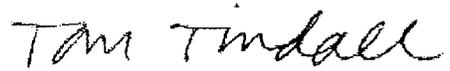
The proposed five-year, direct Agreement with Cisco for SMARTnet® maintenance services will consolidate the administration of these services under a single Agreement, simplify the contracting process for these services, and leverage the County's combined purchase power to achieve a 33 percent discount from its Global List Price for SMARTnet® services. Additionally, it enables the County to lock in pricing for these services for equipment under contract and avoids any Cisco SMARTnet® price increases for this equipment for the duration of the Agreement.

CONCLUSION

Approval of the recommended Agreement with Cisco will streamline the contracting process and will provide the County with the lowest possible prices for SMARTnet® services.

The Honorable Board of Supervisors
6/12/2012
Page 7

Respectfully submitted,



TOM TINDALL
Director



RICHARD SANCHEZ
Chief Information Officer

TT:RS:JS:ES

Attachments(2)

- c: Chief Executive Officer
Executive Officer, Board of Supervisors
County Counsel
Deputy CEO
Affected Department(s)



Sean Rogan
Executive Director

**COMMUNITY DEVELOPMENT COMMISSION
of the County of Los Angeles**

2 Coral Circle • Monterey Park, CA 91755
323.890.7001 • TTY: 323.838.7449 • www.facdc.org



**Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich**
Commissioners

June 12, 2012

The Honorable Board of Commissioners
Community Development Commission
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

**APPROVE CONTRACT AND CAPITAL LEASE FOR DATA MIGRATION AND DATA CENTER
IMPLEMENTATION PLAN SERVICES
(ALL DISTRICTS) (3 VOTE)**

**CIO RECOMMENDATION: APPROVE (X) APPROVE WITH MODIFICATION ()
DISAPPROVE ()**

SUBJECT

This letter recommends award of a contract to Epoch Universal, Inc. (Epoch) to provide Data Migration and Data Center Implementation Plan Services for the Commission and Housing Authority's new headquarters in Alhambra. Epoch will be responsible for setting up a data center at the new facility to meet the organization's needs for networking, wireless and voice communication, data storage and security, including all required equipment. Epoch will also ensure a secure and thorough transfer of existing applications, data and infrastructure from the Commission and Housing Authority's three current offices to the new facility. This letter also recommends approval of a capital lease with Lease Finance Funding, LLC, to finance the contract with Epoch.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and authorize the Executive Director or his designee to execute, and if necessary, terminate a Data Center Implementation Plan Services Contract (Contract) with Epoch in the amount of \$3,764,722.
2. Authorize the Executive Director or his designee to execute a five-year capital lease for up to \$3,130,482 with Lease Finance Funding, LLC, to finance the purchase and implementation of the

Cisco networking system and ShoreTel phone system through the Contract with Epoch, with the first monthly payment of \$56,905 starting July 1, 2012, using funds included in the Commission and Housing Authority's Fiscal Year 2012-2013 approved budgets, and to be included in future years' budget process.

3. Authorize the Commission to use up to \$358,240 in program funds included in the Commission and Housing Authority's Fiscal Year 2011-2012 approved budgets for the payment of sales tax and warranty costs for the Cisco networking equipment from Epoch.
4. Authorize the Commission to use up to \$276,000 per year in program funds, to be included in the Commission and Housing Authority's annual budget process, for Voice and Data Connectivity through Centurylink, to be paid monthly through the Contract with Epoch.
5. Authorize the Executive Director or his designee to extend the time of performance for up to four additional years, in one-year increments, for ongoing data center maintenance for network and telephony, at an annual cost not to exceed \$210,000, using funds to be approved through the annual budget process.
6. Authorize the Executive Director or his designee to execute amendments to the Contract with Epoch, following approval as to form by County Counsel, to increase the total amount of compensation by up to ten percent of the total Contract amount to cover any unforeseen costs over the term of the Contract, modify the scope of work to address unforeseen issues, or make other changes necessary for the administration and implementation of the Contract.
7. Find that approval of the Contract is exempt from the provisions of the California Environmental Quality Act (CEQA), as described herein, because the action will not have the potential for causing a significant effect on the environment.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Commission and Housing Authority currently operate out of three administrative offices: 2 Coral Circle in Monterey Park, 4800 E Cesar Chavez in unincorporated East Los Angeles, and 12131 Telegraph Road in Santa Fe Springs. On April 26, 2011 your Board approved a Lease Agreement for a new consolidated headquarters at 700 West Main Street in Alhambra. Construction of the new building is expected to be completed in September 2012, and staff will move in shortly thereafter.

The new facility will be supported by a single data center. Epoch will supply the required technical infrastructure, network security, facility security, and system monitoring. Epoch will be responsible for bringing the new data center online without interruption of service during the data migration process. Epoch will provide a Cisco networking system and a ShoreTel phone system. With the successful completion of the data migration and data center implementation, the Commission will position itself to meet core business requirements for the foreseeable future.

FISCAL IMPACT/FINANCING

There is no impact on the County general fund. The Contract will be funded with up to \$3,764,722 in program funds to be included in the Commission and Housing Authority's annual budget processes. A ten percent contingency, in the amount of \$376,472, is being set aside for unforeseen costs over the term of the Contract, using the same source of funds. The Contract may be extended for up to four additional years, in one-year increments, for ongoing data center maintenance, at an annual

cost not to exceed \$210,000.

A total of up to \$3,130,482 will be financed through a five-year capital lease with Lease Finance Funding, LLC. Monthly lease payments of \$56,905 will commence on July 1, 2012, and will be paid using funds included in the Commission and Housing Authority's annual budgets. Funds for future years will be requested through the annual budget approval process.

A total of up to \$358,240 in program funds included in the Commission and Housing Authority's Fiscal Year 2011-2012 approved budgets will be used to pay a portion of the sales tax and warranty for the Cisco networking equipment from Epoch. A total of up to \$276,000 in program funds included in the Fiscal Year 2012-2013 approved budgets will be used for Voice and Data Connectivity through Centurylink, to be paid monthly through the Contract with Epoch.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed services are being primarily federally funded, and are not subject to the requirements of the Greater Avenues for Independence (GAIN) Program or the Greater Relief Opportunity for Work (GROW) Program implemented by the County of Los Angeles. Instead, Epoch will comply with Section 3 of the Housing and Community Development Act of 1968, as amended, which requires that employment and other economic opportunities generated by certain U.S. Department of Housing and Urban Development (HUD) assistance be directed to low and very low-income persons, particularly to persons who are recipients of HUD housing assistance.

The Chief Information Office (CIO) has reviewed and approved this request as reflected in the CIO Analysis attached to this letter.

ENVIRONMENTAL DOCUMENTATION

This action is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations, Part 58, Section 58.35(b)(3), because the project involves activities and will not have a physical impact on or result in any physical changes to the environment. This action is exempt from the provisions of CEQA pursuant to State CEQA Guidelines 15301, because it does not have the potential for causing a significant effect on the environment.

CONTRACTING PROCESS

On April 24, 2012, the Commission issued a Request for Proposal (RFP) to identify a computer hardware and consulting services vendor to provide Data Migration and Data Center Implementation Plan Services.

On May 10, 2012, two proposals were received. One proposal did not meet the minimum requirements and was not considered for further review. The remaining proposal was forwarded to the three-member evaluation committee for further review. The evaluation committee used the "informed averaged" scoring methodology using a 1,000 points system as established in the solicitation package. The evaluation criteria consisted of qualifications (background, experience, references, etc.), approach to providing the services, Section 3 compliance, and costs. Epoch Universal is being recommended for Contract award based on the evaluation criteria set forth in the RFP.

The Honorable Board of Supervisors

6/12/2012

Page 4

The Commission Contract has been reviewed by County Counsel. The Summary of Outreach Activities is attached, as Attachment A.

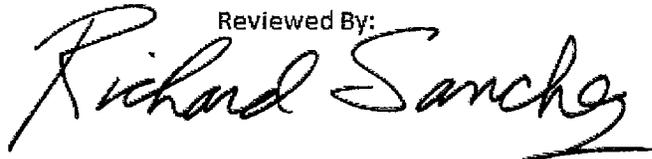
IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed Contract for Data Migration and Implementation Plan Services will allow the Commission to meet its core business requirements and continue to support local economies, provide housing assistance, and empower families in Los Angeles County.

Respectfully submitted,



Reviewed By:



SEAN ROGAN
Executive Director

SR:cs

Enclosures

ATTACHMENT A

Summary of Outreach Activities

Data Migration and Data Center Implementation Plan Service

Beginning on April 24, 2012, the following outreach was initiated to identify qualified contractors to implement a network diagram plan and provide hardware, software and manufacturer warranty and support services that include infrastructure implementation plan services of Local Area Network (LAN), Wide Area Network (WAN), Security, Data Infrastructure (Servers, Backup, SAN, etc.) Storage Area Network (SAN), Voice, Wireless, and Power/UPS with Intermediate Distribution Frame (IDF)/ Main Distribution Frame (MDF) Considerations for the Commission and the Housing Authority.

A. Announcement

The solicitation Notice was posted on the Commission website and the County WebVen for 15 days.

B. Distribution of Notices

The complete RFP packet was posted on the Commission and County's WebVen website, and available for download by the public. The Commission's vendor list was used to email out notices to six commodity contractors and the County of Los Angeles WebVen website was used to notify 5 commodity vendors.

C. Proposal Results

On May 10, 2012, two proposals were received. One proposal did not meet the minimum requirements and was not considered for further review. One proposal was forwarded to the three-member evaluation committee for further review. The evaluation committee used the "informed averaged" scoring methodology using a 1,000 points system as established in the solicitation package. The evaluation criteria consisted of qualifications (background, experience, references, etc.), approach to providing the services, Section 3 and costs. The final evaluation result was as follows:

Rankings	Evaluation/Final Score
Epoch Universal, Inc.	978

Epoch Universal, Inc. is being recommended for Contract award based on the evaluation criteria set forth in the RFP.

D. Minority/Women Participation – Selected Agency

<u>Name</u>	<u>Ownership</u>	<u>Employees</u>
Epoch Universal, Inc.	Woman-owned	Total: 24 5 (21%) Minorities 19 (79%) Non-Minority 6 (25%) Women

The Commission conducts ongoing outreach to encourage participation by minorities and women in the contract award process, including: providing information at local and national conferences, expos and vendor fairs, and mailing information to associations representing minorities and women. The above information has been voluntarily provided to the Commission.

The recommended award of Contract is being made in accordance with the Commission's policies and federal regulations, and without regard to race, creed, color, or gender.



RICHARD SANCHEZ
CHIEF INFORMATION OFFICER

Office of the CIO
CIO Analysis

NUMBER: CA 12-12	DATE: 5/30/2012
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SUBJECT: Contract and Capital Lease for Data Migration and Data Center Implementation Plan Services	
RECOMMENDATION: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with modification <input type="checkbox"/> Disapprove	
CONTRACT TYPE: <input checked="" type="checkbox"/> New contract <input type="checkbox"/> Sole Source <input type="checkbox"/> Amendment to Contract #: <input type="checkbox"/> Other:	
CONTRACT COMPONENTS: <input checked="" type="checkbox"/> Software <input checked="" type="checkbox"/> Hardware <input checked="" type="checkbox"/> Telecommunications <input checked="" type="checkbox"/> Professional Services	
SUMMARY: Department executive sponsor: Sean Rogan, Executive Director Description: Community Development Commission (CDC) is requesting authorization to execute a contract with Epoch Universal Inc. (Epoch) to: 1) set up a data center at CDC's new Alhambra headquarters, including networking, wireless and voice communications, data storage and security; and 2) to transfer existing applications, data and some infrastructure from CDC's three current administrative offices to the new data center. Also, CDC is requesting authorization to execute a capital lease to finance the contract. Contract amount: \$3,764,722 Funding source: Department budget <input type="checkbox"/> Legislative or regulatory mandate <input checked="" type="checkbox"/> Subvened/Grant funded: Federally funded	

Strategic and business analysis	PROJECT GOALS AND OBJECTIVES: Migrate all existing CDC systems and applications and support opening of new headquarters on schedule without interruption to business operations.
	BUSINESS DRIVERS: The Board previously approved the construction of a new headquarters facility. The data center in the new headquarters is needed due to the relocation from 3 existing administrative offices.

PROJECT ORGANIZATION:

The Executive Director is the project sponsor. The Manager of Information Technology is responsible for the data center migration. The data center migration is part of the project management structure responsible for the development and opening of the new consolidated headquarters building.

PERFORMANCE METRICS:

The data migration and data center implementation project is scheduled to be completed in September 2012 to allow CDC to move into its new headquarters which is planned for August 2012.

STRATEGIC AND BUSINESS ALIGNMENT:

Support the business objective of a single headquarters building, which will improve CDC's service delivery capabilities. The project seeks minimal impact to CDC's operations and uninterrupted full service capabilities to constituents and stakeholders. The project scope includes all departmental applications, data center hardware, networking infrastructure and telephony to support all CDC sites.

PROJECT APPROACH:

Data migration and data center implementation is part of the headquarters building construction project. Epoch is providing all hardware and associated services. The IT components include Cisco networking and data center systems, which are consistent with County standards, and ShoreTel telephony. CDC originally issued an RFI in December 2011 for design and installation services. As a result, 2 RFPs were issued. The first RFP for network design resulted in the selection of Epoch in February 2012 from among 7 proposers. A second RFP for Data Migration and Data Center Implementation Plan Service, which was not related to the result of the first RFP, was issued in April 2012 and in May 2012. Epoch was also selected from among 2 proposers. This project represents the scope of work for the second RFP.

ALTERNATIVES ANALYZED:

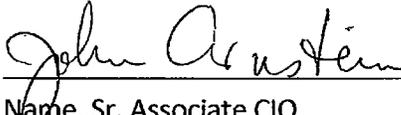
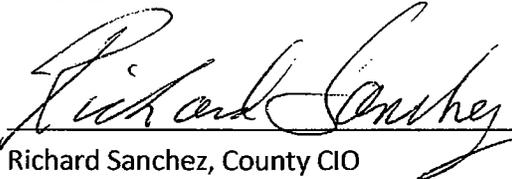
There was a thorough and extensive RFP process exercised on this project. CDC reviewed multiple design options before a design for implementation was decided.

<p>Technical analysis</p>	<p>ANALYSIS OF PROPOSED IT SOLUTION:</p> <p>Epoch is a Cisco Gold Certified Partner. This project meets or exceeds Cisco best practice security requirements and Epoch is certified in Cisco topics including Advanced Security, Advanced Wireless Specialization, Advanced Data Center Networking, as well as Advanced Routing & Switching Specialist. Cisco is the County's enterprise IT standard for local area networking.</p> <p>CDC will finalize its requirements for a backup generator for the new headquarters facility and is expected to bring a subsequent contract for that equipment to the Board shortly. The anticipated cost for the generator is \$150,000 - \$250,000.</p>
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Financial analysis

BUDGET:	
Contract costs	
One-time costs:	
Hardware	\$ 2,469,384
Software.....	\$ Included in hardware
Services	\$ 813,022
Ongoing annual costs:	
Hardware	\$ 206,317
Software.....	\$ Included in hardware
Services	\$ 276,000
Sub-total Contract Costs:	\$ 3,764,722
Other County costs:	
One-time costs:	
Hardware	\$ 0
Software.....	\$ 0
Services (ISD)	\$ 0
County staff (existing).....	\$ 0
County staff (net new).....	\$ 0
Sub-total one-time County costs:	\$ 0
Ongoing annual costs:	
Hardware	\$ 0
Software.....	\$ 0
Services (ISD).....	\$ 0
Services (Contractor)	\$ 0
County staff (existing).....	\$ 0
County staff (net new).....	\$ 0
Sub-total ongoing County costs:	\$ 0
Total one-time costs:	\$ 3,764,722
Total ongoing annual costs:	\$ 482,317 (after Year 1)

The Sub-total Contract Costs of \$3,764,722 shown above includes the first year of hardware/software maintenance and the first year of voice/data service. Total ongoing annual costs of \$482,317 after Year 1 include optional annual hardware/software maintenance of \$206,317 for 4 years, and annual voice/data service of \$276,000. As noted in its Board Letter, CDC plans to use a combination of program funding (FY 2011-12 and 2012-13) and lease financing to fund this project.

<p>Risk analysis</p>	<p>RISK MITIGATION:</p> <p>This is a full migration of all servers and infrastructure within the CDC network. There is inherent risk with a project of this scope. Identified risks include:</p> <ol style="list-style-type: none"> 1. Possible hardware or software failure. 2. Possible facility or HVAC issues 3. Possible IDF, UPS, or CCTV (Security) issues <p>Mitigation plans and checklists for these items have been established and will continue to be addressed as the project phases are implemented.</p> <p>The Chief Information Security Officer (CISO) has reviewed the Contract and did not identify any IT security or privacy related issues.</p>
<p>CIO Approval</p>	<p>PREPARED BY:</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> <p>Name, Sr. Associate CIO</p> </div> <div style="text-align: center;"> <p><u>5-31-2012</u></p> <hr/> <p>Date</p> </div> </div> <p>APPROVED:</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> <p>Richard Sanchez, County CIO</p> </div> <div style="text-align: center;"> <p><u>5-31-12</u></p> <hr/> <p>Date</p> </div> </div>

Please contact the Office of the CIO (213.253.5600 or info@cio.lacounty.gov) for questions concerning this CIO Analysis. This document is also available online at <http://ciointranet.lacounty.gov/>

June 26, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AMENDMENT NUMBER ONE TO
MASTER SERVICES AGREEMENT WITH OPEN TEXT, INC.
(Formally GLOBAL 360, INC. #77037)
(ALL SUPERVISORIAL DISTRICTS – 3 VOTES)**

SUBJECT:

Request approval of Amendment One to County Master Services Agreement Number 77037 with Open Text, Inc. to: (1) to recognize Open Text, Inc. as the successor-in-interest to Global 360, Inc. and to confirm that Open Text, Inc. assumes all obligations under the Agreement; and (2) to exercise the first two-year option, extending the Agreement term from July 7, 2012 to July 6, 2014.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chairman of the Board to sign Amendment Number One to County Master Services Agreement Number 77037 with Open Text, Inc.: (1) to recognize Open Text, Inc. as the successor-in-interest to Global 360, Inc. and to confirm that Open Text, Inc. assumes all obligations under the Agreement; and (2) to exercise the first two-year option, extending the Agreement term from July 7, 2012 to July 6, 2014.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Chief Information Office (CIO) administers the County's Master Services Agreement Number 77037 (MSA) with Open Text Inc. (OpenText), which provides County justice

departments, who have made significant investments in OpenText enterprise content management software (ECM) products, with professional and consulting services to implement and enhance their ECM systems.

The proposed Amendment to the County's MSA with OpenText addresses two issues. First, it formally recognizes Open Text as the successor-in-interest to Global 360, Inc. (Global 360) under the MSA. Global 360, merged with and into Open Text on January 3, 2012 with OpenText remaining as corporate entity. This Amendment memorializes that OpenText assume all obligations and responsibilities as the Contractor under the MSA.

Second, it will extend the OpenText MSA term for two years through July 6, 2014, which will provide County justice departments with continued access to OpenText professional and consulting services to support deployments of their products and enhancements to existing systems.

On July 7, 2009, your Board approved the OpenText MSA with an initial three year term and two (2) two-year extensions upon mutual agreement of the parties. The total amount authorized for expenditure under the Open Text MSA is not to exceed \$1,700,000 per year.

Justice department engagements under the OpenText MSA are executed through a Work Order (WO) process. Your Board authorizes all WO's exceeding \$300,000. Since the MSA was established, 12 WO's were issued under the EMC MSA with a total value of \$1,701,243. Currently, the CIO is reviewing one WO for an estimated \$134,400.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports the County's Strategic Plan Goal Number 3: Organizational Effectiveness. The MSA offers the flexibility necessary to justice departmental needs while providing a structure for acquiring desired services through a streamlined acquisition process that is standard across the entire enterprise.

FISCAL IMPACT/FINANCING

By approving this proposed Amendment Number One, County justice departments will continue acquiring services under Work Orders, which govern the terms and conditions set forth in the MSA. Funding will continue to be obtained from departmental budgets. The administrative provisions of the MSA require confirmation that funding is available before each individual Work Order is executed.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Honorable Board of Supervisors
June 4, 2012
Page 3

Effective as of (1) December 16, 2011, Global 360 converted from a Texas corporation to a Delaware corporation; (2) December 30, 2011, Global 360 (a) converted from a Delaware corporation to a Delaware limited liability company and (b) changed its name from "Global 360, Inc." to "Global 360, LLC"; and (3) January 3, 2012, Global 360, merged with and into Open Text, with Open Text, remaining as the resulting corporate entity and current party to the MSA (the transactions described in clauses (1) through (3) are collectively referred to as the Transaction). The CIO has conducted due diligence with respect to this Transaction as described under your Board's Policy No. 5.053 (Evaluation of Vendors/Contractors Engaged in Mergers or Acquisitions) and believes that it is the best interests of the County that the County continue its contractual relationship with Open Text. Therefore, the proposed Amendment Number One will also recognize Open Text as the successor-in-interest to Global 360 under MSA and will confirm that Open Text assumes all obligations of Global 360 under the MSA.

The proposed Amendment adds the County-required contract provision regarding defaulted property tax. It has been approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed Amendment will provide County justice departments with continued access to OpenText professional and consulting services. There will be no impact upon, or interruption of, the current services being provided to these departments by OpenText.

CONCLUSION

Upon approval by your Board, it is requested that the Executive Officer-Clerk of the Board return one adopted copy of the Board letter and three executed copies of Amendment Number One to the CIO for further processing.

Respectfully submitted,

RICHARD SANCHEZ
Chief Information Officer

Attachment (1)

c: Executive Officer, Board of Supervisors
County Counsel

Honorable Board of Supervisors
June 4, 2012
Page 4

Information Systems Commission
IT Board Deputies

June 26, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AMENDMENT NUMBER ONE TO
MASTER SERVICES AGREEMENT WITH EMC COPORATION
(ALL SUPERVISORIAL DISTRICTS – 3 VOTES)**

SUBJECT:

Request approval of Amendment One to County Master Services Agreement Number 77036 with EMC Corporation to exercise the first two-year option, extending the Agreement term from July 7, 2012 to July 6, 2014.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chairman of the Board to sign the attached Amendment Number One to County Master Services Agreement (MSA) Number 77036 with EMC Corporation (EMC) to exercise the first two-year option, extending the Agreement term from July 7, 2012 to July 6, 2014.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Chief Information Office (CIO) administers the County's EMC MSA, which provides County departments with streamlined access to technical and consulting services support the planning, implementation and support for County information systems utilizing EMC's Documentum enterprise content management software – the Board approved standard for this technology. Enterprise content management software enables the capture, storage, preservation, and retrieval of electronic documents and content.

The purpose of this action is to approve a proposed Amendment to the EMC MSA which will extend the term for two years through July 6, 2014. This action will provide County departments with continued access to EMC professional and consulting.

On July 7, 2009, your Board approved the EMC MSA with an initial three year term and two (2) two-year extensions upon mutual agreement of the parties. The total amount authorized for expenditure under the EMC MSA is not to exceed \$5,000,000 per year.

County engagements under the ECM MSA are executed through a Work Order (WO) process. Your Board authorizes all WO's exceeding \$300,000. Since the MSA was established, 27 WO's were issued under the EMC MSA with a total value of \$6,358,666.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports the County's Strategic Plan Goal Number 3: Organizational Effectiveness. The MSA offers the flexibility necessary to meet varied departmental needs while providing a structure for acquiring desired services through a streamlined acquisition process that is standard across the entire enterprise.

FISCAL IMPACT/FINANCING

By approving this proposed Amendment, County departments will continue acquiring services under Work Orders, which govern the terms and conditions set forth in the MSA. Funding will continue to be obtained from departmental budgets. The administrative provisions of the MSA require confirmation that funding is available before each individual Work Order is executed.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed Amendment adds the County-required contract provision regarding defaulted property tax. It has been approved as to form by County Counsel.

IMPACT ON CURENT SERVICES (OR PROJECTS)

The proposed Amendment will provide County departments with continued access to EMC professional and consulting services. There will be no impact upon, or interruption of, the current services being provided to County departments by EMC.

CONCLUSION

Upon approval by your Board, it is requested that the Executive Officer-Clerk of the Board

Honorable Board of Supervisors
June 4, 2012
Page 3

return one (1) adopted copy of the Board letter and three (3) executed copies of Amendment Number One to the CIO for further processing.

Respectfully submitted,

RICHARD SANCHEZ
Chief Information Officer

Attachment (1)

c: Executive Officer, Board of Supervisors
County Counsel
Information Systems Commission
IT Board Deputies

MOTION BY SUPERVISOR DON KNABE

May 15, 2012

The County of Los Angeles is the coordinating entity for countywide response to large scale catastrophes, such as wind storms, wildfires, and earthquakes. To respond effectively during emergencies, County departments must have access to their critical computer programs and data. To ensure that critical departmental computer systems are available in a Countywide or local disaster condition, a back-up computing facility with copies of programs and data is required. This process is usually referred to as "Disaster Recovery" or DR.

Currently, the Internal Services Department (ISD) maintains DR capability for its supported departments through a lease arrangement with Orange County. However, that facility is insufficient to provide DR for all County departments.

A recent Chief Information Office (CIO) survey revealed that some County departments have insufficient DR capability not only for Countywide disasters, but also for local emergencies such as building fires or water leaks. This places County departments at risk to be able to respond during a disaster.

At the same time that the County is evaluating its DR capabilities, technology is expanding beyond traditional bricks-and-mortar infrastructure and providing similar services in a less costly, yet highly secure manner.

The County must be able to provide its vital services to citizens under normal circumstances and especially during disaster conditions. We must prepare our departments to be ready.

- M O R E -

MOTION

MOLINA _____

RIDLEY-THOMAS _____

KNABE _____

ANTONOVICH _____

YAROSLAVSKY _____

I, THEREFORE, MOVE that the Board of Supervisors instruct the Chief Executive Office, in conjunction with the Chief Information Office and Internal Services Department to:

- Report back within 30 days with a preliminary report on a recommended site, cost estimates, expedited project timeline and funding or financing approach to create a Los Angeles County disaster recovery center to be used by all County departments;
- Explore other options outside of constructing a facility, i.e., a “cloud”; analyzing how the County might achieve economies-of-scale, and easier manageability and maintenance, while ensuring a secure environment for the County’s critical data;
- Include in the report operational and energy efficiencies, cost savings and/or cost avoidance associated with the project; and
- Develop directives and policies needed to implement a Los Angeles County Disaster Recovery Center.

#



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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(213) 974-1101
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WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

May 10, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Lisa M. Garrett
Director of Personnel

Subject: **LIVE SCAN FEASIBILITY REPORT**

On February 28, 2012, upon a motion by Supervisor Gloria Molina, your Board directed the Chief Executive Office (CEO) and the Department of Human Resources (DHR) to report on the status of the Live Scan Feasibility Study, along with an implementation plan for conducting Live Scans in the remaining County departments. The Status Report was provided to you on March 14, 2012, as well as an update on the Countywide Live Scan program enhancements.

A draft report on the feasibility study was provided to your offices and on March 16, 2012, the CEO and DHR convened a meeting with your representatives to obtain feedback on the draft. The report has now been finalized and is attached for your review.

CEO and DHR will again convene a meeting with your Board offices to obtain input on the final report and receive further direction on the Live Scan program and policy. Thereafter, a Board letter will be prepared regarding any program changes that require your formal approval.

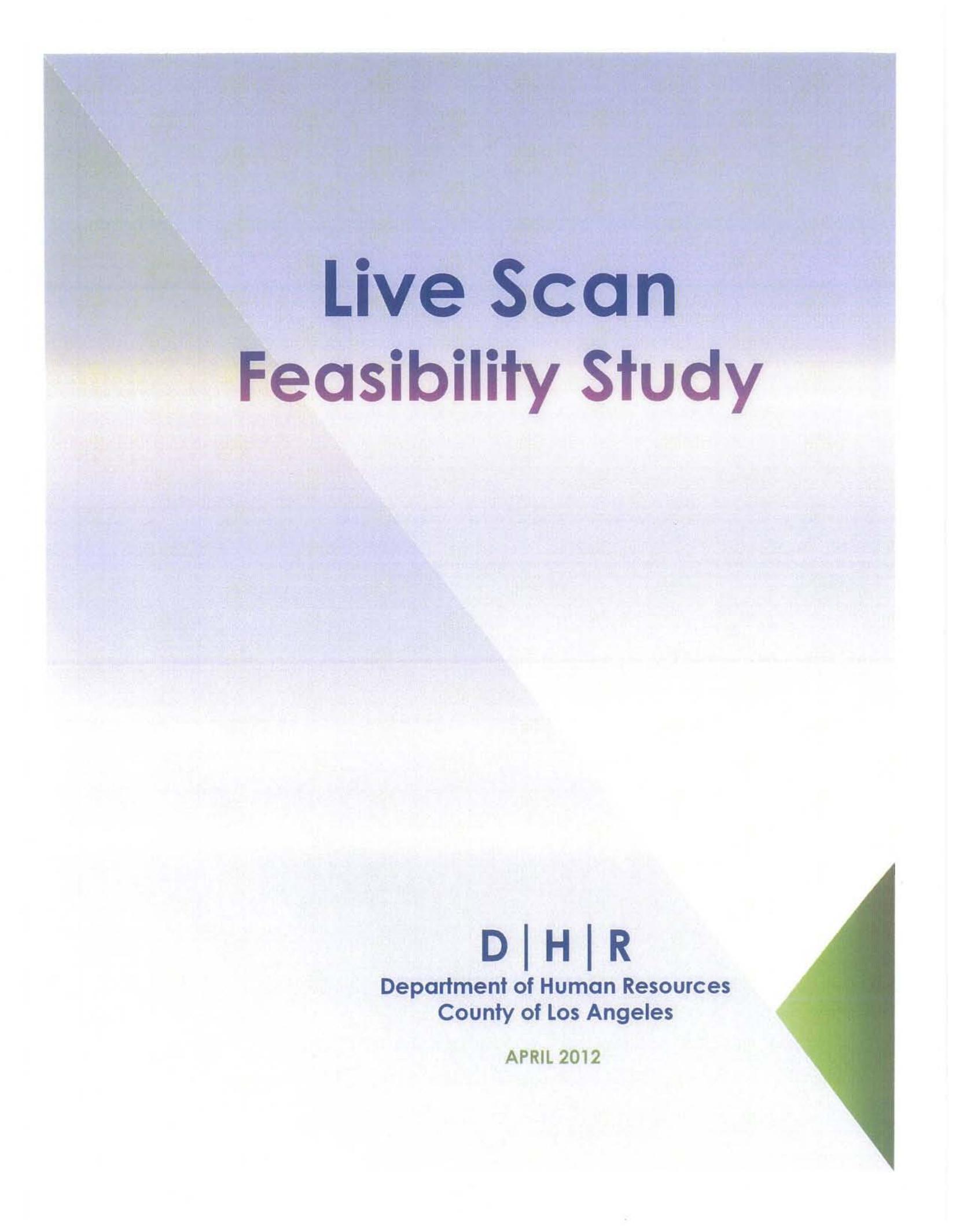
Should you have any questions regarding this matter, please contact Ellen Sandt at (213) 974-1186, or Lisa M. Garrett at (213) 974-2406.

WTF:ES:LMG
SKT:smh

Attachment

"To Enrich Lives Through Effective And Caring Service"

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Live Scan Feasibility Study

D | H | R
Department of Human Resources
County of Los Angeles

APRIL 2012

Live Scan Feasibility Study

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LIVE SCAN FEASIBILITY STUDY

EXECUTIVE SUMMARY

On August 4, 2009, the Los Angeles County Board of Supervisors approved a new resolution that provided the authority to expand current access to State and local summary criminal history information to include access to this information on a federal level for County employees and candidates for employment ([Attachment 1](#)). This information is obtained via the State of California, Department of Justice's automated fingerprinting process known as Live Scan. The Board instructed the Director of Personnel to immediately implement all of the provisions of the new resolution, including federal access, prospectively for the most highly qualified executive recruitment candidates for department head positions and the next two levels down (chief deputy and the assistants/deputies who report to the chief deputy).

For all other employees, the current policy of conducting only a State and local check at the time of their hire and on the occasion of their transfer and promotion was to continue. This level of a criminal background check also applied to volunteers and contract personnel.

The Board further instructed the Director of Personnel to work with the Chief Executive Officer to conduct a feasibility study to consider expanding the background check for these individuals to include the federal-level review. The study was to consider the feasibility of phasing in the implementation of local, State and federal background checks for:

- All current employees, including those who have not transferred or promoted since the Live Scanning policy went into effect in 1998;
- Existing and future contractors; and
- Existing and future volunteers.

Any additional matters relating to the criminal background check program were also to be addressed in the feasibility study (e.g., more clearly defining the type of contractors and volunteers subject to the provisions of the Resolution).

In order to address these issues, several committees were formed comprised of members from central agencies and line departments. The efforts from these groups resulted in changes in policy to ensure the administration of the criminal background check program was comprehensive, legally compliant, more efficient and better met the objective of ensuring employees, volunteers, and contractors in sensitive positions have backgrounds that are compatible with County hiring standards. In addition, the

committees submitted the following recommendations to the Board of Supervisors for consideration:

1. Expand criminal background checks to include federal level review for all current and prospective represented and non-represented employees, certain volunteers and contractors in designated sensitive positions; and implement on a phased basis.
2. Exempt elected officials; volunteers who work less than three days for each event or period of service; and at the discretion of the appointing power, minors 14 years of age and older who work under constant supervision of a permanent County employee. (Minors under 14 are already exempt).
3. Establish that contractor personnel who work within County facilities, or those who possess remote access to medical or criminal information via electronic means, are subject to Live Scan, consistent with existing standards established for sensitive positions working in the County. Unless otherwise required or necessary due to the proximity of the public (e.g., public parks, etc.), background checks would not be required for contract workers in less sensitive areas or assignments.
4. Approve standard language that will be included in all new contract solicitations that sets forth the requirement for a State, local, and federal criminal background check.
5. Delegate authority to the Director of Personnel to evaluate and resolve all requests for exemption from Live Scan and approve if good cause exists (e.g., immediate hiring of disaster service workers during declared emergencies).
6. Establish a Central Live Scan Unit in the Department of Human Resources to provide central coordination of criminal background check policy and practices and to provide Live Scan services for other County departments.
7. Require all designated employees and volunteers to self-disclose (1) any arrests and convictions that occur while employed, within 72 hours of the arrest and/or conviction, and (2) self-disclose all criminal convictions at the time of hire and on an annual basis thereafter.
8. Direct the Chief Executive Officer to consult with the County's labor groups regarding the findings and recommendations from the study.

BACKGROUND

On November 10, 1998, the Los Angeles County Board of Supervisors adopted a resolution in which the Director of Personnel and each appointing authority of the

County was authorized to access State and local summary criminal history information for employment purposes for individuals working in sensitive positions. A sensitive position was defined in the Resolution as any position involving duties which pose a potential threat or risk to the County or to the public when performed by persons who have a criminal history incompatible with those duties, whether those persons are employees of the County or perform those services pursuant to contract. The categories of sensitive positions are as follows:

- Positions that involve the care, oversight, or protection of persons through direct contact with such persons;
- Positions having direct or indirect access to funds or negotiable instruments;
- Positions that require State and/or professional licensing;
- Positions that involve public safety and/or law enforcement;
- Positions that have access to or charge for drugs or narcotics;
- Positions that have access to confidential or classified information including criminal conviction information;
- Positions that involve the care, oversight, or protection of County, public, or private property.

On November 25, 1998, the Department of Human Resources (DHR) issued County policy and procedures that implemented the Board's resolution and provided guidelines on the designation of sensitive positions. The policy was formally reiterated in DHR's Policies, Procedures, and Guidelines No. 514, Designation of Sensitive Positions and Requirements for Criminal History Information, effective November 2, 2007. The policy established standards for determining the types of convictions that warrant withholding of appointment to such sensitive positions. It also established the requirement that the criminal conviction information be obtained through fingerprints submitted to the California Department of Justice (DOJ). The County's general practice has been to use DOJ's Live Scan system for this purpose. Live Scan technology allows digitally scanned fingerprints to be electronically submitted and processed by the DOJ.

In May 2002, the Chief Executive Office (CEO) incorporated security protocols in their Volunteer Program Policy Manual that required a criminal background investigation be completed for all volunteers applying for or assigned to a sensitive position.

On August 4, 2009, the Board of Supervisors approved a new resolution that provided the authority to expand the State and local summary criminal history information to include access to this information on a federal level for employment purposes. At that time, the Board also instructed the immediate implementation of the provision for federal access prospectively for the most highly qualified executive recruitment candidates for department head positions and the next two levels down (chief deputy and the assistants/deputies who report to the chief deputy).

The Board also exempted minor volunteers under the age of 14 and compensated election personnel who work less than three days per election, as approved by the Department of Human Resources.

For all other employees, the existing policy of conducting only a State and local check at the time of their hire and on the occasion of their transfer and promotion was to continue. This level of a criminal background check also applied to volunteers and contract personnel. In addition, the Board directed that a feasibility study be conducted to consider the following:

- Expanding the background check to a federal-level review for employees who are newly hired, promoted and/or transferred; and certain contract personnel and volunteer workers who are newly assigned.
- Phasing in the implementation of local, State and federal background checks for all *current* employees, including those who have not transferred or promoted since the Live Scan policy went into effect in 1998; and *existing* contractors and volunteers.
- Establishing guidelines for when an existing employee can no longer remain on a sensitive position and the County's capacity to make reassignments when needed.
- Identifying the types of contractors and volunteers that are subject to Live Scan.
- Determining the limitations and requirements relating to fingerprinting minors.
- Determining job suitability for workers who are not employees, contractors, or volunteers (e.g., court referrals).

On August 4, 2009, the Board also directed that all appropriate County policies be updated to include the provisions of the new resolution and other related changes approved by them.

On September 15, 2009, the DOJ approved the Board's resolution expanding authority for Los Angeles County to access State, local and federal summary criminal history information for employment purposes ([Attachment 2](#)).

METHODOLOGY

A Live Scan Steering Committee was formed comprised of members from the Chief Executive Office (including CEO Employee Relations), County Counsel, Office of Affirmative Action Compliance, and the Department of Human Resources. The Steering Committee convened weekly to address the Board Order and other administrative issues related to the criminal background check program.

Four sub-committees were formed to address issues unique to the following workforce groups: represented employees, non-represented employees, volunteer workers, and contract personnel. Each subcommittee was specifically charged with addressing the types of workers subject to the criminal background check provisions, providing information to assist in projecting costs for expansion of the program, assessing the feasibility of fingerprinting current staff, determining the phases in which any action will be implemented, and addressing any other issues unique to their group.

All of the committees were instructed to carefully consider several factors, such as potential liability to the County, good personnel practices, and business necessity when formulating their recommendations. In addition, ongoing consultation took place with the DOJ to clarify issues and ensure conformity to their requirements. The County's Chief Information Office was also consulted on information technology issues. Further, meetings and discussions took place with representatives from the Los Angeles Superior Court relating to access to their criminal records; and a Countywide survey of background check practices for contract personnel was conducted.

WORKFORCE GROUPS

REPRESENTED EMPLOYEES

The Represented Employees Subcommittee was comprised of members from CEO Employee Relations, County Counsel, and the Department of Human Resources.

This Subcommittee determined that based on recent updates, departments had designated all positions within each represented classification as "sensitive", with the exception of two student worker positions. Therefore, any permanent or temporary employee with a change in status (hired, transferred or promoted) would be subject to the Live Scan process; and if found to have criminal history, would have a job nexus and employment suitability evaluation.

Currently, there are 61,857¹ represented employees in the County workforce that are considered for this study. Based on previous information reported by departments, 35% or approximately 21,650 of these individuals have never been Live Scanned nor do they have a flag in the DOJ system to notify the County of subsequent arrests and convictions. This is due to the employees being hired before the implementation of Live Scan and never having a qualifying event (promotion or transfer) subsequent to that time. In addition, there were some employees who should have been Live Scanned but were never fingerprinted. As a result, there may be individuals currently in the workforce who have backgrounds incompatible with County standards. Therefore, this

¹ All numbers for current employee populations exclude District Attorney, Probation, and Sheriff as these departments have long-standing comprehensive criminal background check programs that include federal checks for all individuals hired into their departments.

Subcommittee recommends the current population be required to undergo the criminal background check process.

If the recommendation for implementing Live Scan for current employees is approved, union consultation would need to take place prior to implementation as this would be a change to current policy.

Due to the large population of represented employees, the financial impact associated with these actions would be costly and logistically unwieldy. Therefore, the Subcommittee recommends the implementation for current employees be done in phases and prioritized based on the susceptibility of the population served and the potential liability to the County. The Steering Committee suggests the two categories of personnel for priority implementation are:

- Employees with direct care, oversight, and protection of persons; and
- Employees with access to funds or negotiable instruments.

RECOMMENDATIONS Represented Employees

1. Require current and prospective represented employees to undergo the criminal background check process.
2. Consult with employee unions regarding the policy changes.
3. Implement the changes in phases, with priority implementation based on the susceptibility of the population served and high potential for County liability.

NON-REPRESENTED EMPLOYEES

The Non-Represented Employees Subcommittee was comprised of members from the Chief Executive Office, Department of Human Resources and the Internal Services Department.

The Subcommittee determined that currently there are approximately 10,090¹ non-represented employees, all of whom are in designated sensitive positions and subject to a criminal background check at the time of their hire into the County, upon promotion, and/or transfer to a different County department. As reported by departments, some of these individuals have never been fingerprinted. Since many members of the non-represented workforce are managers, supervisors, or employees with job responsibilities in highly-sensitive areas, it is imperative that their backgrounds reflect the integrity of individuals held to a higher standard of conduct. Therefore, the Subcommittee recommends all of the current non-represented employees be required to undergo the criminal background check process. Since they are not represented by an employee union, no further consultation is required for implementation after approval

by the Board of Supervisors. However, it is recommended that the implementation be done in the same phases and priorities established for represented employees.

Included in the non-represented category of employees are elected officials. The Subcommittee is recommending this group be exempted from the criminal background check process. This exemption stems from the fact that these individuals are elected by constituents; therefore, the County does not have the authority to make job suitability determinations.

RECOMMENDATIONS **Non-Represented Employees**

4. Require current and prospective non-represented employees to undergo the criminal background check process.
5. Exempt elected officials from the criminal background check process.

VOLUNTEERS, MINORS, COURT REFERRALS

The Subcommittee that reviewed issues related to volunteers, minors, and court referrals was led by the CEO Countywide Volunteer Coordinator, and was also comprised of members from the Department of Human Resources, Parks and Recreation, Public Health, and Public Library.

Currently, there are 49,663 individuals who perform hours of voluntary services in County departments without compensation for services rendered, except for reimbursement of expenses, reasonable benefits, nominal fees, or a combination thereof.

The program guidelines for volunteers, as well as the need for a criminal background check for those assigned to sensitive positions, were initially covered by Board policy and outlined in the 2002 CAO Volunteer Program Policy Manual. On August 4, 2009, volunteers were included in the new Board resolution. In addition, on that date, the Board exempted minor volunteers under the age of 14. Board Policy No. 9.100 has been updated to reflect the new provisions ([Attachment 3](#)).

The Volunteers Subcommittee recommends that the exemption be expanded to include minors 14 years old and older who work under constant supervision of a permanent County employee, at the discretion of the appointing power. An example of this would be those minors who work at County libraries under adult supervision. However, a check for criminal history would be conducted for any minors 14 and older who are in sensitive positions in which they work more independently or if the appointing authority believes it would be in the best interests of the County to do so. Parental consent would be required for any minors subject to Live Scan.

The Volunteers Subcommittee also recommends that exemption from Live Scan be given to all volunteers who work less than three days for each event or period of service. The Board has already provided this exemption to compensated election personnel who work less than three days. It would not be practicable to fingerprint volunteers who are similarly situated and could negatively impact their availability to perform critical services on a short-term basis.

The Court Referral Program is an alternate sentencing option for Superior, Municipal, Traffic and Juvenile Courts in which community service hours are assigned generally to governmental or non-profit agencies in addition to, or in lieu of, incarceration and/or a fine. The program carefully screens the individuals before assigning them to an agency. Therefore, it is recommended that criminal background checks for these individuals be at the discretion of the hiring authority.

RECOMMENDATIONS Volunteer Workers

6. Exempt all volunteers who work less than three days for each event or period of service.
7. Exempt minor volunteers over the age of 14 who work under constant supervision by a permanent County employee, at the discretion of the appointing power.
8. Require criminal background checks for court referrals at the discretion of the hiring authority.

CONTRACT PERSONNEL

The Contracts Subcommittee was led by the Internal Services Department (ISD) and was also comprised of representatives from the CEO, County Counsel and DHR, as well as several departments with diverse contracting operations including Health Services, Mental Health, Parks and Recreation, Public Works, and Regional Planning.

Survey Results

As part of their review, this Subcommittee conducted a Countywide survey of departments to determine the total number of service contracts and contract workers who performed services for the County. In addition, through survey and discussion, the Subcommittee obtained information on the variety of departmental practices relating to criminal background checks of contract personnel. The results of the survey determined County departments administered more than 5,810 service contracts with more than 55,226 contract workers who performed services to or on behalf of the

County during the indicated period. It was estimated that over 48,784 of those workers performed in sensitive positions as currently defined, of which 24,452 underwent the criminal background check process.

Types of Contractors

Since the 1998 Board resolution, County departments have independently assessed and applied the criminal background check provisions to contract workers within their respective operations. Although departmental practices for conducting contract worker background checks differ, the following generally applies:

1. Departments conduct background checks for contract workers that provide services in sensitive areas, including patient care, mental health facilities and other health and human services, information technology, children and family services, etc.
2. Departments generally do not conduct or require background checks for workers in less sensitive areas, such as:
 - Commodity agreements (e.g., supplies and equipment acquisitions, and deliveries)
 - Office equipment repair services
 - Short term and/or supervised consultant or professional services (e.g., training)
 - Facilities services (e.g., landscaping, pest control, asbestos abatement, and rubbish removal)
 - Construction or Job Order Contracting (JOC).

In addition, some County contractors are required to independently secure criminal background information on employees as a licensing condition of the federal or State government. Examples include healthcare insurance companies such as Anthem Blue Cross and Kaiser Permanente, and State-licensed juvenile group homes.

However, in some instances, the reference to contract workers in the Resolution was interpreted as applying only to temporary agency staffing or registry workers who worked in sensitive positions. For example, in the Departments of Health Services and Mental Health, Live Scan screening was conducted on temporary or registry workers who provide services to patients and clients in County-operated facilities, as though they were members of the County's workforce.

Additionally, there are instances in which departments have agreements to provide services, such as mental health, primary care outpatient visits to uninsured patients, and substance abuse services, at locations other than County-operated facilities. Often, under these agreements, the County, in administering federal and/or State programs, makes payments to the contractors that will later be claimed for federal and/or State

reimbursement. In some cases, although not all, there may be a County share of costs for these programs.

In such instances, requiring criminal background checks for all employees of the contract agencies listed above would represent a substantial undertaking and present several operational issues and hurdles. This includes, among other considerations, the number of criminal background checks that would need to be conducted annually given the staff turnover at the contract agencies.

Therefore, one of the most challenging issues presented to the Contracts Subcommittee was to provide a recommendation to the Board as to the types of contract personnel that should be subject to a criminal background check in order to offer clarity in this regard.

Based on the review by the Subcommittee, it is recommended that the Board establish that contractor personnel that work within County facilities or those that have remote access to medical or criminal information via electronic means would be subject to Live Scan consistent with those existing standards established for sensitive positions.

Background Check Process for Contractors

Currently, County departments have two methods of obtaining criminal background information on contract workers:

- Departments with the infrastructure and resources conduct the Live Scan process internally; or
- Departments require the contractor to secure criminal background information of employees through contracting provisions, and use local law enforcement or private agencies to perform this function.

We recommend no change to this practice as it relates to the fingerprinting of the contract workers. However, it is recommended that the results of the DOJ check be sent to the County department in which the contract worker is being considered for assignment (or other designated County agency). Said County department or agency can then conduct the job suitability review.

Standard Contract Language

During the review, it was determined that contractors cannot be compelled to undergo fingerprinting if that requirement is not included in their contract in which both parties are in agreement. Therefore, in order to ensure the contract agencies are aware of the criminal background check requirement, the Subcommittee recommends standard language be included in all prospective new contract solicitations as follows:

Each of the Contractor's staff performing services under this Contract who is in a designated sensitive position, as determined by County in County's sole discretion, shall undergo and pass a background investigation to the satisfaction of County as a condition of beginning and continuing to perform services under this Contract. Such background investigation must be obtained through fingerprints submitted to the California Department of Justice to include State, local, and federal-level review, which may include, but shall not be limited to, criminal conviction information. The fees associated with the background investigation shall be at the expense of the Contractor, regardless if the member of Contractor's staff passes or fails the background investigation.

RECOMMENDATIONS Contract Personnel

9. Determine that the contract personnel subject to the criminal background check process are those workers who have designated sensitive-position assignments in County facilities or those sensitive positions outside such as remote access to medical and criminal information via electronic means.
10. Unless otherwise required or necessary due to the proximity of the public (e.g., public parks, etc.), department would not conduct or require background checks for contract workers in less sensitive areas or assignments.
11. Require standard language be included in all prospective new contract solicitations that set forth the requirement for a State, local, and federal criminal background check.

LIVE SCAN

EXPANSION OF FEDERAL-LEVEL ACCESS

On September 15, 2009, the California Department of Justice (DOJ) approved the Board's resolution expanding authority for Los Angeles County to access State, local and federal-level criminal history information for employment purposes, pursuant to Penal Code Section 11105.

Subsequent to obtaining DOJ authorization and as approved by the Board, this expanded provision for federal-level review has been implemented for executive-level candidates for employment. All other employees, volunteers, and contract personnel are limited to State and local summary criminal history information, with the exception of employees in the District Attorney's Office, Probation, and Sheriff, which have long-standing background check programs that include the federal-level review.

Many of the individuals employed by the County have previously resided and/or worked in states other than California. In addition, there are some part-time workers and contract personnel who currently reside and/or work in other states. As a result, it is highly possible that criminal convictions may have occurred outside of California in which we are unaware due to the current limitation to State and local information. Therefore, in order to ensure a comprehensive criminal background check is obtained, it is recommended that it be expanded to the federal-level for all potential and current employees, volunteers, and contract workers who work in sensitive positions and are subject to Live Scan. Consultation with labor unions will need to take place prior to implementation for future and current represented employees.

RECOMMENDATION
Federal-Level Access

12. Expand the criminal background check for all current and prospective employees and designated volunteers and contract personnel in sensitive positions to include a federal-level review.

EXEMPTION FROM LIVE SCAN

Currently, there are no defined provisions for exemption from the Live Scan requirement due to special or emergency circumstances where it may be in the best interests of the service. Therefore, the Steering Committee has recommended that a process be established that in limited situations, exceptions can be made to the requirement for Live Scan or allow for hiring prior to clearance. It is further recommended that the Board delegate authority for the determination of these special exemptions to the Director of Personnel and require that all approved exemptions be reported to the Board on an annual basis.

All requests for exemption will be required to be submitted in writing to the Department of Human Resources and signed by the requesting agency's department head. It must provide specific information as to the basis for the request. Examples of reasons which could be considered include:

- A hiring emergency exists in which life, health or property is in jeopardy, such as disaster services workers hired during declared emergencies.
- One-time only, large-scale projects or assignments where it is impractical to await the results of Live Scan for a large number of workers, such as the 10,000 volunteers hired to administer the vaccine for potential HINI pandemic flu.

- There has been a delay of 60 days or more in receiving Live Scan results and the criminal history clearance has been obtained from a different source approved by the Department of Human Resources.
- A contract agency that independently conducts criminal background checks that meet County hiring standards.
- A unique or unusual circumstance that will justify exemption from the general policy.

Attachment 4 are the draft guidelines and form to be used for the exemption process.

RECOMMENDATION
Exemption from Live-Scan

13. Authorize the Director of Personnel to evaluate and resolve all requests for exemption from Live Scan and approve if good cause exists.
14. Annually report to the Board of Supervisors all exemptions from Live Scan that have been granted for that calendar year.

CENTRAL LIVE SCAN UNIT

The Live Scan Steering Committee determined there is a need for central coordination of the County's criminal background check program. The need for one central unit is even greater as the County expands this program. At the time of the study, fingerprinting services were being provided for departments by three different central agencies, and several different units had responsibility for addressing Live Scan issues, conducting compliance reviews, providing Countywide training, and approving designations of sensitive positions.

It is recommended that the Central Live Scan Unit be located in the Department of Human Resources and given the following responsibilities:

- Provide oversight for the phased implementation of criminal background checks on current employees and the expanded federal-level reviews.
- Fingerprint, forward/receive results and subsequent arrest information, and determine employment suitability as required for all department heads, chief deputy directors, administrative deputies, and departmental human resources managers.

- Provide fingerprinting services to other County departments as needed.
- Access and provide Los Angeles Superior Court records to departments to validate DOJ information regarding arrests and convictions.
- Request annually and maintain sensitive position lists for departments on all employees, volunteers, and contract workers.
- Maintain County policies, conduct training, provide guidance, and respond to questions on Live Scan issues.
- Ensure County practices are consistent with DOJ, Board, and DHR requirements.
- Maintain an updated Countywide inventory of Live Scan equipment.
- Evaluate and respond to all requests for exemptions to the provisions of the Live Scan policy and prepare the annual report of such exemptions to the Board of Supervisors.

RECOMMENDATION
Central Live Scan Unit

15. Establish a Central Live Scan Unit in the Department of Human Resources to provide central coordination of criminal background check policy and practices and to provide Live Scan services for other County departments.

POLICY CHANGES AND EFFICIENCIES

COUNTYWIDE LIVE SCAN AUDIT

On October 28, 2008, the Board directed the Chief Executive Officer to evaluate Countywide compliance with criminal background investigation requirements. In response to the Board order, the CEO assigned this responsibility to the Department of Human Resources. DHR initiated its review in November 2008 to determine Countywide compliance with:

- The 1998 Board Resolution on access to criminal history information for employment in sensitive positions;
- DHR's Policies, Procedures, and Guidelines (PPG) No. 514, *Designation of Sensitive Positions and Requirements for Criminal History Information*; and

- Department of Justice (DOJ) requirements for agencies with access to State and local criminal offender record information.

A standard number of random sample records were identified in each County department for personnel transactions that required a criminal background check on the subject employees. In addition, the personnel records of the staff involved in conducting the background checks were reviewed to ensure their employment and background history were compatible with this assignment. Finally, DHR conducted on-site observations to ensure Live Scan equipment and confidential records were properly secured to prevent unauthorized access.

At the conclusion of each review, an exit meeting was held with department management to discuss review findings and corresponding actions to achieve compliance. DHR requested that each department take such actions within 30 days from the date of the exit meeting. Follow-up reviews were conducted after the 30-day timeframe to ensure the corrective actions had been implemented. At the end of the Countywide audit in July 2009, 82% of the corrective actions had been completed. DHR has continued to follow-up to ensure full compliance. It is recommended that a routine audit be conducted on a biannual basis to further ensure conformity with regulations, confirm sound hiring decisions are made for employees with criminal history, evaluate trends to ensure there is no disparate impact to protected groups, and determine the need for any policy changes. To assist in this process, it is also recommended that an automated tracking system be developed to monitor and document that criminal background checks are consistently conducted as required by policy.

The Countywide Live Scan Review identified a number of areas in which actions were needed immediately to ensure consistency in departmental practices. For example, a standard form was developed to standardize the process for analyzing criminal history to determine job suitability. In addition, four training sessions, in which representatives from 36 County departments attended, were held that provided information on the DOJ and County policy requirements, documentation of the criminal history review, and retention and security of related records.

Some of the other recommendations from the Countywide Live Scan Audit were examined as part of this feasibility study and are discussed in other sections of this report (e.g., policy changes, better access to Court records, establishment of a central Live Scan unit, etc.).

In addition to the Countywide review, in June 2009, a survey was conducted of the top 10 California counties (nine responded), the City of Los Angeles and three out-of-state agencies. Following are the findings.

Counties

- Eight of the nine counties utilized Live Scan (Alameda, Contra Costa, Fresno, Riverside, Sacramento, San Bernardino, San Diego, and Santa Clara)
- Five of the nine counties Live Scan all employees (Alameda, Riverside, San Bernardino, San Diego, and Ventura)
- One of the nine counties conducts an FBI check (San Diego)
- The practice of Live Scan for contractors, volunteers, minors or court referrals varied by county and was based on the appointing authority's request
- Live Scan practices based on type of personnel transactions (new hires, promotions, transfers) varied
- Two counties centralized their criminal background check process (Alameda and Riverside)

City of Los Angeles

- The City utilizes Live Scan to conduct criminal background checks
- Live Scan is left to the discretion of the hiring authority
- The City does not request FBI checks for all positions
- Live Scan is a centralized function

Out-of-State Agencies

- Two agencies utilize fingerprints to obtain criminal background history and conduct FBI checks (Miami-Dade County, Florida and New York City, New York)
- The obtaining of criminal history by position and employee transaction varied by agency
- One agency centralized the fingerprinting process (Harris County, Texas)

There are no additional recommendations to modify Los Angeles County's criminal background check based on the survey results of other governmental agencies,

RECOMMENDATIONS **Countywide Live Scan Audits**

16. Conduct biannual review of departmental compliance with DOJ and County regulations for criminal background checks.

17. Develop an automated tracking system to monitor and document criminal background checks are consistently conducted as required by policy.²

POLICY CHANGES

Following the November 10, 1998 Board adoption of the resolution on criminal background checks, on November 25, 1998 the Department of Human Resources issued a memorandum to each department head that provided guidance and policy for the designation of sensitive positions and the requirements for criminal history information. On November 2, 2007 these instructions were reissued as DHR's Policies, Procedures, and Guidelines (PPG) No. 514. It has been determined at this time that the definition and categories of sensitive positions should remain the same. The 2008-09 Countywide Live Scan Review and the review conducted by the Steering Committee as part of this feasibility study resulted in several recommendations for changes to the criminal background process and other policy areas.

Currently, the policy requires that a criminal background check be conducted on all new hires, present County employees who transfer or are promoted to sensitive positions, and contract personnel in sensitive positions. (The August 4, 2009 Board resolution added volunteer workers who work in sensitive positions to this list.) The recommendations for contract personnel and volunteer workers are discussed in different sections of this report. Below are the recommendations for employee transactions.

New Hires – No change is recommended for this group. However, it should be clarified in the policy that this requirement applies to reinstatements and other types of rehires.

Transfers – There has been some confusion in the interpretation of who falls within this category. Therefore, it is recommended that it be clarified in the policy as referring to the interdepartmental transfer of an employee from a position in one department to another position in a different department pursuant to Civil Service Rule 15.02.

Promotions – The current policy has been costly and resulted in unnecessary redundancy for those individuals who are promoted within the same department. We have confirmed that all departments have an agreement with the DOJ to provide subsequent arrest and conviction information on individuals active in their system; hence, there is no additional value added or information learned from fingerprinting an employee who has already been fingerprinted in their current

² Effective April 12, 2012, this recommendation was met by the new on-boarding personnel processing feature in eHR, which allows for the recording of each step of the Live Scan review process and maintains the Live Scan completion date in the system for record keeping purposes.

department. Therefore, it is recommended that the policy be modified to only require a criminal background check on promoted employees who have not been previously fingerprinted in the promoting department and/or do not have an active record with the DOJ in said department.

DOJ Requirements

In the Countywide Live Scan Review, it was determined that some of the DOJ requirements, especially those related to who can review the DOJ results, inactivating requests for subsequent hits, and recordkeeping protocols, were not known or being followed. It is recommended that this information be added to the policy to ensure compliance with the Department of Justice regulations.

Disclosure of Dismissed Convictions

There is a related DHR policy, PPG No. 120, Sealed Records and Convictions Protected from Disclosure by Valid Court Orders, which should be consolidated into the criminal background check policy. PPG 120 indicates juvenile convictions that have been vacated by any applicable code provisions or valid court orders do not have to be reported. It also indicates criminal convictions as an adult that have been set aside, dismissed and/or pardoned pursuant to Penal Code Section 1203.4 do not have to be reported. However, County Counsel has advised that the County may, if it so chooses, ask for disclosure of *felony* convictions dismissed or set aside pursuant to Penal Code Section 1203.4 in determining whether an individual is suitable to hold, in an ongoing or permanent capacity, a public office or a position exercising the sovereign duties of a public officer. For all other persons seeking employment, the County may request disclosure of felony convictions; however, it may not rely on the fact of the conviction as a disqualifying factor for employment. In those cases, the County may conduct an independent investigation into the facts underlying the conviction and make appropriate decisions in view of its independent findings.

We are recommending that the County modify the policy and exercise its authority to obtain and use this information as specifically allowed in the Code. This will further ensure the County is evaluating all available information regarding an applicant's criminal history, if any, in making sound hiring decisions.

A draft of the revised policy that reflects all of the recommended changes is attached ([Attachment 5](#)). The CEO Employee Relations Division and DHR will consult with the County labor unions prior to the implementation of changes to the Live Scan policy that may affect the represented employee groups.

RECOMMENDATION Policy Updates

18. Modify DHR PPG No. 514 to:
 - clarify Live Scan requirements for new hires includes all reinstatements and rehires, transfers refer to interdepartmental transfers, and promotions refer to employees who have not been previously fingerprinted and/or have active DOJ records in the promoting department
 - add information regarding DOJ regulations for Live Scan usage
 - consolidate PPG No. 120 provisions regarding "Sealed Records and Convictions Protected from Disclosure by Valid Court Orders."

19. Require all employees and candidates for County employment to disclose felony convictions dismissed under Penal Code Section 1203.4, which will only be used for the purpose of conducting independent investigations to determine their job suitability.

SELF-DISCLOSURE OF ARRESTS AND CONVICTIONS

The County's Employment Application requests information regarding a job applicant's record of criminal history as part of the examination process. This information is not officially required to be disclosed at any other time, unless by departmental policy or practice. Since job applications are maintained with examination materials and cannot be placed in official personnel folders, a County practice exercised by some departments is to require employees, at the time of new hire orientation or prior to promotion, to complete a personal information sheet in which disclosure of any criminal history is requested. However, it has been determined that not all departments utilize this practice and the language used in requesting this information varies among departments. It is recommended that a standardized form be developed to capture this and other personal information prior to an employee's appointment to a new position or one in which a criminal background check is required. A draft Candidate Information Sheet is attached for consideration ([Attachment 6](#)).

This will partially address the gap in obtaining information regarding an employee's criminal history. However, the completion of a Candidate Information Sheet is only triggered by action on the part of an individual seeking a new or different position. There are a significant number of employees who were hired prior to the implementation of the criminal background check program who have never sought a promotion or other change in position. Those individuals may have convictions that are incompatible with their current job or with County employment in general. These convictions could have

occurred prior to or while employed with the County. In addition, there are employees who have been arrested and going through the court process where the nature of the arrest requires precautionary measures such as reassignment, ordered absence, or an unpaid leave per Civil Service Rule 18.01 pending the resolution of the court matter. There is no mechanism in place to bring such cases to the attention of County management except in a limited number of departments (usually the peace officer agencies) that require self-disclosure at the time of the incident. Therefore, it is recommended that an ordinance compelling employees provide that information be implemented ([Attachment 7](#)).

The ordinance and related policy would require employees and volunteers to notify their human resources office within 72 hours of an occurrence of an arrest or conviction. (This requirement would not apply to contract personnel except through specific provisions in their contract.) In addition to the 72 hour reporting requirement, this information would be collected on an annual basis similar to the reporting of outside employment. Failure to disclose would result in appropriate disciplinary action, up to and including discharge from County service. Upon approval of this concept by the Board, consultation with employee unions will be immediately initiated prior to implementation.

RECOMMENDATIONS
Self-Disclosure of Arrests and Convictions

20. Require employees at the time of hire and when a Live Scan is required to complete a Candidate Information Sheet in which they are required to disclose criminal conviction history.
21. Approve the concept of self-reporting arrests and convictions on an annual basis and within 72 hours of occurrence and implement after consultation with employee unions.

LOS ANGELES SUPERIOR COURT RECORDS

Criminal history information received from the Department of Justice as part of the Live Scan process is considered confidential and can only be used in making hiring decisions. Once the employment decision has been made, this information must be destroyed. It cannot be shared or used in any other capacity (e.g., in administrative hearings if the information is challenged by the employee or used by support staff in documenting the Live Scan results). Also, there have been occasions when the information provided is not accurate. Therefore, on the recommendation of County

Counsel, DHR has required that all DOJ records be verified by court documents, which are public record.

The process of obtaining court records can be time-consuming and delays the hiring process. Usually, a request is made by mail, which can take up to two weeks or more to receive. In Los Angeles, this problem was exacerbated after the Countywide Live Scan Review when the requirement for court records documenting the convictions was implemented. This created a hardship on the Court in meeting the demand, especially for records that had been archived.

DHR consulted with Los Angeles Superior Court management regarding this issue. It was determined that electronic direct access to the Court information would best resolve the issue. The Court then developed a system known as the Data and Document Exchange Service (DDES) that provides that access. This access is limited to Los Angeles Superior Court records. The retrieval of court records for other jurisdictions must be done by mail, Internet, or in person.

A memorandum of understanding with the Court was entered into on August 9, 2010 that allows DHR's use of the DDES system. DHR will provide this service Countywide for departments as one of its service offerings for the Central Live Scan Unit.

RECOMMENDATIONS Court Records

22. Implement the electronic retrieval of Los Angeles Superior Court criminal history records Countywide.

EVALUATION OF NEGATIVE LIVE SCAN RESULTS

Completion of the Live Scan on current County of Los Angeles employees will likely yield instances where a criminal history is discovered. A two-phase approach consistent with existing Live Scan evaluation protocols will be used to evaluate these cases.

Phase I is a job nexus evaluation to determine whether the nature of the conviction presents a conflict with the function performed by the employee or with County employment in general. The Phase I review will include an evaluation of the function performed and whether the employee disclosed the conviction.

Phase II is an evaluation to determine the suitability for employment. The Phase II evaluation will afford the employee the opportunity to provide a written statement regarding his/her conviction(s) and will consider several factors including:

- The seriousness of the offense
- The recency of the last offense
- The extent of the criminal record
- Any evidence of rehabilitation by the employee
- The employee's work history and record of discipline
- Performance evaluations
- The length of employment
- Prior disclosure of the convictions
- Level of responsibility and scope of authority in current position
- Impact on the Department's mission

Completion of the review may result in a variety of different outcomes depending on the individual factors of each case. The range of possible outcomes spans from a determination that the individual's conviction does not have a nexus to his/her employment and no action is necessary to a determination that the combination of factors related to the particular situation makes the individual unsuitable for continued employment. Each of these situations will be handled on a case-by-case basis and in accordance with all County of Los Angeles rules, policies and guidelines.

FISCAL IMPACT/FINANCING

The costs to implement the expansion of the criminal background check program to include federal criminal history and to fingerprint current employees is estimated at \$4.1 million ([Attachment 8](#)). This is based on the DOJ's fees for processing Live Scan requests. It does not include any administrative costs for rolling fingerprints, equipment needed, or new staff that may be required as a result of the expansion of the criminal background check program. The estimated costs related to prospective personnel are limited to the federal criminal background check only because the costs associated with the State and local background check is already accounted for in the departments' existing budgets.

An implementation plan has been developed that allows for a phased-in approach for various categories of personnel, which will spread the costs over a two year period.

The costs related to conducting background checks on contract workers will be assumed by the prospective vendors selected to conduct business with the County. Although it is anticipated that cost increases due to the new requirement is initially assumed by the selected contractor, the increase may ultimately be charged back to the County as part of the total contract cost.

The Board previously set aside \$2.0 million in a General Fund Designation to cover the anticipated costs for fingerprinting current employees in positions involving the direct care, oversight and protection of children. The CEO will work with DHR and affected departments to consider funding the costs incurred by the expansion of the criminal background check program to a federal-level review and to all current employees and volunteers in sensitive positions.

CONCLUSION

In response to the Board of Supervisors' order to conduct a study to determine the feasibility of expanding the County's criminal background check program to include a federal-level review, several committees were established to determine the benefits, costs and impact of such an action. It was found that while there would be a significant financial impact by expanding the program, it is out-weighed by the benefits of conducting a comprehensive screening of potential employees. A nationwide criminal background check could reveal information that would better ensure that the County has exercised its due diligence in determining employee fitness for duty. By further expanding the screening to the current workforce, the County also fulfills its risk management responsibilities in connection with previous employment decisions and reflects efforts to avoid negligent retention situations.

The study also provided an opportunity to reevaluate the County's criminal background check program to determine how it could be more effective and efficient. Several recommendations have been made that would ensure consistent practices are utilized throughout the County and establish comprehensive policies to provide clarity as to legal requirements and appropriate personnel practices.

ATTACHMENT 1

Adopted Board Letter dated August 4, 2009



County of Los Angeles
CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District
MARK RIDLEY-THOMAS
Second District
ZEV YAROSLAVSKY
Third District
DON KNABE
Fourth District
MICHAEL D. ANTONOVICH
Fifth District

July 14, 2009

REVISED

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

19 August 4, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**ACCESSING CRIMINAL HISTORY INFORMATION ON COUNTY EMPLOYEES AND
CANDIDATES FOR EMPLOYMENT WITH THE COUNTY OF LOS ANGELES
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

The recommendation of the Chief Executive Officer (CEO) and the Acting Director of Personnel is to replace the Board Resolution of November 10, 1998 regarding criminal history background checks (Attachment I) with a new resolution (Attachment II) that will provide the authority to expand current access to State and local summary criminal history information to include access to federal-level criminal history information on County employees and candidates for employment with the County of Los Angeles.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve the new resolution (Attachment II) to authorize the Director of Personnel and each appointing authority to access federal, State, and local summary criminal history information for employment purposes.

Instruct the Acting Director of Personnel to:

- a. Immediately implement, on a prospective basis, all the provisions of the resolution, including federal access, for the most highly qualified executive recruitment candidates for department head positions and the next two levels down (Chief Deputies and Assistants/Deputies), as defined in the Charter of the County of Los Angeles Section 33(c) and (i) and update Board and County policy as necessary;

- b. Continue the current criminal background check for State and local summary criminal history information for all other employees, on the occasion of transfers, promotions and new hires; hiring of contract personnel; and volunteers; and conduct a feasibility study to consider expanding such background checks to include federal criminal background checks;
- c. Exempt minor volunteers under the age of 14, and compensated election personnel who work less than three days per election, as approved by the Department of Human Resources and update appropriate County policies; and
- d. Work with the CEO to study the feasibility of phasing in the implementation of local, State and federal criminal background checks for:
 - ~~New hires and~~ All current employees, including those who have not transferred or promoted since the Live Scanning policy went into effect in 1998;
 - Existing and future contractors; and
 - Existing and future volunteers.

PURPOSE /JUSTIFICATION OF RECOMMENDED ACTION

The current Board resolution on accessing criminal history for employment purposes is limited to State and local information. The new resolution will allow access for federal-level information as well. This will allow for a more comprehensive evaluation of the most highly qualified applicants for executive-level positions. Screening the backgrounds of these individuals to determine if they have criminal convictions that are incompatible with the duties of high-level sensitive positions is vital to County operations and public protection. All other Board requirements relating to criminal background checks remain in effect, such as designation of sensitive positions and the standards for determining the types of convictions that warrant withholding of employment or appointment to these positions.

The recommendation to exempt minor volunteers (under age 14) and compensated election personnel who work less than three days per election will resolve issues that came up during the DHR Live Scan audit process. Related Board and County policies will be updated as appropriate.

It is proposed that CEO and Department of Human Resources explore the feasibility of applying the nationwide provisions of the new resolution to existing County staff, volunteers, and contract personnel in phases at a later date. As part of the feasibility study, we will need to meet and confer with all employee unions. Any proposed implementation

Honorable Board of Supervisors
July 14, 2009
Page 3

plan must recognize current budgetary constraints. Such a plan must also include specific provisions to address circumstances where it is determined that an existing employee can no longer stay in a sensitive position and should consider the County's flexibility and capacity to make reassignments as needed. Once those matters have been resolved, we will come back to your Board with the results of the feasibility study.

Recently, the Department of Human Resources conducted a Countywide review of departmental practices relating to criminal background checks in response to your Board's order dated October 28, 2008 (Attachment III). Departments reported that approximately 35% of the current workforce has not been fingerprinted or does not have a "flag" in the Department of Justice system to notify the County of subsequent arrests/convictions. The review identified several issues such as the need to fingerprint current County employees, especially those who provide services to children, the type of contractors and volunteers that are subject to Live Scan, the limitations and requirements relating to fingerprinting minors, and job suitability determinations for court referrals. These issues will also be addressed in the feasibility study.

Implementation of Strategic Plan Goals

The County Strategic Plan directs that we maximize the effectiveness of processes, structure, and operations to support timely delivery of customer-oriented and efficient public services (Goal 1). A comprehensive criminal background check is one of the methods to ensure that the individuals who are entrusted with performing the duties related to this goal have backgrounds that are compatible with County employment. It is especially critical that there be immediate implementation of the resolution's provisions for those individuals who are appointed to executive-level positions and have the responsibility for ensuring this goal is carried out within their organizational units, as they must demonstrate that their conduct, both present and past, reflects the integrity required of a high-level County official.

FISCAL IMPACT/FINANCING

There will be no increase in costs as a result of adoption of this resolution and limiting implementation to the most highly qualified executive-level, unclassified sensitive positions. Funds are budgeted within each County department for this purpose. The fiscal impact for all other sensitive positions will be detailed in the feasibility study that will be submitted at a later date.

FACTS AND PROVISIONS/ LEGAL REQUIREMENTS

On November 10, 1998, your Board authorized the County to access State and local summary criminal history information for employment purposes for persons in sensitive positions, whether those persons are employees of the County or perform services

Honorable Board of Supervisors
July 14, 2009
Page 4

pursuant to contract. However, the County now requires the authority to access that information on a federal basis as many candidates for County employment in executive-level unclassified sensitive positions have resided and worked outside of the state of California and it is essential that a comprehensive nationwide review of their background take place. Penal Code Section 11105(b)(11) authorizes cities, counties and districts to access federal level criminal history information with the express authority of their local governing body, which for the County of Los Angeles is your Board. The attached resolution will provide such express authority.

IMPACT ON CURRENT SERVICES

The recommendations contained herein to expand the current background check program to access federal criminal history information, and to update County policy to immediately implement these provisions for candidates for executive-level unclassified sensitive positions, is designed to strengthen the County's employment practices to ensure that high-level County officials have backgrounds suitable for their employment based on County standards.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:EFS:LMG
SKT:egf

Attachments (3)

c: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF LOS ANGELES DECLARING ITS INTENTION TO PROVIDE FOR THE
ACCESS OF CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT
IN SENSITIVE POSITIONS**

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

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) provide that there be a requirement for or exclusion from employment based on specific criminal conduct by the person who is the subject of the record.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that:

(1) The Director of Personnel and each appointing authority of the County be authorized to access summary criminal history information for employment purposes in such sensitive positions as identified by the Director of Personnel and the appointing authority; and

(2) The County of Los Angeles shall consider as sensitive any position involving duties which pose a potential threat or risk to the County or to the public when performed by persons who have a criminal history incompatible with those duties, whether those persons are employees of the County or perform those services pursuant to contract; and

(3) The County of Los Angeles shall not place a person in a sensitive position if he or she has been convicted of a felony or a misdemeanor; except that such conviction may be disregarded if it is determined that there were mitigating circumstances or that the conviction is not related to the position and poses no threat or risk to the County or to the public.

BE IT FURTHER RESOLVED that each County department shall review and identify its specific sensitive positions. All departments must secure criminal conviction information on candidates being considered for positions within the following categories:

- Positions that involve the care, oversight, or protection of persons through direct contact with such persons.
- Positions having direct or indirect access to funds or negotiable instruments.
- Positions that require state and/or professional licensing.
- Positions that involve public safety and/or law enforcement.
- Positions that have access to or charge for drugs or narcotics.
- Positions that have access to confidential or classified information including criminal conviction information.
- Positions that involve the care, oversight, or protection of County, public, or private property.

Each appointing authority may establish additional categories of sensitive positions, with the approval of the Director of Personnel and of the Affirmative Action Compliance Officer.

Each department's personnel officer shall maintain the list of sensitive positions.

The Director of Personnel and the Affirmative Action Compliance Officer will periodically review this list.

BE IT FURTHER RESOLVED that the following procedures are adopted to safeguard the sensitive and private criminal history information.

The California Administrative Code requires criminal conviction information be released only to those persons with a legitimate need to know and only at the time they require such knowledge. Further, unauthorized disclosure of criminal history information is punishable as a crime. Therefore, each department's personnel officer is designated as the custodian of the information and will be responsible for its security and confidentiality. The personnel officer will establish the following procedures to maintain confidentiality, and may establish such additional procedures as are necessary to implement this policy:

- The information will be maintained under lock and key and will not leave the premises of the personnel office.
- The personnel officer will determine "need to know" and will ensure that only those individuals with a legitimate "need to know" are permitted to review the information.
- The personnel officer will maintain a log containing:
 - The name and title of the individual reviewing the information;
 - The date and time the individual examined the information in the personnel office;
 - The individual "need to know" reason for viewing the information; and,
 - The personnel officer's signature approving the examination of the information.

- All automated systems containing conviction information must be secured to prevent unauthorized access, alteration, deletion, or release of the information.

The foregoing resolution was on the 10th day of November 1990, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



JOANNE STURGES, Executive Officer-
Clerk of the Board of Supervisors
of the County of Los Angeles

By: *Sylvia J. Villalobos*
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By: *Lloyd W. Pellman*
Deputy

Bd2:PC11105.bd

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES**

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

WHEREAS, Penal Code Section 11105(b)(11) authorizes counties 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, licensing, 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 Board of Supervisors of a county to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that: the County of Los Angeles is hereby authorized to access state and federal level summary criminal history information for purposes of

employment (including volunteers and contract workers), and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED that the County of Los Angeles shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract workers), 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 work in question.

The foregoing resolution was on the 4th ^{AUGUST} day of ~~June~~ 2009, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



SACHI A. HAMAI
Executive Officer
Board of Supervisors

By *[Signature]*
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By

[Signature]
LESTER J. TOLNAI
Assistant County Counsel
Executive Office

LJT:mm



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held October 28, 2008, the Board took the following action:

38-C

The following item was called up for consideration:

Report by the Chief Executive Officer on the actions that have been taken to address items established, filled or staffed in the Department of Health Services relating to Criminal Background Investigations.

William T Fujioka, Chief Executive Officer, and Gregory Polk, Manager, Chief Executive Office; Michael J. Henry, Director of Personnel, and Epifanio Peinado, Senior Human Resources Manager, Department of Human Resources; Dr. John F. Schunhoff, Interim Director, James Jones, Administrative Deputy, and Ann Marinovich, Chief of Human Resources, Department of Health Services, responded to questions posed by the Board.

Arnold Sachs addressed the Board.

After discussion, on motion of Supervisor Antonovich, seconded by Supervisor Molina, unanimously carried (Supervisor Knabe being absent), the Board took the following actions:

1. Received and filed the attached report presented by the Director of Personnel, Michael J. Henry; and
2. Directed the Chief Executive Officer to report back in two weeks on the actions that have been taken or will be taken to address the following:
 - Items established in the Department of Health Services (DHS) and items filled or staffed by existing personnel to process criminal background investigations;

(Continued on Page 2)

38-C (Continued)

- Operational procedures established in DHS to ensure compliance with the Board Adopted Resolution, updated on November 2, 2007, on the Designation of Sensitive Positions and Requirements for Criminal History Information. These procedures should include both job nexus determinations and determinations on an employee's suitability for employment (Phase I and Phase II referenced in the Director of Personnel's report);
- Operational procedures established in DHS to ensure appropriate and timely communication with Hospital Chief Executive Officers and Program Directors, or their designees, regarding all determinations and findings regarding employees that require a criminal background investigation. The report should include time frames for processing background investigations;
- Actions that will be taken to evaluate Countywide compliance with criminal background investigation requirements; and
- The disposition and implementation status of the recommendations made by the Director of Personnel.

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Attachment

Copies distributed:

Each Supervisor
Chief Executive Officer
County Counsel
Director of Personnel
Interim Director of Health Services

ATTACHMENT 2

DOJ Approval of Federal-Level Access

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387
SACRAMENTO, CA 94203-3870
Facsimile: (916) 227-0696
Public: (916) 227-2720

September 15, 2009

Steven Hill
County of Los Angeles - HR
500 West Temple Street, Suite 555
Los Angeles, CA 90012

RE: Authorization Approval

Dear Mr. Hill:

Your request to access state and federal criminal history information has been reviewed. Based on the reviews, the County of Los Angeles is authorized access to state and federal level criminal history information for employment purposes pursuant to Penal Code section 11105.

Title 11, Article 1, Section 707 of the California Code of Regulations requires that a criminal record check be conducted on all personnel with access to state summary criminal history information. Therefore, before submitting the fingerprints of applicants for employment please ensure that County of Los Angeles staff that will have access to the information has had the required background check.

If you do not have access to livescan, you may obtain a Live Scan Request Packet at <http://ag.ca.gov/fingerprints/pdf/LiveScanPacketRev06.pdf> and the Subsequent Arrest form at <http://ag.ca.gov/fingerprints/forms/subarr.pdf> Please complete both documents and submit to the address indicated in the livescan packet. Please be aware that there is a \$32.00 and \$19.00 processing fee required for state and federal criminal record checks. If you have any questions, please contact me at (916) 227-2720.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Develey".

NICHOLE DEVELEY, Analyst
Record Security Section
Bureau of Criminal Information and Analysis

For EDMUND G. BROWN JR.
Attorney General

cc: Rosa Longer

ATTACHMENT 3

Board Policy No. 9.100



Los Angeles County
BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
9.100	Volunteer Program Policy	07/30/81

PURPOSE

Establishes a County Volunteer Program that encourages citizens, County employees and County retirees to volunteer their time and talents to public service programs.

Encourages county departments to support and promote voluntarism and volunteer projects as a creative partnership targeting program enhancement, productivity enhancement and image enhancement.

Supports and advocate enabling legislation that promotes volunteer programs in the public sector and supports creation of volunteer incentives and recognition.

Provides a central policy and standardized policy and procedures on volunteer program reporting, insurance, recruitment and recognition.

REFERENCE

July 30, 1981 Board Order, [Synopsis 22](#)

September 29, 1981 Board Order, [Synopsis 10](#)

October 21, 1981 Chief Administrative Office memo, "[Status Report - Board Orders of July 30, 1981 and September 1981 Regarding Employment of County Retirees](#)"

December 2, 1981 Chief Administrative Office memo, "[County Volunteer Programs and the Use of Retired County Employees on a Volunteer or Paid Basis](#)"

January 27, 1982 Chief Administrative Office memo, "[Status Report: The Use of Retired County Employees on a Volunteer Basis and current/Projected Vacancies in County Volunteer Programs](#)"

April 14, 1982 Chief Administrative Office memo, "[Status Report: The Use of Retired County Employees on a Volunteer Basis and Current/Projected Vacancies in County Volunteer Programs](#)"

POLICY

The County Board of Supervisors has approved the establishment of a Countywide Volunteer Program. Department Heads, and Volunteer Program Directors are directed to actively recruit County employees, retirees and citizens, including youth, as volunteers in departmental volunteer programs or special volunteer projects.

A volunteer is defined as an individual who performs hours of voluntary service in a County department for civic, charitable, humanitarian, recreational, health, public safety or general welfare reasons, without promise, expectation or receipt of compensation for service rendered, except for reimbursement of expenses, reasonable benefits, nominal fees or a combination thereof.

Individuals shall be considered volunteers only when their services are offered freely and without pressure of coercion, direct or implied, from the County. Volunteers do not supplant County employees. Volunteers are to assist paid staff in providing service enhancements and/or new services. Volunteers over the age of 14 and those who volunteer more than three days for each event or period of service will be subject to the County's background check process.

Departments should advocate legislation that supports the purpose of County Volunteer Program, voluntarism, public-private volunteer partnerships and volunteer recognition.

RESPONSIBLE DEPARTMENT

Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: October 2, 1997
Review Date: October 18, 2001
Review Date: October 20, 2005
Review Date: October 20, 2010

Sunset Review Date: October 2, 2001
Sunset Review Date: October 2, 2005
Sunset Review Date: October 2, 2010
Sunset Review Date: October 2, 2015

ATTACHMENT 4

Request for Exemption from Live Scan



DEPARTMENT OF HUMAN RESOURCES

REQUESTS FOR EXEMPTION FROM LIVE SCAN

In accordance with the August 4, 2009 resolution by the Board of Supervisors, all employees, contractors and volunteers who are assigned to designated sensitive positions must undergo and complete a Live Scan criminal background check prior to employment, unless specifically exempted. The County of Los Angeles shall not place a person in a sensitive position if he or she has been convicted of a felony or misdemeanor, except that such conviction may not preclude employment if it is determined that there were mitigating circumstances or that the conviction is not related to the position and poses no threat or risk to the County or the public.

The following individuals in sensitive positions are not subject to Live Scan based on County policy:

- Compensated election personnel who work less than three days per election
- All volunteers who work less than three days for each event or period of service
- All minors under the age of 14; and at the discretion of the appointing power, minors 14 years of age or older or court referrals who work under constant supervision by a permanent County employee

In addition, there may be special or emergency circumstances where, in the best interest of the service, exemption from the Live Scan requirement and/or assignment may be considered. The best interest of the service is generally defined on the basis of such considerations as:

- When a hiring emergency exists in which life, health or property is in jeopardy.
- One-time only large-scale projects or assignments where it is impractical to await the results of Live Scan for a large number of workers.
- Where there has been a delay of 60 days or more in receiving Live Scan results and the criminal history clearance has been obtained from a different source approved by the Department of Human Resources.
- Any contractor that independently conducts criminal background checks that are consistent with County hiring standards.
- A unique or unusual circumstance that will justify exemption from the general policy.

Procedures

All requests for an exemption from Live Scan should be submitted in writing by the Department Head to Lisa M. Garrett, Director of Personnel, for review and approval. In addition, an *Exemption from Live Scan Request Form* (see attached) with the signature of the Department Head must be completed as part of the review and approval process.

The *Exemption from Live Scan Request Form* may be obtained by contacting Robert Meyers, head of the DHR Central Live Scan Unit, by telephone at (213) 351-2931 or by electronic mail at rmeyers@hr.lacounty.gov. Completed exemption request forms should be sent to:

Department of Human Resources
Central Live Scan Unit
3333 Wilshire Boulevard, Suite 300
Los Angeles, CA 90010

Upon receipt of an exemption request form, DHR will immediately review the form to ensure the exemption request information is complete and that the reason for the request meets the best interest of the service exemption criteria.

For most requests, which do not require additional information from the requesting department or consultation with County Counsel, a response from DHR can be expected within five (5) business days. The Department will receive the *Exemption from Live Scan Request Form* indicating whether the request is approved by the Director of Personnel.

DHR will maintain copies of all requests from departments for Live Scan exemptions. All exemptions granted by the Director of Personnel will be reported to the Board of Supervisors on an annual basis.

DRAFT

**COUNTY OF LOS ANGELES
DEPARTMENT OF HUMAN RESOURCES
EXEMPTION FROM LIVE SCAN REQUEST FORM**

COUNTY DEPARTMENT INFORMATION

Department: _____ Date of Request: _____
 Address: _____ Telephone: _____
 City: _____ State & Zip Code: _____
 Contact Person: _____
 Department Head Name: _____

ORGANIZATION INFORMATION (IF NOT A COUNTY DEPARTMENT)

Organization Name: _____ Contact Person: _____
 Type of Services Provided: _____
 Does the organization conduct criminal background checks prior to appointment? Yes No

Type of criminal background checks conducted by the organization:

	Yes	No		Yes	No
Live Scan	<input type="checkbox"/>	<input type="checkbox"/>	Local check through law enforcement agency	<input type="checkbox"/>	<input type="checkbox"/>
Name Search	<input type="checkbox"/>	<input type="checkbox"/>	Other (explain below):	<input type="checkbox"/>	<input type="checkbox"/>

EXEMPTION REQUEST INFORMATION

Estimated number or name of personnel to be exempted: _____
 Length of assignment: _____
 Location of assignment: _____

Please check the item that best describes the Department's request for the exemption: (Please explain reason below)

- A hiring emergency exists in which life, health or property is in jeopardy.
- One-time only large-scale projects or assignments where it is impractical to await the results of Live Scan for a large number of workers.
- There has been a delay of 60 days or more in receiving Live Scan results and the criminal history clearance has been obtained from a different source approved by the Department of Human Resources.
- Contractor independently conducts criminal background checks that are consistent with County hiring standards.
- A unique or unusual circumstance that justifies exemption from the general policy.

Department's explanation: _____

Department Head Signature

INSTRUCTIONS: Submit this completed form to the following office location:
 Department of Human Resources - Central Live Scan Unit
 3333 Wilshire Blvd., Suite 300, Los Angeles, CA 90010

DEPARTMENT OF HUMAN RESOURCES (DHR use only)

Approved Denied

_____ Date

_____ Director of Personnel Signature

ATTACHMENT 5

DHR Policies, Procedures, and Guidelines No. 514 (revised)



County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

Subject: DESIGNATION OF SENSITIVE POSITIONS AND REQUIREMENTS FOR CRIMINAL HISTORY INFORMATION	Policy Number: 514	Page(s): 1 of 14
	Effective Date: TBD	
	Approved By: /s/	

PURPOSE

The purpose of this policy and procedure is to provide guidelines to line Departments to implement the Resolution adopted by the Board of Supervisors, on August 4, 2009, regarding access of criminal history information in connection with employment in sensitive positions.

BACKGROUND

On November 10, 1998 the Board adopted a resolution allowing the Director of Personnel and each appointing authority to access State and local summary criminal history information for employment purposes for individuals working in sensitive positions.

On November 25, 1998, the Department of Human Resources (DHR) issued County policy and procedures that implemented the Board's resolution and provided guidelines on the designation of sensitive positions. The policy was formally reiterated in DHR Policies, Procedures, and Guidelines No. 514, Designation of Sensitive Positions and Requirements for Criminal History Information, effective November 2, 2007.

On August 4, 2009, the Board approved a new resolution that provided the authority to expand access to summary criminal history information at the State and local level to the federal level for employment purposes (including volunteers and contract personnel).

POLICY

In accordance with the August 4, 2009 Board Resolution, the County of Los Angeles is authorized to access State and federal level summary criminal history information for purposes of employment (including volunteers and contract personnel), from the California Department of Justice (DOJ) and from the United States Federal Bureau of

Investigations (FBI) for all individuals placed in sensitive positions. Fingerprinting for the background check will be conducted using Live Scan to capture and electronically transfer individual's fingerprints to the Department of Justice/FBI.

The County of Los Angeles shall not place a person in a sensitive position if he or she has been convicted of a felony or a misdemeanor; except that such conviction may be disregarded if it is determined that there were mitigating circumstances or that the conviction is not related to the position and poses no threat or risk to the County or to the public; and, the County of Los Angeles shall consider as sensitive any position involving duties which pose a potential threat or risk to the County or to the public when performed by persons who have a criminal history incompatible with those duties, whether those persons are employees of the County or perform those services pursuant to contract.

GUIDELINES

Positions Subject to Background Checks

Criminal history background information should be secured for new hires, re-hires, reinstatements, present County employees who transfer or are promoted to sensitive positions, volunteers, and contract personnel in sensitive positions.

The following may be used as a guide to help determine when employees, applicants, volunteers, or contract personnel must be fingerprinted:

Candidates for unclassified executive positions (Department Head positions and the next two levels down) will have State and federal criminal background checks performed by DHR prior to appointment.

All other current and prospective employees shall undergo the existing criminal background check process for State and local summary criminal history information.

- For promotional appointments, a new Live Scan shall be conducted on employees who have not been previously fingerprinted and/or do not have an active record with DOJ in the promoting Department. If the candidate was previously Live Scanned by the Department, and criminal conviction information was obtained, a re-Live Scan may be necessary.
- For interdepartmental transfers, a new Live Scan of the employee shall be conducted, in order for the new Department to receive *Subsequent Arrest Notifications*. (An interdepartmental transfer refers to the change of an employee from a position in one department to another position in a different department pursuant to Civil Service Rule 15.02.)

- For intradepartmental reassignments, the employee does not have to be re-Live Scanned. However, the Department must conduct a new evaluation of the employee's criminal history, to determine job suitability by comparing the nature of the offense(s) in relation to the duties of the new position.
- Recurrent employees not on a reemployment list shall be Live Scanned; including temporary recurrent employees who work for the County on an ongoing basis.
- Volunteers and contract personnel subject to the criminal background check process, including the need to be Live Scanned, are those who have sensitive-position assignments in County facilities or sensitive positions outside, such as positions having remote access to medical and criminal information via electronic means.
- Volunteers and contract personnel who do not fall into designated sensitive positions may not have to be Live Scanned, unless otherwise required or necessary due to the proximity of the public (e.g. public parks, etc.). Such non-sensitive positions may include contracts that relate to commodity agreements (e.g. supplies and equipment acquisitions, and deliveries), office equipment repair, short term and/or supervised consultant or professional services (e.g. training), construction or Job Order Contracting (JOC), and facilities services (e.g. landscaping, pest control, asbestos abatement, and rubbish removal).

Exempt Positions:

- Minor volunteers over the age of 14 who work under constant supervision by a permanent County employee, at the discretion of the appointing power.
- All volunteers who work less than three (3) days for each event or period of service.

Mandatory Criminal History Information Request – Sensitive Positions

All Departments must secure criminal history information on likely candidates for employment positions, volunteers, and contract personnel performing duties, within the following categories:

- Positions that involve the care, oversight, or protection of persons through direct contact with such persons (e.g. Children's Social Worker, Home Nursing Attendant, Lifeguard, Juvenile Crew Instructor, Clinic Driver, Deputy Public Guardian, etc.).
- Positions having direct or indirect access to funds or negotiable instruments (e.g., Assistant Deputy Director, Chief Investment Officer, Finance Manager, Portfolio

Manager, Deputy Purchasing Agent, Cashier, etc.).

- Positions that require state and/or professional licensing (e.g., Attorney, Physician, Registered Nurse, Certified Public Accountant, Pharmacist, Physical Therapist, etc.).
- Positions that involve public safety and/or law enforcement (e.g., Deputy Sheriff, Safety Police Officer, Probation Officer, Public Health Investigator, Environmental Health Specialist, etc.).
- Positions that have access to or charge for drugs or narcotics (e.g. Pharmacist, Pharmacist Technician, Pharmacy Helper, Physician, Registered Nurse, etc.).
- Positions that have access to confidential or classified information including criminal conviction information (e.g. Departmental Human Resources Manager, Welfare Fraud Investigator, Psychiatric Social Worker, etc.).
- Positions that involve the care, oversight, or protection of County, public, or private property (e.g., Estate Property Custodian, Golf Course Manager, Warehouse Worker, etc.).

Department Options

Each appointing authority may establish additional categories of sensitive positions based on this policy, with the approval of the Director of Personnel.

Potentially Disqualifying Job Related Offenses

The following shows offenses which, under certain conditions, may be incompatible with specific work functions. These lists shall be used as guidelines in determining which criminal offenses are related to the duties of sensitive positions;

1. **Function – Care, Oversight, or Protection of Persons Through Direct Contact with Such Persons**

Robbery	Intoxication	Theft
Embezzlement	Fraud	Forgery
Kidnapping	Manslaughter	Assault
Homicide	Receiving Stolen Property	
Drug or Narcotics Offenses		

Sex Offenses which Involve Victims; e.g., Rape, Child Molestation, etc.

2. **Function – Direct or Indirect Access to Funds or Negotiable Instruments**

Bribery	Robbery	Theft
Fraud	Embezzlement	Forgery
Receiving Stolen Property		

3. Function – Requirement of State and/or Professional Licensing

Violation of any certification or licensing provisions relating to duties of the position in question may also be the basis for disqualification.

4. Function – Public Safety or Law Enforcement

Robbery	Theft	Fraud
Embezzlement	Kidnapping	Assault
Homicide	Intoxication	Forgery
Drug or Narcotics Offenses		

Sex Offenses which Involve Victim; e.g., Rape, Child Molestation, etc.

5. Function – Access to or Charge for Drugs or Narcotics

Robbery	Fraud	Theft
Embezzlement	Forgery	
Drug or Narcotics Offenses		
Receiving Stolen Property		

6. Function – Access to Confidential or Classified Information Including Criminal Conviction Information

Extortion	Robbery	Theft
Fraud	Forgery	Perjury
Receiving Stolen Property		

7. Function – Charge of or Access to County, Public or Private Property

Robbery	Embezzlement	Theft
Receiving Stolen Property		

Hiring Standards

A full disclosure of all criminal convictions is required on the County *Employment Application* and *Candidate Information Sheet*. If the applicant fails to fully complete the conviction information on the *County Employment Application*, the application may be rejected. Failure to disclose convictions will result in the applicant's disqualification from the Civil Service examination.

A criminal history background check will be conducted prior to the effective date of the appointment. The appointment shall be after a job offer is extended to the candidate, contingent upon a successful completion of a background check and medical evaluation. All new or promoted employees, contract personnel, and volunteers may not begin employment until the results of the background check are obtained and reviewed by the appropriate hiring authority.

Persons with criminal convictions may still be placed in a sensitive position for which they qualify and if their previous conviction does not pose a risk. Each case should be individually reviewed and evaluated based on the following criteria:

- The nature of the offense in relation to the duties of the position.
- The seriousness of the offense as evidenced by conditions surrounding the crime and the sentence given. Any extenuating circumstances are to be taken into consideration.
- The recency of the offense.
- The age of the individual at the time the offense and the conviction took place.
- The extent of the individual's criminal record. Was the offense and conviction an isolated incident or does it represent a continuing pattern?
- The evidence and extent of rehabilitation by the applicant.
- The subsequent period of stability (i.e., has the applicant been free from further convictions?).

Steps Involved in Review of Criminal History

Departments shall use the *Application/Criminal History Approval Form*, developed by DHR for details on how to conduct and document job nexus determinations and criminal history reviews.

The following are steps involved in the review of criminal history:

- Request written statements from candidates/employees in regards to convictions.
- Obtain court records for all criminal history information reported on DOJ notifications including Section 1203.4 Penal Code dismissals. Note: Court records do not need to be certified to make job suitability determinations unless the Department plans to take administrative action or an employee challenges an employment decision.
- Review all documents that provide a candidate/employee an opportunity to self

disclose, such as prior *Candidate Information Sheets* and *County Employment Applications*.

- Incorporate departmental and County hiring standards included in policy when making job suitability determination.
- If applicable, send a *Letter of Determination* to current employees upon completing criminal history review and determining suitability for appointment/ongoing employment. Note: A *Letter of Determination* is not considered discipline and should **not** be maintained in the *Official Employee Personnel Folder*.
- For County employees, a review and analysis of the employee's work history should be conducted and the following factors considered:
 - Work history (positive or negative) as documented in the Official Personnel File and/or Area files (e.g., performance evaluations, length of service, prior disciplinary actions, commendations, counseling, etc.)
 - Documented accountability and disclosure(s) on prior *Candidate Information Sheets* and/or *County Employment Applications*
 - Level of responsibility and scope of authority in their current position
 - Impact on the Department's mission and service objectives

Self-Reporting of Arrests and/or Convictions

It is the responsibility of employees and volunteers to report any arrest pending final adjudication or conviction to the Departmental Human Resources Manager within seventy-two (72) hours per County Code Section 5.02.070. Arrest pending final adjudication means an arrest for which the employee or applicant is out on bail or on his or her own recognizance pending trial, pursuant to Labor Code 432.7 (a).

If any conviction or arrest pending final adjudication occurs while the employee, contract personnel, or volunteer is working for the County, the designated departmental representative shall be informed within seventy-two (72) hours. The *Self-Reporting of Arrests and/or Convictions Form* shall be completed and sent to the Departmental Human Resources Manager, as required in the DHR Policies, Procedures, and Guidelines No. 502, Self Reporting of Arrests and/or Convictions. All employees and candidates for County employment are required to disclose felony convictions dismissed under Penal Code Section 1203.4, which will only be used for the purpose of conducting independent investigations to determine their job suitability.

Privacy Issues

Penal Code Sections 11105 and 13300 identify who may have access to criminal history information and under what circumstances it may be released. The California Administrative Code requires criminal conviction information be released only to those persons with a legitimate need to know and only at the time they require such knowledge. Further, unauthorized disclosure of criminal history information is punishable as a crime.

PROCEDURES

All County Departments are required to comply with all California Department of Justice (DOJ) requirements including those outlined within the *Live Scan Subscriber Agreement* form. The *Live Scan Subscriber Agreement* is between the user (County Department) and the DOJ. Criminal conviction information will be obtained through fingerprints submitted to the DOJ.

Criminal Offender Record Information (CORI or ORI) and the information derived from there shall be accessible only to the Custodian of Records and/or hiring authority charged with determining the suitability of the applicant. The CORI may also be reviewed by those individuals who have a "need to know."

Custodian of Records

Pursuant to Penal Code section 11101.2, beginning January 1, 2011, the Department of Justice (DOJ) implemented a confirmation program to process fingerprint-based criminal offender record information background responses on individuals designated by applicant agencies to serve as Custodian of Records. Effective July 1, 2011, no person shall serve as an agency Custodian of Records unless they have been confirmed by the DOJ. For more information about the DOJ Custodian of Records confirmation process, please contact the Department of Human Resources – Central Live Scan Unit.

The Departmental Human Resources Manager as the recipient of the criminal conviction information from the DOJ and FBI must sign the required DOJ *Custodian of Records* form acknowledging an understanding of the CORI security requirements. Upon receipt of criminal conviction information, the Departmental Human Resources Manager will take custody of the information and be responsible for maintaining the security and confidentiality of the information.

All staff receiving access, or in proximity to terminals or fax machines, to background check information obtained from the DOJ and/or FBI must undergo a background check. The Custodian of Records shall ensure the appropriate staff undergo background check and is required to maintain a record/log to verify that all staff who has a role in the Live Scan and criminal history review process has been Live Scanned.

Confidential information received electronically or via mail shall be used solely for the

purpose for which it was requested and shall not be reproduced for secondary dissemination. Retention of criminal history records beyond this time must be based upon documented legal authority and need. All State summary criminal history records obtained for employment purposes should be destroyed by cross-cut shredding, once an employment decision is made.

The Custodian of Records is also responsible for the retention, maintenance, and destruction of all criminal history record information. The Departmental Human Resources Manager shall establish the following procedures to maintain confidentiality, and may establish additional procedures as are necessary to implement this policy:

- Record Security – The information will be maintained under lock and key and will not leave the premises of the human resources office.
- Record Storage – CORI or related background information shall not be filed in the *Official Employee Personnel Folder*. Note: A temporary background file may be generated only as necessary while the background history information is retained for evaluation, until destroyed.
- Record Dissemination – The Departmental Human Resources Manager will determine "need to know" and will ensure that only those individuals with a legitimate "need to know" are permitted to review the information.
- Record Reproduction – CORI is confidential and shall not be reproduced for dissemination.

The Departmental Human Resources Manager will maintain a log containing:

- The name and title of the individual reviewing the information.
- The date and time the individual examined the information in the human resources office.
- The individual "need to know" reason for viewing the information.
- The signature of the Departmental Human Resources Manager approving the examination of the information.
- All automated systems containing conviction information must be secured to prevent unauthorized access, alteration, deletion, or release of the information.

Certified Operators

The Live Scan operator is responsible for confirming the photo identification validity of an applicant and subsequently operating a Live Scan device and/or providing applicant fingerprint services. Every operator providing services on behalf of any County Department shall possess and maintain a valid Fingerprint Roller Certificate issued by DOJ. Operators are also required to complete the DOJ *Security and Disclosure Certification* form to acknowledge the responsibilities of protecting confidential applicant information, and the restrictions concerning the use of such information and the penalties for misuse.

The Department shall maintain a current list of all operators providing fingerprint services. CORI shall be accessible only to the hiring authority charged with determining the suitability for employment of an applicant. The Department is to ensure that operators who function in a primary role or serve as back-up operators are not authorized to receive and/or review CORI or related background information.

Employees Who Access and/or Review DOJ Notifications

All staff with access to CORI must receive training and counseling on the handling of CORI. Recipients of DOJ and/or FBI information are required to maintain confidentiality and only share information with authorized individuals. Staff involved in the Live Scan process must sign *Employment Statement Forms* acknowledging an understanding of the criminal penalties of misuse of the strictly confidential CORI requirements.

In addition to any administrative action, penalties for improper and unauthorized disclosure of background check information may include criminal prosecution as authorized by California Penal Code 11140, 11142, and 11143.

Departments should maintain records of training for certified operators and staff with access to CORI, including confidentiality training.

Review and Handling of Subsequent Arrest Notifications (Arrests vs. Convictions)

The DOJ provides notification for the arrest of any employee, volunteer, or contract personnel whose fingerprints are maintained on file with DOJ. The notification shall consist of a current copy of the State summary criminal history records. The designated departmental representative shall evaluate subsequent arrest notification leading to a conviction for a current employee, volunteer, or contract personnel in a sensitive position, on a case-by-case basis.

Upon receipt of information regarding a conviction and/or arrest pending final adjudication, the designated departmental representative shall evaluate the effect and/or potential effect of the record or arrest of the employee, volunteer, or contract personnel. The Department shall take appropriate action to maximize public safety and minimize potential liability while respecting the rights of the employee, volunteer, or contract personnel. Subsequent arrest

notifications should be handled in the same confidential manner as the initial DOJ notification.

Note: Generally convictions, not arrests, are relevant to a job nexus determination for suitability of employment.

No Longer Interested Notification Process

The DOJ shall be notified immediately, that the Department is no longer interested in subsequent arrest notification/CORI on any employee, volunteer, or contract personnel who transferred or terminated service and/or an applicant disqualified from employment. It is the responsibility of the Department to send timely *No Longer Interest Notification Forms* to DOJ, and to document the date the forms were faxed/mailed to DOJ. Any Department who fails to provide DOJ with timely notification may be denied further subsequent arrest notification service. Failure to notify DOJ is a Penal violation (Penal Code 11105.2 Subsection D).

Additionally, when a Department merges with or 'splits' from another County Department, the outgoing Department must contact DOJ to ensure that subsequent arrest and conviction information regarding the former employees will no longer be sent to the outgoing Department. The incoming Department will then need to prepare DOJ information for the new or transferred employees entering the Department.

The Department shall maintain records that verify the date that *No Longer Interested Notification Forms* were sent to DOJ, for audit compliance purposes.

Information Required on Sensitive Positions

All Departments shall maintain a list of all positions, volunteers and contract personnel designated for criminal conviction background checks for periodic review by DHR.

The following information is required to be submitted annually to the Director of Personnel on all mandatory sensitive positions.

- Listing of all Classifications
- Organizational unit where such positions work
- Documentation regarding prior approval

The following information is required to be on file with the Departmental Human Resources Manager of the Department for each position:

- Title of position
- Duties of position

- Offenses which are incompatible with the responsibilities of the position
- A description of the relationship between the offenses and job performance adequate to justify securing criminal records.

Compliance with these procedures is subject to audit by the California Department of Justice and the DHR. Departments will be assisted by DHR with any questions regarding confidentiality and security of conviction information. Any questions regarding County policy and procedures on placing persons in sensitive positions should be referred to the Central Live Scan Unit.

DEFINITIONS

Applicant Live Scan – a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Fingerprints can be digitized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice.

Background Check – The act of reviewing both confidential and public information to investigate a person or entity's history. Background checks are commonly performed by employers to ensure that: (1) an employee is who he or she says they are, (2) to determine that the individual does not have a damaging history (such as criminal activity) that may reflect poorly on the company, (3) to confirm information that an applicant included on their application for employment.

Criminal Offender Record Information – State summary criminal background information identified through fingerprint submission to the DOJ. It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances.

Live Scan – A computer-based device that allows for the capture of digitized fingerprint images and Applicant data, and the electronic transmission of fingerprint images and data to centralized computers at DOJ.

Summary Criminal History – A list of arrests and convictions provided by DOJ. Information is added to the summary criminal history, any time law enforcement conducts a criminal investigation. The history lists, arrest information such as the date, the charges, and the final disposition (what happened). The history also lists all criminal convictions, including the date of the conviction, the charges, the sentence, and whether the crime was a felony or a misdemeanor.

AUTHORITY

- Penal Code Sections 11105(b)(10)
- Penal Code Section 13300(b)(10)
- November 10, 1998, Resolution of the Board of Supervisors of the County of Los Angeles declaring its intention to provide for the access of criminal history information for employment in sensitive positions
- August 4, 2009, Resolution of the Board of Supervisors of the County of Los Angeles providing authority to expand access to summary criminal history information at the State and local level to the federal level for employment purposes
- DHR Policies, Procedures, and Guidelines No. 502, Self-Reporting of Arrests and/or Convictions

DATE ISSUED/REVIEW DATE

Original Issue Date: Memo issued on November 25, 1998 Revised: October 30, 2008
Review Date: Sunset Date:

ATTACHMENT 6

Candidate Information Sheet

**COUNTY OF LOS ANGELES
CANDIDATE INFORMATION SHEET**

(PLEASE PRINT IN INK)

1. Last Name		First Name		Middle Name	2a. Social Security No.								
					2b. Driver License Number and Expiration date.								
3. Other Name(s) Used					4. Do you have a relative currently employed by the County? Yes <input type="checkbox"/> No <input type="checkbox"/>								
5. Residence – Street Address			City	State, Zip Code									
6. Since (date)			7. Telephone No.										
8. Date of Birth		9. Date Residency Established in California		10. Date Residency Established in Los Angeles County									
11. In Emergency Notify:				12. Telephone No.									
13a. Street Address				13b. City, State, Zip Code									
14a. Military Service in the Armed Forces of the United States			From	To	14b. Serial No.								
14c. Highest Rank or Rating			14d. Branch		14e. Type of Discharge								
14f. Military Service as a Reservist			From	To									
15. Foreign Languages	CHECK			16. Education (Name & Location of School)	Last Grade Completed	Date Completed	Major	Degree or Diploma					
	Read	Write	Speak										
	Spanish								Grammar/High School				
	Other								Other				
Other			Other										
17. Professional or Technical Licenses, Permit, etc. (Write state, county or city in which registered/licensed)													
<p>18a. A full disclosure of all convictions is required. Failure to disclose convictions will result in disqualification. Not all convictions constitute an automatic bar to employment. Factors such as age at the time of the offense(s), and the recency of offense(s) will be taken into account, as well as the relationship between the offense(s) and the job for which you are being appointed. However, any applicant or employee for County employment who has been convicted of worker's compensation fraud is automatically barred from employment with the County of Los Angeles (County Code Section 5.12.110). ANY CONVICTIONS OR COURT RECORDS WHICH ARE EXEMPTED BY A VALID COURT ORDER DO NOT HAVE TO BE INCLUDED.</p> <p>Have you ever been convicted of a misdemeanor or felony in a criminal proceeding or by a military court? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please complete 18b, 18c, 18d, 18e and 18f.</p>													
18b. Offense or Case Name (Provide Penal or other code section if known)					18c. Case Number								
18d. Conviction/Order Date (Month/Day/Year)					18e. Location of the Court (City & State)								
18f. Sentence or Fine													
19. Have you ever been convicted of a crime under a different name? If so, please provide details.													
20. Have you ever worked for the County of Los Angeles under a different name? If so, please provide details.													
21. For County employment you must be either (a) a citizen of the United States of America, or (b) a registered alien with													

ATTACHMENT 7

Self-Reporting of Arrests and Convictions Ordinance

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 5.02.070 is hereby added to read as follows:

Reporting Requirements For Arrests And Convictions Of Employees And Volunteers.

(A) Every person employed in the classified or the unclassified service of the County of Los Angeles as defined in Section 33 of Article IX of the Charter of the County of Los Angeles, other than officers elected by the people, shall immediately and in no event later than seventy-two (72) hours report to his or her appointing power any arrest for which that person is incarcerated, or is out on bail or on his or her own recognizance pending trial. Failure to report an arrest shall be cause for discipline in the classified service, including discharge, or removal from the unclassified service.

(B) Every person employed in the classified or unclassified service of the County of Los Angeles as defined in Section 33 of Article IX of the Charter of the County of Los Angeles, other than officers elected by the people, shall upon appointment and annually thereafter be required to file a report on a form provided by the County disclosing, under penalty of perjury, whether he or she has been convicted of a felony or a misdemeanor. Failure to disclose a conviction, whether or not such conviction was previously disclosed or may be unrelated to the position held with the County or would pose no threat or risk to the County or to the public, shall be cause for discipline in the classified service, including discharge, or removal from the unclassified service. Disclosure is not required if, by operation of State or federal law, the conviction is exempt from disclosure.

(C) The provisions of subdivisions (A) and (B) of this section shall apply equally, to the extent administratively feasible, to any person employed in the classified or unclassified service of the County of Los Angeles on other than a permanent basis, and to any person providing services to the County of Los Angeles without compensation or as a volunteer, in accordance with guidelines issued by the director of human resources.

ATTACHMENT 8

Implementation Plan and Estimated Costs for Live Scan Expansion

**EXPANSION OF CRIMINAL BACKGROUND CHECK PROGRAM
IMPLEMENTATION PLAN AND ESTIMATED COSTS FOR FBI**

Target Start Date	Phase	Category of Personnel	Subcategory	Estimated Number Impacted*	Background Check Fees		Estimated Fingerprinting Costs
					State & Local \$32 per person	Federal \$17 per person	
March 2012	I (DCFS)	Non-rep employees	Current employees in DCFS that have never been live scanned.	71	**	**	**
		Represented employees	Current employees in DCFS that have never been live scanned.	1,857	**	**	**
June 2012	II (DCFS)	Non-rep & Rep employees	Current employees in DCFS that have never had a Federal background check.	3,902	124,864	66,334	191,198
July 2012	III (care of others)	Represented employees	Current employees with direct care, oversight, and protection of persons, excluding employees covered in Phase I and II (Parks, Fire, Library, Mental Health)	10,140	324,480	172,380	496,860
		Non-rep employees	Current employees with direct care, oversight, and protection of persons, excluding DCFS employees (Parks, Fire, Library, Mental Health)	640	20,480	10,880	31,360
August 2012	IV (care of others)	Represented employees	Current employees with direct care, oversight, and protection of persons, excluding employees covered in Phase I – III (Health, Public Health, & all others)	11,000	352,000	187,000	539,000
		Non-rep employees		900	28,800	15,300	44,100
November 2012	V (financial)	Represented employees	Current employees with direct access to funds and/or negotiable instruments, excluding employees covered in previous phases	21,000	672,000	357,000	1,029,000
		Non-rep employees		3,000	96,000	51,000	147,000
January 2013	VI (remaining employees and volunteers)	Represented employees	Current personnel not covered in previous phases	18,000	576,000	306,000	882,000
		Non-rep employees		5,000	160,000	85,000	245,000
		Volunteers		10,000	320,000	170,000	490,000
TOTAL COST					\$2,674,624	\$1,420,894	\$4,095,518

* Numbers exclude elected officials, volunteers who are minors and who work less than 3 days under the age of 14, and the following departments that currently perform state, local, and federal checks for all personnel: District Attorney, Probation and Sheriff.

** The cost of conducting the background for these employees is included in the department's existing budget.