



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

WILLIAM T FUJIOKA  
Chief Executive Officer

**DATE:** January 10, 2013  
**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) **Board Letter - COUNTYWIDE CLASSIFICATION ACTIONS LETTER**  
CEO Class/Comp – Steve Masterson or designee
- B) **Annual Risk Management Report**  
CEO Risk Mgmt. – Steve NyBlom or designee
- C) **Property Tax Agent Registration Ordinance**  
Executive Office, BOS – Sachi Hamai or designee
- D) **Risk Management Presentation**  
Exec. Office, BOS – Sachi Hamai or designee
- E) **Board Letter – EXPANSION OF THE CRIMINAL BACKGROUND CHECK PROGRAM TO INCLUDE RECOMMENDATIONS FROM THE LIVE SCAN FEASIBILITY REPORT**  
DHR – Lisa Garrett or designee
- F) **eCAPS/eHR Update**  
Auditor-Controller – Wendy Watanabe or designee
2. Public Comment
3. Adjournment



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

Board of Supervisors  
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Second District  
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Third District  
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Fourth District  
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Fifth District

January 8, 2013

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

Dear Supervisors:

## COUNTYWIDE CLASSIFICATION ACTIONS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

### **SUBJECT**

This letter and accompanying ordinance will update the tables of classes of positions and departmental staffing provisions by making a technical correction and by reclassifying positions in various County departments.

### **IT IS RECOMMENDED THAT THE BOARD:**

Approve the accompanying ordinance amending Title 6, Salaries, of the County Code to make a technical correction in the Office of the Assessor and to reclassify 11 positions to implement results of classification studies in the departments of the Animal Care and Control, Health Services, Public Library, and Sheriff.

## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Your Board of Supervisors (Board) has requested submission of classification letters on a periodic basis throughout the year to facilitate consideration of classification and compensation recommendations in a timely manner. Approval of these recommendations will provide the ordinance authority for County departments to implement the classification and compensation recommendations in this letter.

These recommendations will ensure the proper classification and compensation of positions based upon the duties and responsibilities assigned to these jobs (Attachment A). This is a primary goal of the County's classification and compensation system. Positions reclassified upward and downward are consistent with the class concepts of the proposed classifications.

We are recommending these actions based upon generally accepted principles of classification and compensation. Furthermore, these actions are important in addressing departmental operational needs and in maintaining consistency in personnel practices throughout the County. The proper classification and compensation of positions facilitates good business operations and can reduce the number of costly personnel-related problems.

### **Reclassifications**

Based upon individual position studies conducted at the request of four (4) departments, we recommend that 11 positions be reclassified (Attachment A). The assigned duties, responsibilities, and/or utilization of these positions have changed since the original allocations were made. The positions are more appropriately classified in the recommended classes.

### **Technical Correction**

We are amending the Assessor's staffing ordinance to correct a reclassification posting error reported to and approved by the Board on October 30, 2012. The action was to reclassify a Information Systems Supervisor I (Item No. 2595) to Principal Application Developer (Item No. 2526), when it should have been reclassified to Principal Network Systems Administrator (Item No. 2561).

### **Implementation of Strategic Plan Goals**

Your Board's approval of the accompanying ordinance is consistent with the County Strategic Plan Goal 1 - Operational Effectiveness. These recommendations are in line with the Human Resources Transformation Strategic Initiative Project, which includes the deletion of specialized classes in an effort to streamline the classification system.

**FISCAL IMPACT/FINANCING**

The projected budgeted annual costs for the 11 positions that will be reclassified is estimated to total \$106,307 (all funds). Net County cost is estimated to be \$14,475. Cost increases associated with the upward reclassification actions will be absorbed within the Board's adopted budget for each affected department. No additional funding is required.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The County Charter authorizes the establishment and maintenance of "a classification plan and the classification of all positions." This responsibility is further delineated in Civil Service Rule 5.

Appropriate notifications have been made to the impacted employee organizations regarding the recommended classification actions. The accompanying ordinance implementing amendments to Title 6, Salaries, of the County Code has been approved as to form by County Counsel.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Your approval of these classification recommendations will enhance the operational effectiveness of the departments through the proper compensation of positions.

Respectfully submitted,

WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:BC:EFS  
SJM:AE:KP:ra

Attachment

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller  
Human Resources  
Affected Departments

**RECOMMENDATIONS FOR POSITION RECLASSIFICATION**

**ANIMAL CARE AND CONTROL**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
1	Intermediate Clerk Item No. 1138A NMV 61L Represented	Intermediate Typist-Clerk Item No. 2214A NMV 62K Represented

The subject position reports to an Animal Control Officer IV and is assigned to the Communication Center/Call Center. It is responsible for receiving telephone calls and responding to public inquiries. These responsibilities include entering data into the department's database used to maintain customer information related to complaints, requests for services (i.e., stray animals and vicious dogs), Board office referrals, and forwarding information to dispatchers for field personnel to respond.

The keyboarding and accuracy required to perform the data entry meets the allocation criteria for Intermediate Typist-Clerk, a class which performs skilled typing work and specialized clerical duties requiring a working knowledge of specialized subject matter as well as specialized clerical functions involved and the use of initiative and judgment with procedural and policy limits. Therefore, we recommend upward reclassification to Intermediate Typist-Clerk.

**HEALTH SERVICES – ADMINISTRATION**

Number of Positions	Present Classification and Salary	Classification Findings and Salary
1	Accountant II Item No. 0647A NM 79D Represented	Staff Analyst, Health Item No. 4593A NM 96D Non-Represented
1	Medical Record Technician II Item No. 1401A NM 70G Represented	Assistant Staff Analyst, Health Services Item No. 4595A NM 92D Non-Represented
1	Administrative Services Manager III Item No. 1004A NM 106B Non-Represented	Senior Staff Analyst, Health Item No. 4594A NM 103E Non-Represented

The subject Accountant II and Medical Record Technician II positions report to a Senior Staff Analyst, Health and are assigned to the Financial Applications, Charge Description Master (CDM) Maintenance and Technical Unit. The positions are responsible for department-wide development, maintenance and support for both business processes and information systems. The duties and responsibilities assigned to these positions meet the Staff Analyst, Health and Assistant Staff Analyst, Health Services allocation criteria, respectively, by providing the analysis and recommendations for operational policies and practices for the CDM department-wide. Therefore, we recommend upward reclassifications to Staff Analyst, Health and Assistant Staff Analyst, Health Services.

The subject Administrative Services Manager III position reports to the Administrative Deputy and is assigned to the Office of Diversity and Cultural Programs, where it supervises staff delivering linguistic services to health care providers and a diverse minority population. Other responsibilities include making recommendations related to the deployment and use of Video Medical Interpreter services within the Department of Health Services. The duties and responsibilities are consistent with the Senior Staff Analyst, Health class, which supervises professional employees in the research, analysis, and prepare recommendations regarding the use and deployment of resources and the implementation and improvement of operations and programs having department-wide impact. Therefore, we recommend downward reclassification to Senior Staff Analyst, Health.

**HEALTH SERVICES – LAC+USC HEALTHCARE NETWORK**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
2	Electroencephalograph Technician I Item No. 5560A NM 72G Represented	Electroencephalograph Technician II Item No. 5561A NM 75H Represented

The subject positions are assigned to the Electroencephalograph (EEG) Unit at LAC+USC Medical Center and report to an Electroencephalograph Technician (EEG) Supervisor. The positions work in conjunction with a multi-disciplinary team for the Comprehensive Epilepsy Program, where they are responsible for performing EEG special procedures as well research studies.

The current class of Electroencephalograph Technician I typically operates equipment in examining rooms, wards, and intensive care units. The position's scope of responsibilities are more consistent with classification standards of the EEG Technician II, a class which performs electroencephalographic special procedures involving newborn, infant, and adult patients that are critically ill or terminal, as well as patients undergoing surgery. Therefore, we recommend upward reclassification to Electroencephalograph Technician II.

**HEALTH SERVICES – METROCARE NETWORK**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
1	Pharmacist Item No. 5512A N4W 103H Represented	Clinical Pharmacist Item No. 5513A N4W 105H Represented

The subject position is assigned to the pharmacy at Harbor/UCLA Medical Center and reports to a Pharmacy Supervisor I. It is responsible for managing patient and medication safety by monitoring medication usage for ambulatory care patients, as well as working closely with management to develop and implement medication safety improvement projects and best practices for the accurate dispensing and administering of medications.

The current class of Pharmacist typically performs screening, clarifying, compounding, and dispensing physicians' medication orders. The position's scope of responsibilities are more consistent with classification standards of the Clinical Pharmacist, a class which works closely with healthcare providers and other medical personnel in monitoring, developing, recommending and establishing drug therapy treatment plans which are an integral part of the medical treatment and medical needs of the patients. Therefore, we recommend upward reclassification to Clinical Pharmacist.

**HEALTH SERVICES – RANCHO LOS AMIGOS NATIONAL REHABILITATION CENTER**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
1	Audiologist I Item No. 5894A NM 90B Represented	Audiologist II Item No. 5896A NM 96E Represented
1	Warehouse Worker I Item No. 2331A NM 67G Represented	Procurement Aid Item No. 2343A NM 68D Represented

The subject Audiologist I position is assigned to the Audiology Unit and reports to a Chief, Communication Disorders, Rancho. It is responsible for providing audiology direct patient care and audiology services involving case management and development of care plans. Whereas Audiologist I positions typically provide basic audiological services to patients in a range of patient care settings, this position's scope of responsibilities meets the definition for Audiologist II, which provides professional services for comprehensive aural rehabilitation case management or program development. Therefore we recommend upward reclassification to Audiologist II.

The subject Warehouse Worker I position reports to a Pharmacy Supervisor I and is assigned to Pharmacy, where it is responsible for ordering, receiving and stocking medications. Whereas Warehouse Worker I positions typically operate a store or warehouse, or section of a large storage facility, the responsibilities and duties of this position are more consistent with the Procurement Aid, a class that prepares various procurement documents and maintains related clerical records and controls. Therefore, we recommend upward reclassification to Procurement Aid.

**PUBLIC LIBRARY**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
1	Procurement Assistant I Item No. 2344A NM 72C Represented	Procurement Assistant II Item No. 2346A NM 76C Represented

The subject position reports to a Procurement Assistant III and is assigned to the Procurement Section, Support Services Division, Administrative Services, where it oversees five (5) Intermediate Typist-Clerks. The position is responsible for planning and reviewing the work of the Section. Duties include approving purchase orders, establishing technical and complex specifications, resolving procurement problems, and ensuring compliance with County and departmental purchasing policies and procedures.

By definition, the Procurement Assistant II supervises procurement and procurement-clerical positions engaged in procuring supplies, equipment, and services for a County department or independently manage a specialized or complex procurement assignment for a County department. Therefore, we recommend upward reclassification to Procurement Assistant II.

**SHERIFF DEPARTMENT**

<b>Number of Positions</b>	<b>Present Classification and Salary</b>	<b>Classification Findings and Salary</b>
1	Operations Assistant I, Sheriff Item No. 1228A NM 73C Represented	Operations Assistant II, Sheriff Item No. 1229A NM 81C Represented

The subject position is assigned to the Avalon Station and reports directly to the Captain. The position independently performs critical operational tasks, a variety of administrative duties ranging from complex to highly complex as well as makes recommendations on various administrative issues. The position serves as the only non-sworn administrative staff and provides the highest level of administrative support to fulfill all operational administrative duties at the station.

Based on the administrative support services assigned, the subject position meets the allocation standard for Operations Assistant II, Sheriff, a class which functions as an administrative generalist possessing the ability to work independently with a minimum of supervision and utilize a working knowledge of departmental policies and procedures as well as good verbal communication and writing skills. Therefore, we recommend upward reclassification of the subject position to Operations Assistant II, Sheriff.

**2011-12  
ANNUAL REPORT**

**Risk Management**



COUNTY OF LOS ANGELES



**CHIEF EXECUTIVE OFFICE**

RISK MANAGEMENT BRANCH

JULY 2011 - JUNE 2012



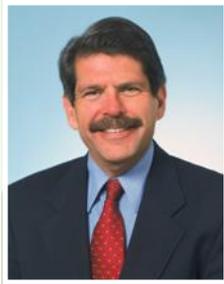
## *Board of Supervisors*



**Gloria Molina**  
First District



**Mark Ridley-Thomas**  
Second District



**Zev Yaroslavsky**  
Third District



**Don Knabe**  
Fourth District



**Michael D. Antonovich**  
Fifth District



**WILLIAM T FUJIOKA**  
CHIEF EXECUTIVE OFFICER

### **Risk Management Branch**

3333 Wilshire Boulevard, Suite 820  
Los Angeles, CA 90010

(213) 351-5346  
(213) 252-0405 Fax

This report is available on the Chief Executive Office website at:  
<http://ceo.lacounty.gov/>

We are pleased to present the County of Los Angeles Chief Executive Office, Risk Management Annual Report for the fiscal year ending June 30, 2012.



*William T. Fujioka*  
CHIEF EXECUTIVE OFFICER

This report is intended to assist County of Los Angeles (County) management with the assessment of the nature and extent of departmental exposures and losses. The best practices identified in the report are intended to provide suggestions for improving departmental risk management activities to mitigate exposures and losses.

The report also contains summaries of the fiscal year's losses and costs for the County workers' compensation, vehicle liability, general liability, and medical malpractice self-insured programs.

Thank you.

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# Introduction

The County of Los Angeles (County) Chief Executive Office (CEO) is pleased to provide its risk management annual report for Fiscal Year (FY) July 1, 2011 through June 30, 2012.

On June 30, 2012, the CEO Risk Management Branch (CEO/RMB) completed its tenth year administering the County's risk management program. Much effort has been directed at establishing the risk management infrastructure necessary for a sustainable program. This infrastructure has been built and includes:

## Executive Level Support:

- Board of Supervisors
- Chief Executive Office
- Department Heads
- County Strategic Plan

## Accountability:

- Department Head Management Appraisal and Performance Plan Goals
- Corrective Action Plans
- Risk Exposure Cost Avoidance Plans
- Risk Management Overview Presentations to Board Staff at Cluster Meetings

## Collaboration:

- Between CEO and County Counsel
- Between CEO and Departments
- Between County Counsel and Departments
- Legal Exposure Reduction Committee
- Roundtable Discussions
- Countywide Corrective Action Plans
- Individual Department Meetings

## Communication:

- Best Practices
- Lessons Learned
- Newsletters
- Client Reviews
- Cluster Presentations
- Risk Management Coordinator Meetings

## Education and Awareness:

- Risk Management Data
- Trend Analysis
- Training Materials
- Model Programs and Procedures
- Internet and Intranet
- Self-Assessment Tools

**The County's Mission Statement is:** *To enrich lives through effective and caring service.*

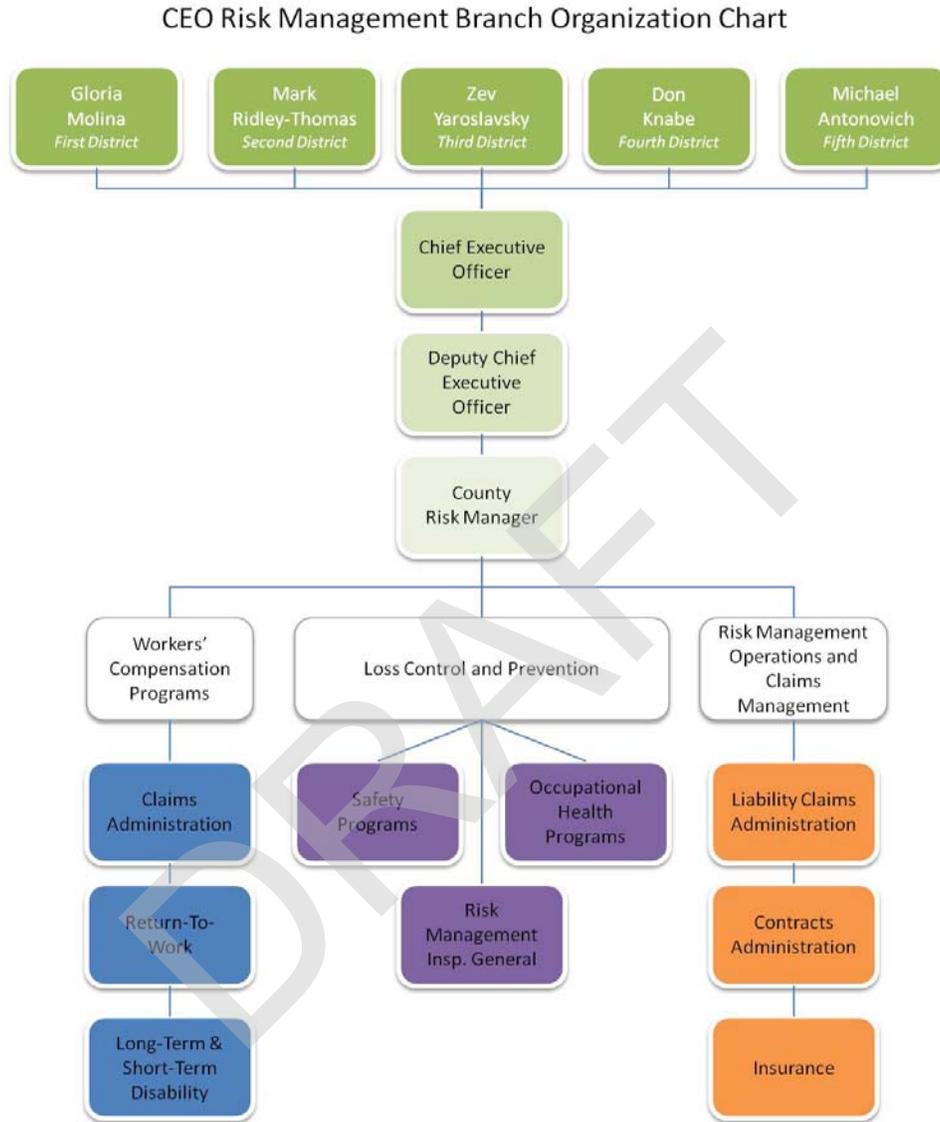
**CEO/RMB's Mission Statement is:** *To partner with departments to evaluate significant risks, hazards, and exposures associated with the delivery of County services, and to develop and implement risk management methodologies to eliminate, minimize, or fund loss.*

**CEO/RMB's Vision Statement is:** *To ensure risk is as important a consideration as budget in every decision made at every level of the organization.*

**CEO/RMB Staff will strive:** *To accomplish the County's mission with direction from the County's Board of Supervisors and CEO senior management, and assistance from County departments and the County's Legal Exposure Reduction Committee.*

## CEO/RMB LEADERSHIP

CEO/RMB is led by the County Risk Manager, who presides over the various functional areas.



The CEO/RMB intranet site contains contact information and a wide assortment of resource materials. CEO/RMB staff may be contacted at (213) 351-5346. The intranet site can be accessed at: <http://riskmanagement.mylacounty.info/>.



## CEO/RMB'S PRIMARY RISK MANAGEMENT RESPONSIBILITIES BY PROGRAM

### **WORKERS' COMPENSATION CLAIMS ADMINISTRATION**

- Management and financing of the County's Workers' Compensation program;
- Administration of the County's Return-to-Work program; and,
- Administration of the County's Short-Term and Long-Term Disability Plans.

### **LOSS CONTROL AND PREVENTION**

- Loss prevention training, reporting, standards, procedures, and compliance;
- Loss control and industrial hygiene programs;
- In collaboration with County departments, development of mitigation measures for the departmental Risk Management Overview presentations;
- Development of action plans for County departments for leading causes of workers' compensation and general liability claims;
- Administration of the County's Occupational Health Program, including employee medical and psychological programs and the Employee Assistance Program; and
- Development and approval of Corrective Action Plans and Summary Corrective Action Plans through the Risk Management Inspector General.

### **RISK MANAGEMENT OPERATIONS AND CLAIMS MANAGEMENT**

- Liability Claims Administration;
- Oversight of the Contract Cities and Special Districts Liability Trust Funds;
- Procurement of commercial insurance above self-insured retentions;
- Reviewing, recommending, and counseling on departmental insurance contract language, including indemnification and other County insurance requirements; and,
- Budget forecast for all County departmental liability and commercial insurance costs.

# Loss Severity and Frequency Trends

## COST OF RISK

During FY 2011-12, the County experienced an increase of 6.6 percent in the Cost of Risk\* (\$508.5 million to \$542.1 million). The Cost of Risk, as a percentage of the operating budget, is 2.21 percent.

**The County's objective is to minimize its Cost of Risk.**

\* The Cost of Risk is a ratio of the expenditures for the County's numerous risk management programs divided by the County's operating budget in a specific fiscal year. The effectiveness of the County's risk management programs can be reflected in this comparison since the Cost of Risk includes paid claims (amounts paid in the fiscal year without regard to the year the claims arose), insurance premiums, safety and loss control programs, and operational and administrative expense.

Detailed information is listed in the "Statistics" section of this report regarding the number of claims and expenses for each of the last three fiscal years, by department, for workers' compensation, State of California Labor Code 4850 and salary continuation, vehicle liability, general liability (including employment practices liability and police liability/law enforcement), and medical malpractice.

Based on the nature and scope of County operations, County departments will always be susceptible to large claims that significantly impact expenses. The results of FY 2011-12 clearly illustrate this susceptibility; ten claims accounted for 34.5 percent of all general liability expenses. Minimizing the total number of claims often minimizes the number of large claims; therefore, implementing risk management best practices to reduce the frequency of claims is as important as properly handling claims once claims are filed.

The Cost of Risk Detail chart follows on Page 5.

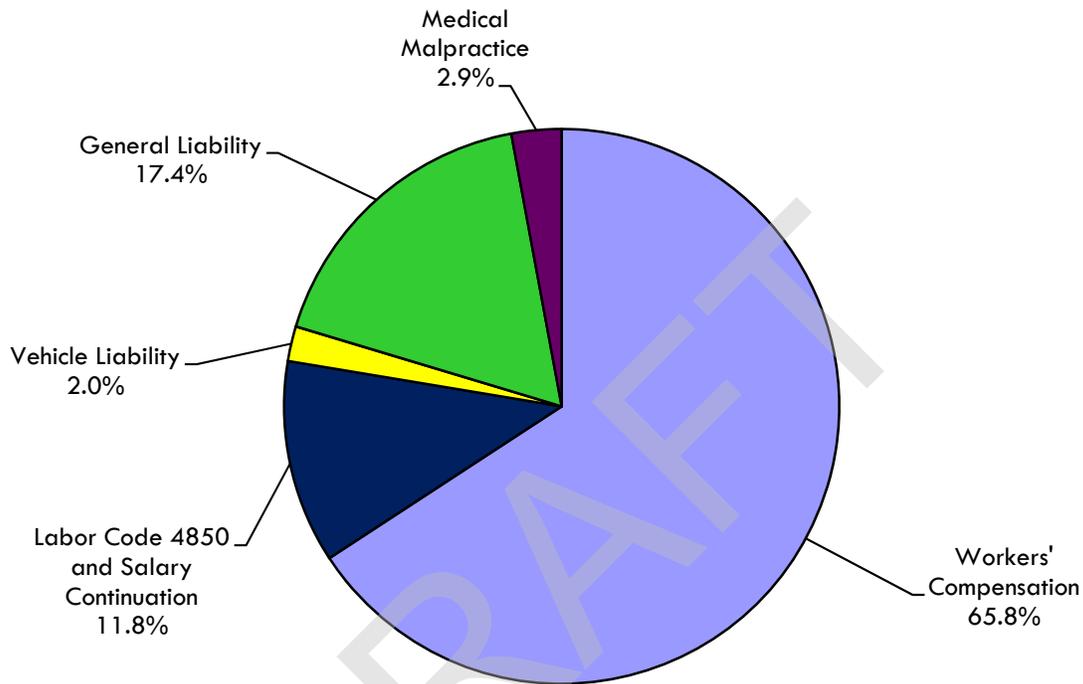
## COST OF RISK DETAIL

	FY 2009-10	FY 2010-11	FY 2011-12
<b>Workers' Compensation</b>			
Benefit Expense	\$225,376,425	\$236,699,599	\$256,346,731
Loss Expense <sup>1</sup>	\$62,184,520	\$66,143,020	\$69,317,099
Administrative Expense <sup>2</sup>	\$10,577,516	\$11,219,661	\$11,605,112
<b>Workers' Compensation Expense Subtotal</b>	<b>\$298,138,461</b>	<b>\$314,062,280</b>	<b>\$337,268,942</b>
<b>Labor Code 4850 / Salary Continuation</b>	<b>\$57,903,637</b>	<b>\$60,120,620</b>	<b>\$60,688,906</b>
<b>Workers' Compensation Expense Total</b>	<b>\$356,042,098</b>	<b>\$374,182,900</b>	<b>\$397,957,848</b>
<b>Liability<sup>3, 4</sup></b>			
Vehicle Liability Indemnity Expense	\$11,979,162	\$13,015,904	\$6,151,991
General Liability Indemnity Expense	\$22,507,812	\$33,680,285	\$47,232,333
Medical Malpractice Indemnity Expense	\$12,210,967	\$13,910,110	\$12,675,953
<b>Liability Indemnity Expense Subtotal</b>	<b>\$46,697,941</b>	<b>\$60,606,298</b>	<b>\$66,060,277</b>
Vehicle Liability Legal Expense	\$2,769,829	\$3,244,323	\$4,251,950
General Liability Legal Expense	\$39,781,835	\$38,960,191	\$42,175,124
Medical Malpractice Legal Expense	\$3,979,675	\$3,452,244	\$2,240,390
<b>Liability Legal Expense Subtotal</b>	<b>\$46,531,339</b>	<b>\$45,656,757</b>	<b>\$48,667,464</b>
Liability Administrative Expense <sup>5</sup>	\$11,919,734	\$11,432,011	\$12,065,712
<b>Liability Expense Total</b>	<b>\$105,149,014</b>	<b>\$117,695,067</b>	<b>\$126,793,453</b>
<b>Purchased Insurance (premiums and fees)</b>	<b>\$16,419,286</b>	<b>\$16,641,267</b>	<b>\$17,309,648</b>
<b>Cost of Risk<sup>6, 7</sup></b>	<b>\$477,610,398</b>	<b>\$508,519,234</b>	<b>\$542,060,949</b>
<b>Total County Operating Budget</b>	<b>\$23,900,864,000</b>	<b>\$24,180,195,000</b>	<b>\$24,502,944,000</b>
<b>Cost of Risk (as percentage of County Operating Budget)</b>	<b>2.00%</b>	<b>2.10%</b>	<b>2.21%</b>

1. Loss Expense includes third party administrator fees, medical management fees, bill review fees, State User fee, etc.
2. Administrative Expense includes CEO, Auditor-Controller, and County Counsel expenses.
3. Paid claims represents the amount paid for all indemnity (pay type OC) in the fiscal year regardless of occurrence date and does not include Reported But Not Paid (RBNP) or Incurred But Not Reported (IBNR) reserves. Legal Expenses are defined in liability files as all fees and expenses paid from the liability claim (pay type SS).
4. Liability claim information included in this report is: (1) claims coded as Vehicle Liability (AL), General Liability (GL), and Medical Malpractice (MM); but, (2) information excludes Metropolitan Transportation Authority, Metrolink, departments not listed in Exhibit A, Children Services dependency cases, and probate funding accounts.
5. Liability Administrative Expense includes third party administrator fees, consulting and management fees, and CEO expenses.
6. The Cost of Risk is defined as the summation of the items listed, but does not include non-insured property claims and property damage to County-owned vehicles.
7. All amounts are paid as of June 30, 2012, as reported in the County's liability claim database, workers' compensation information system (GenRIS), and/or the Workers' Compensation Status Report.

The graphs below illustrate that workers' compensation (including administrative, Labor Code 4850, and salary continuation expenses) accounts for three quarters of the cost of risk. For FY 2011-12, this represents almost \$398 million. The second graph further demonstrates the impact of workers' compensation on the total risk management program, showing that workers' compensation accounts for over two thirds of all claims.

**PERCENTAGE OF TOTAL COST PAID BY CLAIM TYPE  
FY 2011-12**



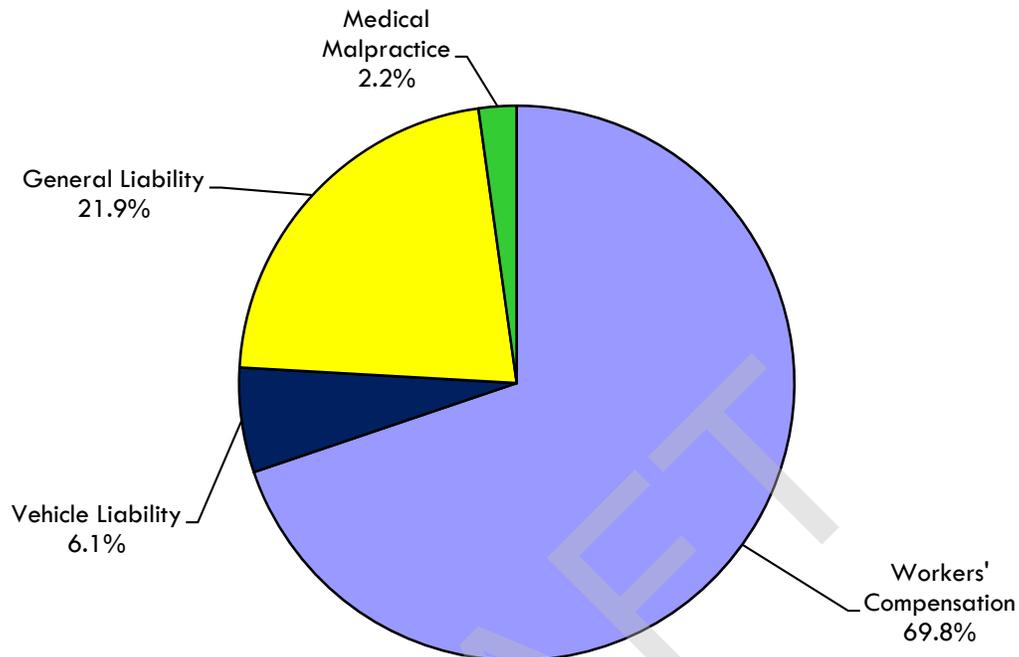
**CLAIM SEVERITY (TOTAL COST PAID) – ALL CLAIMS<sup>1,2,3</sup>  
FY 2009-10 THROUGH FY 2011-12**

Fiscal Year	FY 2009-10	FY 2010-11	FY 2011-12
Workers' Compensation <sup>4</sup>	\$298,138,460	\$314,062,280	\$337,268,942
Labor Code 4850 and Salary Continuation	\$57,903,637	\$60,120,620	\$60,688,906
Vehicle Liability	\$14,748,991	\$16,260,226	\$10,403,941
General Liability	\$62,289,647	\$72,640,476	\$89,407,457
Medical Malpractice	\$16,190,642	\$17,362,354	\$14,916,343
<b>TOTAL</b>	<b>\$449,271,377</b>	<b>\$480,445,956</b>	<b>\$512,685,589</b>

Notes:

1. Data does not include unemployment costs.
2. Data includes pending and non-jurisdictional departments, but does not include associated agencies that are not County departments, i.e., MTA, Foothill Transit, etc. This information includes County Counsel tort claims.
3. Amount Paid is the total of the transactions paid by coverage code in the fiscal year; amount includes indemnity and legal fees and expenses, regardless of occurrence date; does not include RBNP or IBNR reserves.
4. Workers' compensation paid does not reflect State of California Labor Code 4850 or salary continuation payments, which are shown separately.

### CLAIM FREQUENCY BY CLAIM TYPE FY 2011-12



### CLAIM FREQUENCY (TOTAL NUMBER OF CLAIMS FILED) BY CLAIM TYPE FY 2009-10 THROUGH FY 2011-12

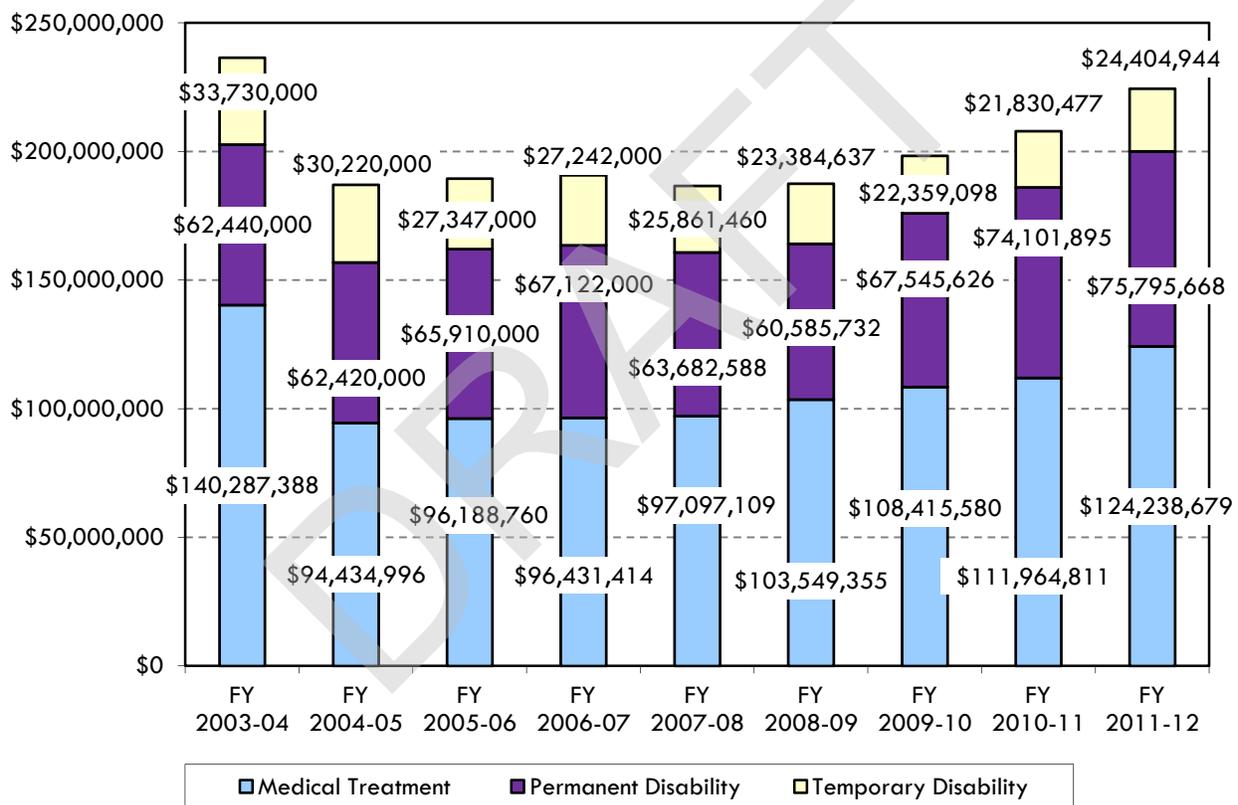
Claim Type <sup>1,2</sup>	FY 2009-10	FY 2010-11	FY 2011-12
Vehicle Liability	942	973	942
General Liability	4,207	4,077	3,380
Medical Malpractice	255	287	335
Workers' Compensation	10,629	11,234	10,766
<b>TOTAL</b>	<b>16,033</b>	<b>16,571</b>	<b>15,423</b>

1. Total number of claims filed by fiscal year regardless of date of occurrence; count includes all suffixes.
2. Includes County Counsel tort claims, but not agencies that are not County departments, i.e., MTA, Foothill Transit, etc.

## WORKERS' COMPENSATION PROGRAM

### CLAIM COSTS

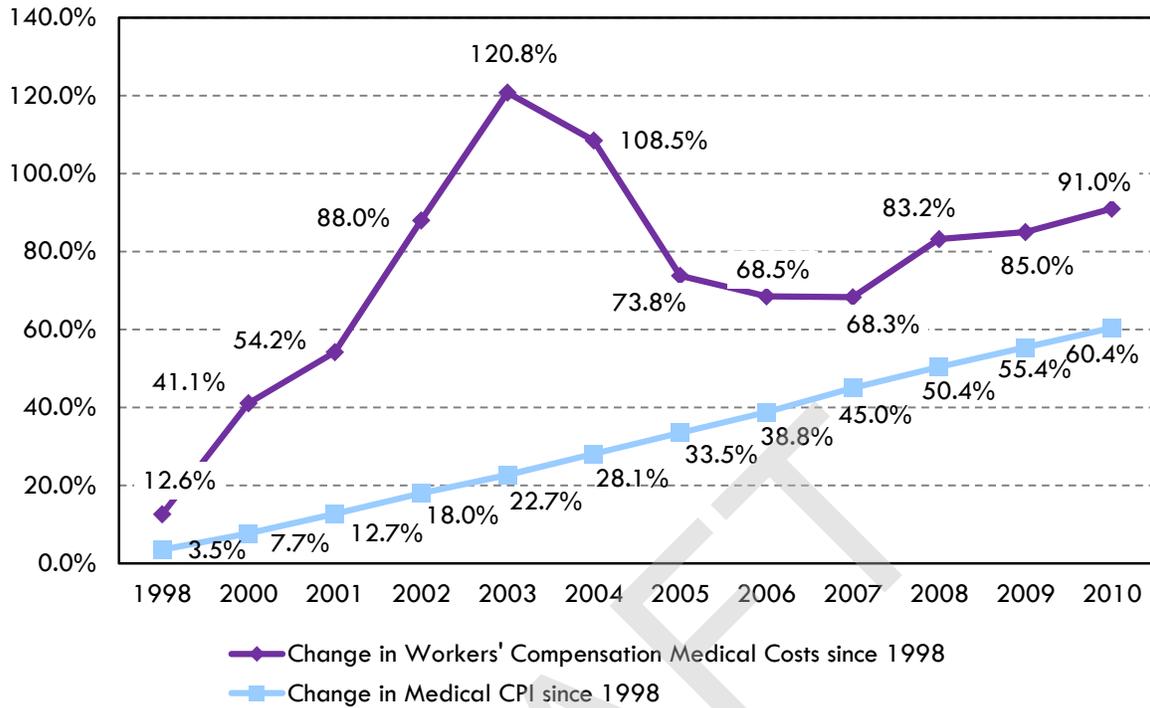
The County's self-insured workers' compensation expenses (excluding Labor Code 4850 and workers' compensation salary continuation benefits) increased by 7.4 percent in FY 2011-12 (\$314.1 million to \$337.3 million). This increase was attributed, in part, to increases in medical, permanent disability, and temporary disability expenses. Medical treatment payouts increased 11.0 percent from FY 2010-11 to FY 2011-12 (\$112.0 million to \$124.2 million). Permanent disability payouts increased 2.3 percent from FY 2010-11 to FY 2011-12 (\$74.1 million to \$75.8 million). Temporary disability payouts increased 11.8 percent from FY 2010-11 to FY 2011-12 (\$21.8 million to \$24.4 million).



### MEDICAL PAYMENTS

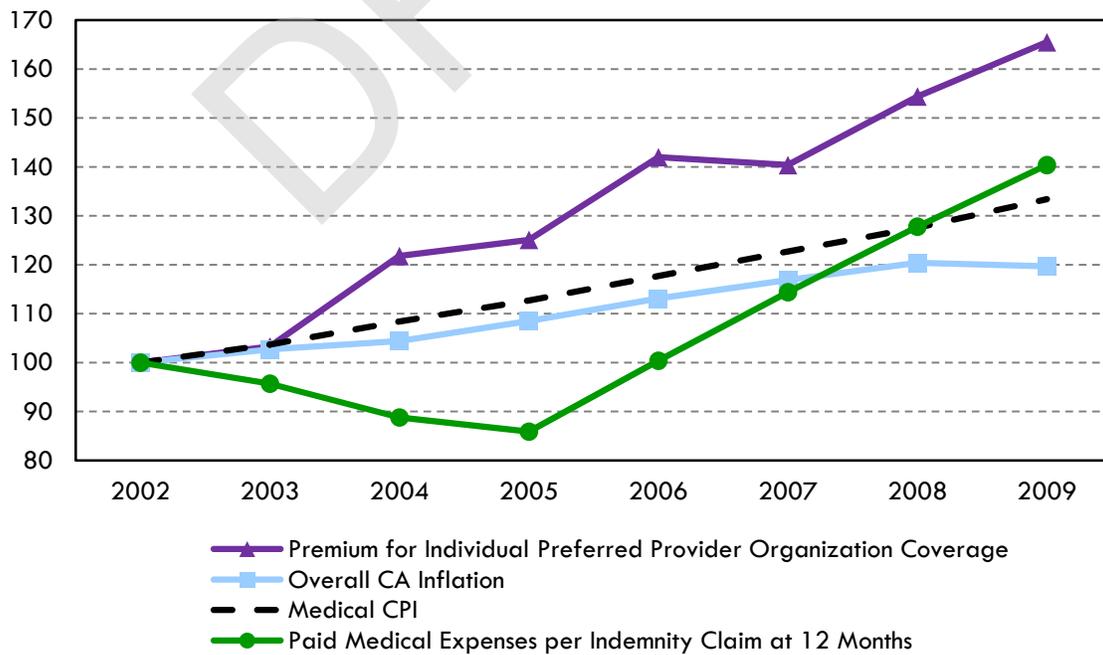
The increase in workers' compensation medical expenses is indicative of the Statewide trend of increasing medical expenses following the period of significant reduction attributed to the 2004 workers' compensation reforms. As illustrated in the following chart, California workers' compensation medical cost inflation generally exceeds that of the medical component of the Consumer Price Index (CPI) and represents a significant cost driver.

### WORKERS' COMPENSATION MEDICAL EXPENSES VS. MEDICAL INFLATION SINCE 1998



SOURCE: Commission on Health and Safety and Workers' Compensation – Data Source: WCIRB; Bureau of Labor Statistics

### CUMULATIVE GROWTH IN PAID MEDICAL EXPENSES PER INDEMNITY CLAIM AT 12 MONTHS



SOURCE: Commission on Health and Safety and Workers' Compensation – Data Source: RAND

In a March 2012 report to the industry, the California Workers' Compensation Institute (CWCI) analyzed Office of Self-Insured Plans (OSIP) data. That data, provided by self-insured public agencies under annual reporting requirements, pointed to significant increases in the paid and incurred workers' compensation expenses across various valuation periods when compared to the post-reform low in FY 2005-06. For example, CWCI found that in FY 2010-11, average medical payouts at the first valuation period (first 12 months of a claim) were \$1,474 compared to FY 2005-06 average medical payouts of \$1,073 for the same valuation period, a 37.4 percent increase. The OSIP data points to a continuing erosion of the 2004 reforms.

### **PERMANENT DISABILITY PAYMENTS**

As noted in last year's County Risk Management Annual Report, permanent disability payouts increased due to statutory weekly benefit rate increases impacting newer claims and application of the *Benson* decision. Due to the progressive nature of the permanent disability schedule, permanent disability benefit payouts increase exponentially as the permanent disability rating increases. Under *Benson*, disabilities arising from two separate injuries are no longer combined to result in a single higher permanent disability rating. *Benson* will dampen ultimate permanent disability expense increases over the long term; however, in the short term, it produces two streams of permanent disability benefit payments, increasing current annual permanent disability expenses.

CEO/RMB believes the minimal increase in FY 2011-12 permanent disability payouts reflect the impact of *Benson* and the application of the 2005 revised permanent disability rating schedule. Caution should be used when predicting permanent disability payout trends as the purpose of recently enacted workers' compensation reforms (SB 863 [De Leon]) was to substantially increase permanent disability benefits for injured workers. Those benefit increases go into effect for injuries on or after January 1, 2013, with an additional increase for injuries on or after January 1, 2014. Based on information currently available, CEO/RMB believes the ultimate impact of SB 863 will be a 30 to 40 percent increase in overall permanent disability benefits.

### **TEMPORARY DISABILITY AND SALARY CONTINUATION PAYMENTS**

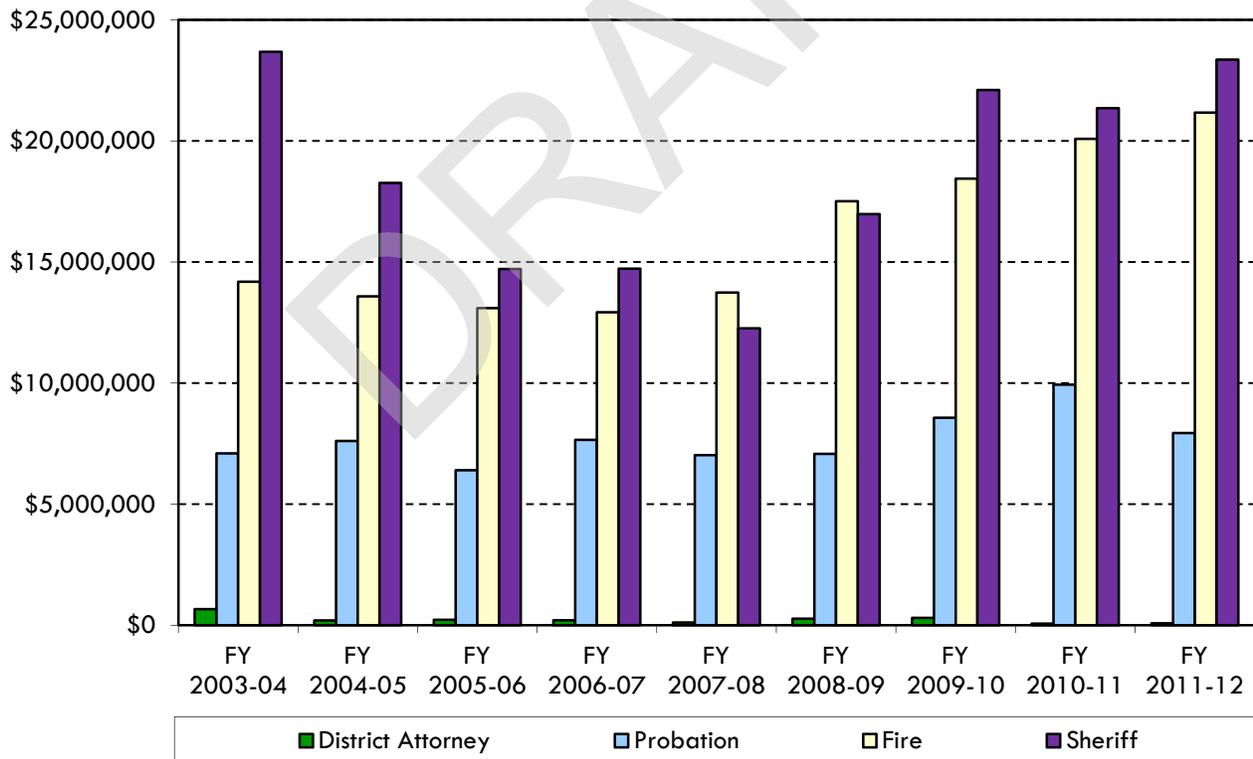
Though the \$24.4 million temporary disability payouts experienced in FY 2011-12 are significantly lower than the pre-reform (2004) \$33.7 million paid in FY 2003-04, it represents the first increase in eight years. The increase is not entirely unexpected as the Commission of Health and Safety and Workers' Compensation's 2011 Annual Report reflected a Systemwide increase of temporary disability payouts from 2009 to 2010.

State of California Labor Code 4850 and County workers' compensation salary continuation expenses remained stable with an increase of 0.9 percent (\$60.1 million to \$60.7 million). Fire, Probation, and Sheriff account for almost 90 percent of these expenses. Increases in expenses for Fire (+6.7%) and Sheriff (+9.6%) were partially offset by a significant decrease for Probation (-19.9%).

**STATE LABOR CODE 4850 EXPENSE BY FISCAL YEAR  
FY 2002-03 THROUGH FY 2011-12  
(Excludes Salary Continuation)**

FISCAL YEAR	DISTRICT ATTORNEY	PROBATION	FIRE	SHERIFF
FY 2002-03	\$574,541	\$8,207,591	\$16,054,957	\$23,354,324
FY 2003-04	\$662,894	\$7,097,038	\$14,186,108	\$23,679,518
FY 2004-05	\$198,966	\$7,608,916	\$13,579,058	\$18,265,576
FY 2005-06	\$220,551	\$6,398,513	\$13,094,365	\$14,708,341
FY 2006-07	\$200,144	\$7,656,312	\$12,922,178	\$14,723,400
FY 2007-08	\$109,827	\$7,020,446	\$13,736,306	\$12,260,601
FY 2008-09	\$265,920	\$7,073,880	\$17,510,889	\$16,979,878
FY 2009-10	\$299,346	\$8,569,127	\$18,443,689	\$22,099,137
FY 2010-11	\$68,396	\$9,931,160	\$20,087,615	\$21,352,221
FY 2011-12	\$79,503	\$7,937,737	\$21,171,873	\$23,359,402
<b>TOTAL</b>	<b>\$2,680,088</b>	<b>\$77,500,720</b>	<b>\$160,787,038</b>	<b>\$190,782,398</b>

SOURCE: Auditor-Controller, based on 100% Industrial Accident (IA) Earnings.



SOURCE: Auditor-Controller, based on 100% IA Earnings.

## **ACTUARIAL INFORMATION**

Funded on a pay-as-you-go basis, the County workers' compensation program maintains obligations on claims filed many years ago. Such obligations are defined under workers' compensation statutes and may be affected by the aging demographic of the claim population (an analysis of all County open workers' compensation claims finds the current mean age of claimants is 53). Over the last three fiscal years, approximately 24 percent of allocated paid losses (excluding Labor Code 4850 and salary continuation) were paid on workers' compensation claims that were 11 years or older.

CEO/RMB contracts for actuarial services to assess outstanding workers' compensation losses. The estimated outstanding losses are the expenses associated with unpaid claims as of a specific valuation date. Estimated outstanding losses include case reserves, development of known claims, and incurred but not reported claims.

### **WORKERS' COMPENSATION ACTUARIAL STUDIES – ESTIMATED OUTSTANDING LOSSES**

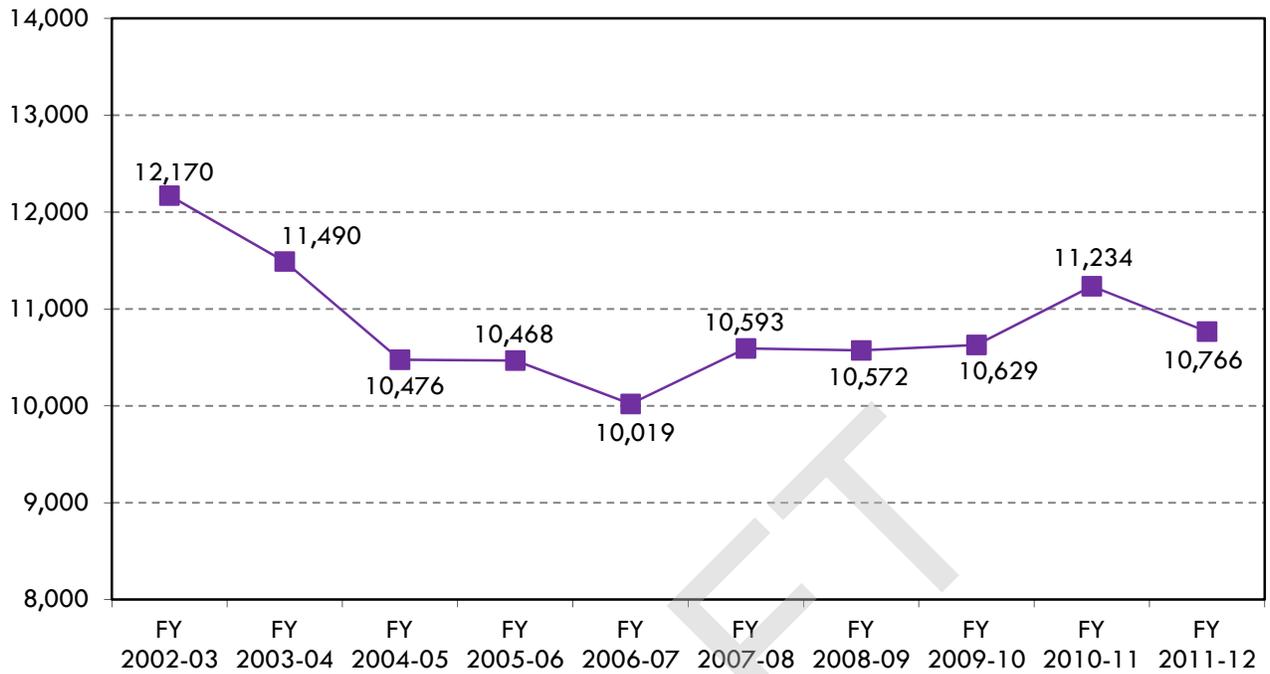
<b>AS OF DATE</b>	<b>ESTIMATED OUTSTANDING LOSSES</b>
JUNE 30, 2004	\$2,627,884,540
JUNE 30, 2005	\$2,556,222,203
JUNE 30, 2006	\$2,435,203,729
JUNE 30, 2007	\$2,262,596,742
JUNE 30, 2008	\$2,176,317,242
JUNE 30, 2009	\$2,114,997,381
JUNE 30, 2010	(Actuarial Study Not Requested)
JUNE 30, 2011	\$2,069,787,555
JUNE 30, 2012	\$2,078,461,237

The *Actuarial Study of the Self-Insured Workers' Compensation Program as of June 30, 2012*, performed by AON Risk Solutions, notes: "For 2009/10 and 2010/11, actual loss experience was greater than anticipated in the prior actuarial study for both paid and incurred losses... However, for older years, actual loss experience was generally lower than expected." As demonstrated in the chart above, the County's estimated outstanding losses for workers' compensation decreased approximately \$549 million when comparing the valuation dates June 30, 2004 and June 30, 2012. The decrease in estimated outstanding losses occurred even though eight years of additional workers' compensation losses were incurred.

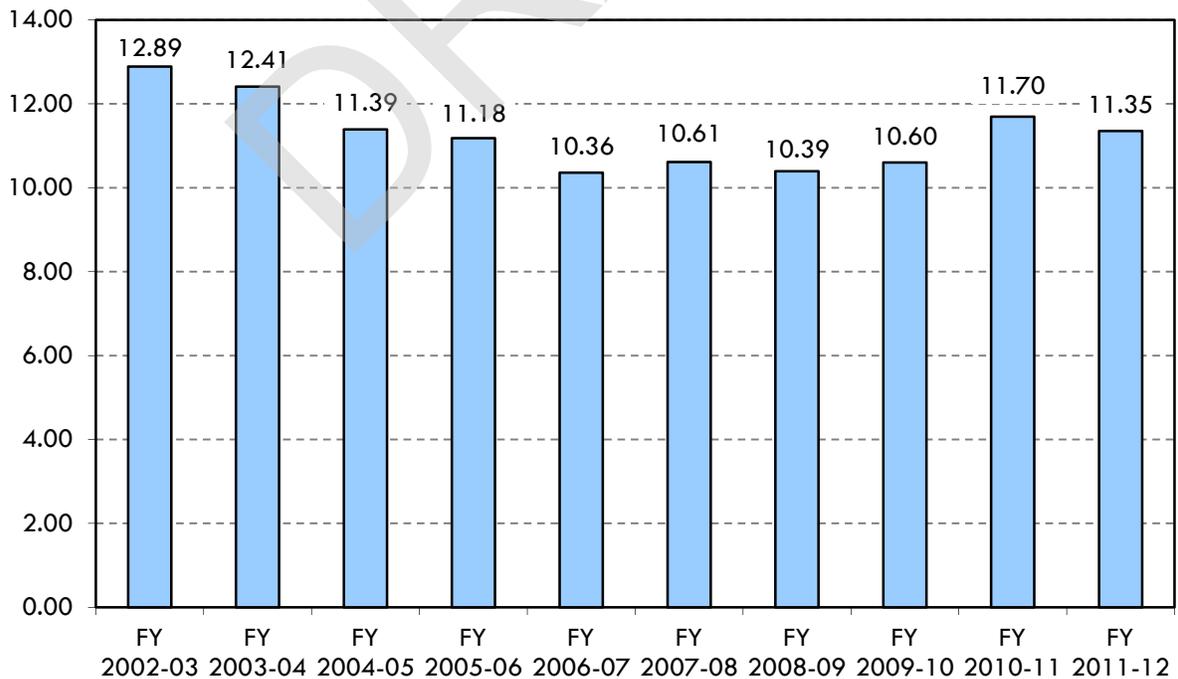
## **CLAIM FREQUENCY**

In FY 2011-12, the number of workers' compensation claims filed decreased 4.2 percent (11,234 to 10,766), and the number of claims per 100 employees decreased 3.0 percent (11.70 to 11.35), as compared to FY 2010-11.

**NUMBER OF WORKERS' COMPENSATION CLAIMS  
FY 2003-04 THROUGH FY 2011-12**



**WORKERS' COMPENSATION CLAIMS PER 100 EMPLOYEES<sup>1</sup>  
FY 2002-03 THROUGH FY 2011-12**



Note: Employee count is based on payroll reports as of December 31 for each fiscal year.

## **CAUSES OF INCIDENTS**

### **Overexertion**

Departments with the most cases include: Sheriff (39.1%), Health Services (18.8%), Public Social Services (13.3%), and Fire (8.0%). This includes lifting, carrying, or pushing/pulling objects.

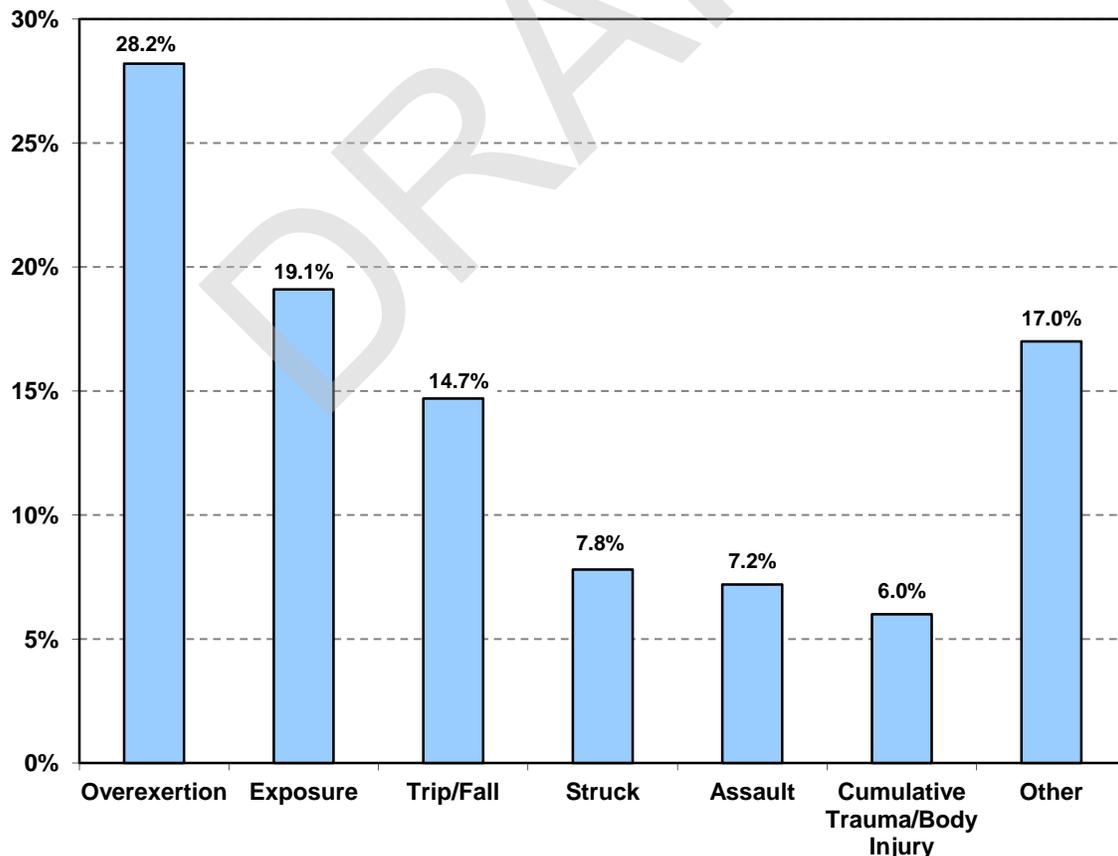
### **Exposure**

Departments with the most exposure cases include: Fire (36.9%) and Sheriff (29.8%). This category includes dermatitis, exposure to asbestos, hot or cold substances, chemicals, MRSA, noisy conditions, and sun (skin cancer).

### **Trip/Fall**

Departments with the most trip/fall cases include: Sheriff (27.6%), Health Services (17.5%), Public Social Services (15.0%), and Probation (8.5%). This includes falling down stairs, falling from a chair, ladder or roof, and slips/falls in parking lots, sidewalks, and hallways.

## **CAUSES OF WORKERS' COMPENSATION CLAIMS FY 2011-12**



## Assault

Departments with the majority of assaults include: Sheriff (66.0%), Probation (26.6%), and Health Services (4.4%). This is expected given the nature of the exposures in these departments.

## Struck By/Against

Leading departments include: Sheriff (28.3%), Health Services (15.0%), and Probation (10.6%).

## Other

This category includes all other causes including, but not limited to, cumulative trauma, cardiovascular, caught in/between, and transportation.

## DEPARTMENTAL ANALYSIS

Six departments account for over 80 percent of all claim frequency: Sheriff (36.6%), Health Services (13.3%), Fire (12.3%), Public Social Services (9.4%), Probation (6.7%), and Children and Family Services (3.6%).

### TYPE OF WORKERS' COMPENSATION CLAIMS BY DEPARTMENT

Type of Claim	Sheriff	Health Services	Fire	Public Social Services	Probation	Children and Family Services
Assault	13.0%	2.4%	0.1%	0.8%	28.5%	0.8%
Cumulative Trauma/Body Injury	4.5%	2.4%	7.0%	5.6%	6.5%	7.3%
Exposure	15.5%	5.4%	57.2%	7.3%	7.4%	8.3%
Fall	11.1%	19.3%	4.5%	23.5%	18.6%	20.6%
Overexertion	30.2%	39.9%	18.2%	39.7%	16.8%	27.6%
Struck	6.1%	8.8%	5.5%	8.8%	9.2%	15.6%
Other	19.6%	21.8%	7.5%	14.3%	13.0%	19.8%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## Sheriff

Sheriff's Department employees work in arduous and dynamic environments encompassing varied areas of risk exposure, including law enforcement, emergency response, building trades, and administrative functions. Based on these risk exposures, injuries resulting from overexertion would be expected as a result of lifting, pushing, and pulling varied items and equipment. In addition, injuries resulting from law enforcement activities would be expected to increase claim frequency. Exposure to infectious disease is also a significant issue that leads to claim frequency. The department has identified individuals in each of its Bureaus to serve as Safety Officers, and has provided training on their additional duties. These individuals serve as an extension of the department's designated Safety Officer, and assist in implementation of the various safety and health related programs throughout the department.

### Health Services

Department of Health Services' employees are exposed to a variety of hazards, including patient handling, slips, falls, and exposure to chemicals. As part of the department's drive for continuous improvement, an Ad Hoc Committee was formed to analyze/address underlying exposures related to patient handling and aid in the transition to assistive patient lift devices. The Committee is currently working to finalize an equipment needs assessment for all acute care facilities and will work to develop and implement an enterprise training program related to patient lifting once the assessment has been completed and assistive lifting devices acquired. Furthermore, slip, trip, and fall issues are actively addressed through regular inspection protocols and awareness training.

### Fire

Fire Department employees often work in volatile environments with consistently arduous physical demands and a myriad of potentially hazardous exposures. In the most recent year, department staff responded to roughly 7,500 fire incidences, provided medical services on over 200,000 calls, provided technical aid to another near 300,000 emergency situations, and made over 8,000 ocean rescues. In the course and scope of providing these critical emergency response services, injuries would be expected from overexertion and exposure to toxic environmental elements. Controls for these types of injuries include training and education, and a wellness program designed to promote physical health.

### Public Social Services

While the Department of Public Social Services (DPSS) employee count is nearly double that of the next largest social service department, the DPSS workers' compensation claim report rate is between other departments in the same operational cluster and is not the highest in that comparable group of departments. Key safety program elements include data trend analysis, targeted efforts regarding the most common types of claims, facility inspection programs, and ergonomics.

### Probation

The Probation Department is another department that has inherent risks based on operations. The leading types of losses have been identified and mitigation efforts have been implemented. A Safe Crisis Management Subcommittee has been implemented to address the assault exposure. Slip, trip, and fall prevention training has been provided for all staff. Overexertion includes a variety of claims which are being addressed through training, ergonomic evaluations, and the department office ergonomics subcommittee.

### Children and Family Services

The workers' compensation claim rate for Children and Family Services is lower than the Countywide average and low relative to the other social service departments. Key safety program elements include claim reviews, reviews of risk management goals, evaluations of the effectiveness of mitigation measures, implementation of a departmental safety committee and wellness program, injury and illness prevention training, accident investigation training, facility inspection programs, and ergonomics.

## LIABILITY PROGRAMS

### **VEHICLE LIABILITY**

The County's vehicle liability expenses decreased 36.0 percent for FY 2011-12, as compared to FY 2010-11. In the prior two fiscal years, there were two cases each year with expenses of \$3 to \$5 million. There were no claims of this magnitude in FY 2011-12. Claim frequency decreased by 3.2 percent.

Vehicle liability represents 2.0 percent of the County's Total Cost of Risk.

### **MEDICAL MALPRACTICE**

The County's medical malpractice liability expenses decreased 14.1 percent for FY 2011-12, as compared to FY 2010-11. This is the lowest amount since FY 2003-04.

Medical malpractice represents 2.9 percent of the County's Total Cost of Risk.

### **GENERAL LIABILITY**

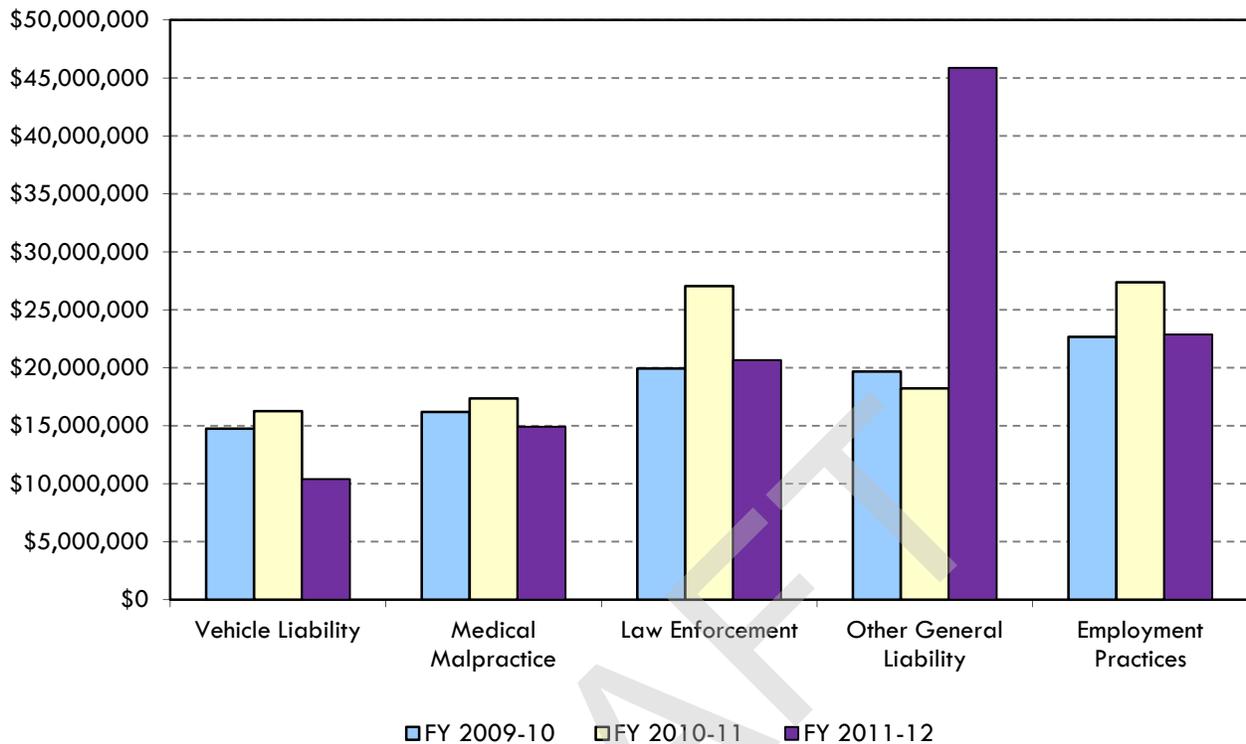
The County's general liability expenses increased 23.1 percent for FY 2011-12, as compared to FY 2010-11. The primary reason is related to expenses paid on an old insurance claim (almost \$8 million included in the Chief Executive Office column) and three large Public Works cases (almost \$12 million). General liability includes several categories of liabilities, including cases emanating from the Sheriff such as excessive force, wrongful death, and illegal strip searches. This area of liability also includes employment practices, dangerous road conditions, and cases against the Department of Children and Family Services such as wrongful detentions and removals.

Law enforcement liability expenses decreased 23.6 percent for FY 2011-12, as compared to FY 2010-11.

Even though employment practices liability expenses decreased by 16.4 percent for FY 2011-12, as compared to FY 2010-11, these expenses continued to be impacted by *Susan Bouman vs. Peter Pitchess and the County of Los Angeles*. This case started in 1978 and a consent decree has been in effect since 1993. This case has now been concluded, but there were still \$3.8 million in expenses in FY 2011-12.

General liability represents 17.4 percent of the County's Total Cost of Risk.

**TORT LIABILITY COST BY CLAIM TYPE  
FY 2009-10 THROUGH FY 2011-12**



### **LIABILITY CLAIMS MANAGEMENT**

The position of CEO/RMB is a support role in the administration of claims and lawsuits filed against the County. County Counsel is the department that controls liability claims intake, legal assignments to defense firms, and approves settlements between \$10,000 and \$20,000. CEO/RMB oversees the settlement of low value claims and works with the third party administrators to attempt to settle legitimate and reasonable claims as early as possible to avoid the additional costs of litigation.

### **COUNTY OF LOS ANGELES CLAIMS BOARD**

Cases involving settlements between \$20,000 and \$100,000 require the approval of the County Claims Board. In the Claims Board meetings, representatives from departments, CEO, County Counsel, and outside counsel present justifications for the proposed settlement amount and review corrective action steps designed to prevent recurrences. For claims with settlement amounts greater than \$100,000, the Claims Board refers such settlements, with a recommendation, to the Board of Supervisors for final action. The Claims Board has three (3) appointed members from the Chief Executive Office, County Counsel, and Auditor-Controller. The County Risk Manager is the CEO member of the Claims Board, but the Loss Control and Prevention Manager, Operations Manager, and Risk Management Inspector General are also actively engaged in reviewing and evaluating settlements.

## RISK MANAGEMENT INSPECTOR GENERAL - CORRECTIVE ACTION PLANS/ SUMMARY CORRECTIVE ACTION PLANS

As established by the Board of Supervisors:

- All County Department Heads must include a Summary Corrective Action Plan (SCAP) signed by the CEO Risk Management Inspector General (RMIG) as part of any claims settlement letter forwarded to the Claims Board.
- All County Department Heads must include a SCAP signed by the CEO RMIG and a Corrective Action Plan (CAP) as part of any claims settlement letter forwarded to the Board of Supervisors.

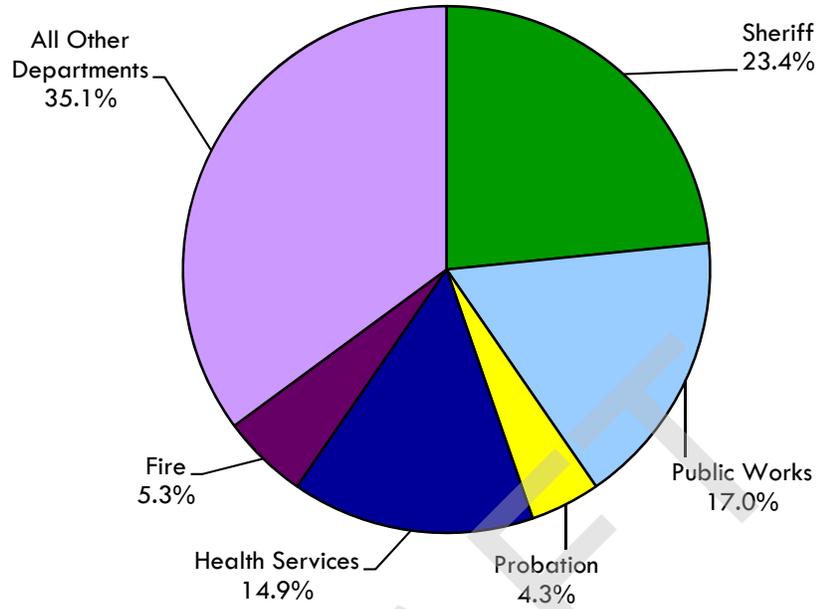
Accordingly, the RMIG manages CAPs and SCAPs through the following process:

- Conducts a detailed analysis of incident reports, claims, significant incidents, and adverse events, including monitoring adverse verdicts and items reported in the press;
- Attends County Claims Board meetings, roundtables, and claim reviews;
- Consults with departments and assists them in developing CAPs and SCAPs as soon as practicable;
- Assists in expediting claim settlements by pre-approving all CAPs and SCAPs prior to submission to the Claims Board and/or Board of Supervisors.
- Escalates requests for CAP/SCAP information through department management and the Board of Supervisors, if necessary, if information provided is not thorough or timely.

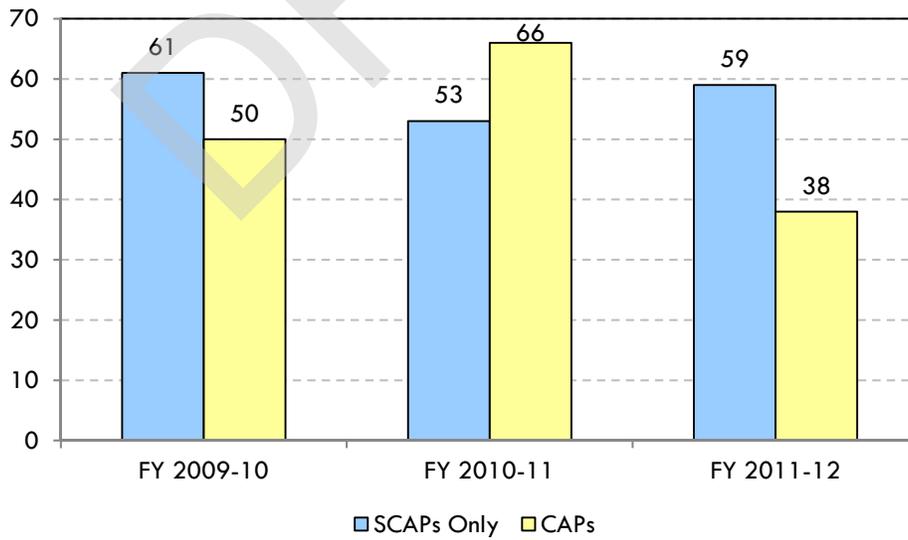
RMIG also participates in all cluster meetings which involve in-depth discussions of CAPs and case facts, and at which Board Deputies, departments, County Counsel, and CEO attend. The purpose of these meetings is to brief the Board Deputies on all relevant information so they can brief their Supervisors before final Board approval is sought for a case.

Many of the CAPs and SCAPs are generated by a small number of departments, as illustrated in the chart that follows.

**CAPs AND SCAPs APPROVED DURING FY 2011-12  
BY DEPARTMENT**



**CAPs AND SCAPs APPROVED BY FISCAL YEAR**



As part of best practices to prevent similar losses from occurring in the same department, or in a different department with similar exposures, RMIG both publishes and presents Applicability Notices on a quarterly basis. The Applicability Notices are summary level documents that describe the incident, the root cause analysis of why it occurred, and the CAP steps for correcting the root cause(s) and preventing a repeat incident. Presentations are held at the Risk Management Coordinators quarterly meetings and notices are published on the CEO/RMB intranet site.

- For FY 2011-12, there were a total of 55 applicability notices.
- Thirty-Seven (37) were Employment Practices Liability cases, representing total settlement costs of \$4,473,771;
- Fifteen (15) were Automobile Liability cases, representing total settlement costs of \$2,552,044;
- Three (3) were General Liability cases, representing total settlement costs of \$277,500.

### **COUNTYWIDE CORRECTIVE ACTIONS**

Countywide Corrective Action Plans are collaborations between RMIG, County Counsel, Human Resources, Auditor-Controller, and CEO. They address claims and corrective actions with Countywide impact, and are communicated across the organization with the purpose of educating departments and preventing similar losses. These CAPs have typically arisen from high impact/high severity claims in far reaching areas such as employment practices liability and wage and hour issues. All claims and CAPs, however, are evaluated for Countywide potential, and escalated as appropriate. RMIG has developed a formal Countywide CAP process and form which will be used for all Countywide CAP-related issues starting in January 2013.

# Significant Accomplishments FY 2011-12

## LEGAL EXPOSURE REDUCTION COMMITTEE

The Legal Exposure Reduction Committee (LERC) has become the place for departments to share best practices and identify new solutions to common risk-related problems. LERC is also the vehicle for advancing the County's Strategic Plan relative to the Risk Management Initiative focused on reducing the cost of workers' compensation and return-to-work programs, vehicle liability, and employment practices liability.

LERC met seven times during FY 2011-12. Some of the items discussed included:

- Status updates from the following subcommittees:
  - Classification Studies
  - Employment Practices Liability
  - Medical Malpractice (Hospital and Non-Hospital)
  - Training and Communication
  - Vehicle Liability
  - Workers' Compensation and Return-to-Work
- Updates on recommendations submitted by the various subcommittees and County Counsel;
- County Equity Oversight Panel Complaint Process;
- County Counsel quarterly litigation reports;
- A review of the top paid judgments and settlements;
- Departmental Risk Management Overview presentations to Board Deputies; and,
- Announcements about various training opportunities, including training for risk management coordinators, safety officers, and return-to-work coordinators.

## WORKERS' COMPENSATION AND RETURN-TO-WORK

CEO/RMB worked to support departments in a variety of ways:

- Collaborated with the Department of Human Resources to implement a Countywide Absence Management System. Implementation of the basic system was completed on August 31, 2012, and provides departments with a comprehensive leave administration tool to identify, document, and report absences, as well as track employees on limited duty status. Enhancements to the

system (identified by the Probation Department) are currently in development to make the system even more useful, particularly in the area of return-to-work.

- Provided ongoing training in the areas of workers' compensation, return-to-work/disability management, including the monitoring/management of employees on long-term absence, and long-term and short-term disability, through quarterly seminars, as well as intensive classroom training. The quarterly return-to-work seminars were attended by a total of 349 County return-to-work coordinators, managers, and human resources personnel, and the classroom training was attended by 158 participants.
- Provided guidance to several departments on how to manage employees on long-term leaves.
- Participated and provided consultation in over 120 claim reviews with County departments and third party administrators relating to workers' compensation and return-to-work issues.
  - Conducted 68 return-to-work trainings for various departments based on departmental requests and/or needs.
  - Attended 71 Interactive Process Meetings to provide expert advice on reasonable accommodation and return-to-work best practices.
  - Provided 56 letters of concurrence to enable departments to move forward with the medical separation process in accordance with Civil Service Rule 9.08(c).

## LOSS CONTROL AND PREVENTION

CEO/RMB has provided risk analysis, consultative assistance to find effective solutions for root causes, and training for all departments. Targeted loss control and prevention efforts have been focused on high-risk departments. An Ergonomic Task Force was created to identify and measure potential cost saving opportunities. Also, continued assistance was provided for the LERC subcommittees.

- Quarterly loss control and prevention meetings were attended by a total of 370 County safety officers, human resources personnel, and others with safety responsibilities. The meetings covered: *Job Hazard Analysis; Health and Safety Hazard Awareness: County Business at Unattended Properties; Workplace Violence Prevention: Case Studies, Critical Calls and Action Items; An Overview of Cal/OSHA; and Responding to Water Intrusion Problems.*
- Training on a range of health and safety topics was presented to 11 departments. The three most attended training topics were *Cal/OSHA Recordkeeping Requirements, Office Ergonomics, and Introduction to Occupational Safety and Health.*
- In addition to training, 640 consultations were provided to departments on a variety of issues, including Cal/OSHA compliance, corrective action plan development and review, health and safety, and liability.
- Provided targeted loss control and prevention efforts to high-risk departments resulting in decrease of injury and illness frequency, particularly in the Probation Department (-23.3%) and the Department of Public Health (-23.5%).

- Provided assistance to departments in preparing their FY 2011-12 Risk Exposure Cost Avoidance Plan (RECAP) Status Reports and their FY 2012-13 RECAPs.
- Provided assistance to departments in meeting several risk management-related Management Appraisal and Performance Plan goals.

## RISK MANAGEMENT OPERATIONS AND CLAIMS MANAGEMENT

- Provided approximately six hours of indemnification and insurance training for the Countywide Contracting training.
- Successfully completed solicitation for Broker of Record agreements for the Commercial Insurance Program.
- Successfully completed solicitation for the SPARTA/SELIP program (insurance for small contractors and for special events).
- Successfully completed a sole source contract for the Workers' Compensation Information System.
- Successfully completed a solicitation for a Master Agreement for Risk Management Consulting Services.

## RISK MANAGEMENT INSPECTOR GENERAL

- Updated training materials and manuals and, in May 2012, presented a training session that included data analysis, root cause analysis, and a workshop for developing SCAPs and CAPs.
- Participated in two separate Loss Exposure Reduction Committee subcommittees in the areas of Training and Communication and Medical Malpractice exposures. RMIG staff's knowledge of claims and their root causes contributed significantly to the development of loss exposure reduction programs within each subcommittee, including development of video blasts to communicate risk management best practices, implementation of the Patient Safety Net system in FY 2012-13, changes in wage and hour policies and procedures, and involvement in pre-litigation human resources roundtables.
- Updated the functionality of automated Countywide liability reports, allowing departments to better track high-exposure liability claims and begin development of SCAPs and CAPs as soon as practicable.

## OCCUPATIONAL HEALTH PROGRAMS

- In conjunction with the Board of Supervisors' decision to consolidate the Office of Public Safety into the Sheriff's Department, expedited the processing of over 300 employee medical examinations to assist in the transfer of employees to their new department(s).
- Evaluated the Countywide Drug Free Workplace testing program protocols and procedures in regards to the usage of medical marijuana to ensure compliance with applicable Federal and State guidelines.

- In conjunction with the County of Los Angeles' Reasonable Suspicion Drug Testing Program, facilitated the testing of 14 employees suspected of being under the influence of drugs and/or alcohol (12 positive results were received) and provided line departments with guidance and/or recommendations when a positive drug screening examination was received.
- Issued a Request for Proposals (RFP) for medical service contractors.
- Evaluated several County periodic medical examinations resulting in either examination elimination or reduction in the number of examinations provided to employees.
- Evaluated expansion of the County's pre-placement drug testing program by identifying classifications which are not currently receiving pre-placement drug screening but fall within the criteria established by the County of Los Angeles' Drug Free Workplace Program.

DRAFT

# Key Objectives

## FY 2012-13

CEO/RMB provides leadership and direction for the County's risk management programs. Key objectives for FY 2012-13 include:

- Enhancing the Countywide strategic plan emphasis on risk management while continuing the emphasis on key areas of workers' compensation cost reduction, vehicle usage and liability, and employment practices;
- Reviewing and implementing risk management best practices and improvements recommended by the Legal Exposure Reduction Committee;
- Improving collaboration between CEO, County Counsel, and departmental risk management staff;
- Improving the monitoring of Corrective Action Plans and evaluating their effectiveness, including notification to the Board about any CAPs considered to be insufficient or missing critical information;
- Encouraging department executives to gain a better understanding of their unique risks and exposures (through Risk Exposure Cost Avoidance Plans and Risk Management Overview presentations for the Board Deputies);
- Developing better methods of sharing best practices and lessons learned by leveraging technology (training videos, intranet, etc.);
- Focusing concentrated preventative efforts on "cost driver" issues in key departments;
- Updating technology systems such as the workers' compensation claims administration system and the liability claims administration system;
- Developing better cause coding methodologies to improve data analysis capabilities;
- Creating claims-related dashboards to improve and simplify trend analysis;
- Actively participating in Statewide work groups to guide the development of rules and regulations relating to the implementation of workers' compensation legislative reforms;
- Implementing provisions included in the workers' compensation legislative reforms;
- Improving the electronic Absence Management System to enhance functionality for return-to-work and disability management;

- Completing the Request for Proposals process for workers' compensation claims administration services; and,
- Implementing a campaign to promote the early return-to-work program.

## LEGAL EXPOSURE REDUCTION COMMITTEE

The Legal Exposure Reduction Committee continues its activities and has various subcommittees which are addressing significant areas of risk. These subcommittees include:

- Workers' Compensation and Return-to-Work\*
- Vehicle Liability\*
- Employment Practices Liability\*
- Classification Studies
- Medical Malpractice (Hospitals)
- Medical Malpractice (Non-Hospitals)
- Training and Communication

\* These subcommittees are focused on County Strategic Plan initiatives.

Primary goals for FY 2012-13 are to improve the effectiveness of LERC, create a streamlined process for evaluating and implementing recommendations, and using LERC as a vehicle for discussing and disseminating best practices.

## WORKERS' COMPENSATION AND RETURN-TO-WORK

### **RETURN-TO-WORK**

Various trainings and seminars are offered throughout the year to promote consistent disability management practices within the County. In FY 2012-13, CEO/RMB will continue to focus on:

- Monitoring departmental progress and usage of the Absence Management System as it relates return-to-work issues and limited duty assignments.
- Monitoring employees on the long-term leave of absence reports and providing guidance to the departments on how to address long-term leave issues through outreach and training.
- Working collaboratively with the Department of Human Resources to streamline the process and strengthen the placement of employees with disabilities that cannot otherwise be accommodated in their own department.

### **MEDICAL MANAGEMENT PROGRAM**

In FY 2011-12, the workers' compensation program was billed over \$534 million in medical charges. These charges were reduced by approximately \$395 million (almost 74%) in compliance with medical management cost avoidance platforms.

On October 1, 2011, the County implemented the workers' compensation Pharmacy Benefit Management network (PBM) to improve the delivery of appropriate medication to injured workers and manage costs. A greater PBM penetration rate allows for the application of cost avoidance platforms on the workers' compensation program. A key component of the PBM is funneling costly single-source prescriptions to safe, less costly generic brands. In the third quarter of calendar year 2012, single-source brand prescriptions accounted for 28.4 percent of all prescriptions and 67.6 percent of total costs. One PBM program goal is to leverage home delivery to facilitate generic usage and allow injured workers the benefit of easy delivery of medications. PBM data for the first quarter of FY 2012-13 reflects the following:

- Network penetration rate of 85.9 percent;
- Home Delivery rate of 12.2 percent;
- Generic prescription utilization increase of 7.8 percent from program implementation; and
- Single source prescription utilization reduction of 16.2 percent from program implementation.

CEO/RMB staff believes that as the PBM matures, additional benefits and cost avoidance attributed to step-therapy, which encourages the use of safe and effective step-one medications (usually generic) before trying more expensive brand names, and physician outreach programs, will be experienced.

#### **WORKERS' COMPENSATION FIRE DEPARTMENT INITIATIVE**

During FY 2011-12, the Fire Department, Local 1014, County Counsel, and CEO partnered to establish the infrastructure required to implement a workers' compensation dispute resolution process. The dispute resolution process is designed to improve labor-management relations, organizational effectiveness, reduce the number of workers' compensation disputes between the County and covered employees, expedite benefit delivery, and enhance return-to-work results. This new process will begin for covered employees and retirees on January 1, 2013.

On August 1, 2012, the Fire Department implemented a formalized Limited Duty Assignment Desk to identify organizational resource needs caused by temporary emergent situations and meet such needs with employees on temporary work restriction. The objective of the program is to return injured workers to meaningful work as soon as possible, improve organizational effectiveness, track the status of employees performing in modified duty assignments, and leverage early return-to-work efforts to manage costs associated with time-loss workers' compensation benefits.

CEO/RMB believes that the Fire Department Initiative is well designed; therefore, in collaboration with the Fire Department, CEO/RMB will evaluate the impact and results of the Initiative. Additionally, CEO/RMB will assess the potential implementation of similar initiatives in other County departments.

#### **LEGISLATIVE AND REGULATORY**

CEO and County Counsel continue to actively work with public and private employers and associations, as well as with appropriate State of California administrative and legislative staff, to prevent the erosion of the workers' compensation reforms of FY 2003-04, and advocate that system benefit increases are balanced with

real reductions in system cost drivers. This includes evaluating proposed regulations and recommending language to accomplish statutory intent in a reasonable manner.

Recently, the California State Association of Counties recognized CEO/RMB staff with a 2012 Circle of Service Award for key analysis and comment on the complicated workers' compensation reform package.

Looking ahead to the FY 2013-14 legislative session, CEO expects the administration to be focused on implementation of the comprehensive package of benefit increases and reform elements passed and signed in 2012 (SB 863) through the development and adoption of necessary rules and regulations. Among the numerous reform elements included in SB 863 are the following:

- New rules requiring more detailed and relevant justification for the filing of liens on contested medical issues or medical fee disputes. Also, a modest lien filing fee will be applied to discourage the filing of frivolous lien claims.
- Establishing fee schedules for copy services, medical interpreters, and home health care services. Also, new regulations pertaining to home health care services to control utilization and prevent unlimited, retroactive employer liability for home health care benefits.
- Establishment of independent medical review and independent bill review processes to resolve disputes related to medical utilization and medical fees. Medical disputes will be resolved in a non-litigious manner by medical review panels.
- Updated regulations pertaining to an employer's use of a Medical Provider Network (MPN) that will enable the employer to better control medical costs by containing treatment within an approved MPN.

CEO is actively involved, along with County Counsel, in reviewing proposed rules and suggesting amendments to ensure smooth implementation.

## LOSS CONTROL AND PREVENTION

In FY 2012-13, CEO/RMB will:

- Evaluate the expansion/revision of the *Introduction to Occupational Safety and Health* series to incorporate additional topics and current issues, and develop supporting programs and training materials.
- Implement recommendations developed by the Ergonomics Taskforce to achieve cost-effective outcomes and a reduction in workers' compensation costs related to ergonomic evaluations. Probation, Children and Family Services, and Public Social Services will participate in the ergonomics pilot project, which includes new ordering procedures, standardized evaluation procedures, and standardized ergonomic equipment product lists. Potential cost savings from the pilot project will be evaluated by the end of FY 2012-13, and implementation in other departments will follow.
- Provide targeted loss control and prevention resources to key departments to help improve compliance with risk management best practices and safety and health regulations, with a goal of reducing the frequency and severity of employee injuries or illnesses. Seven departments (Children and Family Services, Fire, Health Services, Probation, Public Social Services, Public Works, and Sheriff) account for over 80 percent of the County's claim frequency and expense. Efforts will include:

1) review and audit of existing loss control programs, 2) determination/identification of additional required loss control programs, 3) analysis/trending of loss data, and 4) development of recommendations to minimize the effects of cost drivers.

## RISK MANAGEMENT OPERATIONS AND CLAIMS MANAGEMENT

In FY 2012-13, CEO/RMB will:

- Complete an RFP for workers' compensation third party administrators.
- Research, develop, and draft an RFP for the County's new workers' compensation claims information system.
- Complete an RFP process for occupational health services and mobile medical examinations.
- Complete an RFP process for liability claims third party administrator services.

## RISK MANAGEMENT INSPECTOR GENERAL

In FY 2012-13, CEO/RMB will:

- Implement a data aggregation dashboard which will present real-time liability and workers' compensation data at the department, cluster, and Countywide level. This will allow departments to analyze new claims and trends on a daily basis and proactively manage exposures.
- Track and report on the efficacy of Corrective Action Plans by means of:
  - A CAP/SCAP tracking and compliance tool which will electronically capture CAP/SCAP information and supporting documents, allowing RMIG to follow up on individual corrective action plan steps on a real-time and automated basis.
  - A CAP/SCAP self-audit and verification procedure which increases departments' accountability by requiring that they self-audit and report the exact status of each Corrective Action Plan step beginning six months after the CAP/SCAP is approved. This also includes an annual verification and sign-off by the Department Head for all CAPs/SCAPs in the verification period.
  - Strengthen CAP/SCAP reviews by reporting to the Board in the event CEO/RMB believes the CAPs/SCAPs are inadequate.
- Revise Root Cause Analysis and Corrective Action Plan training modules to reflect new procedures arising from the tracking and compliance tool.

## OCCUPATIONAL HEALTH PROGRAMS

In FY 2012-13, CEO/RMB will:

- Actively participate in department outreach activities to better advertise the processes and procedures as related to various Occupational Health Programs, such as reasonable suspicion testing protocols, Department of Transportation drug and alcohol testing protocols, and medical and psychological re-evaluation procedures.

- Update the Countywide drug testing policy to include additional classifications that have been determined to be safety-sensitive.
- Transition from existing record storage vendor to new vendor, involving an extensive amount of historical medical files.
- Complete the selection of medical service contractors (renewal of contracts).
- Develop a computerized color vision test for safety applicants.
- Issue an RFP for drug testing services (renewal).
- In partnership with the Fire Department, eliminate unnecessary and/or harmful medical testing components of wellness program.

## RISK FINANCING

In FY 2012-13, CEO/RMB will:

- Discuss, inform, and educate department stakeholders and Board representatives on the benefits of liability risk financing, including establishing a funded program based on actuarial calculations of existing liabilities.

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# Statistics

All Claims Frequency and Expense Summary..... Exhibit A

Workers' Compensation Claim Frequency and Expense Summary..... Exhibit B

State of California Labor Code 4850 and Salary Continuation Expense Summary ..... Exhibit C

Vehicle Liability Claim Frequency and Expense Summary. .... Exhibit D

General Liability Claim Frequency and Expense Summary ..... Exhibit E

Medical Malpractice Claim Frequency and Expense Summary ..... Exhibit F

RECAP/Management Appraisal and Performance Plan Goals..... Exhibit G

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## EXHIBIT A

## ALL CLAIMS FREQUENCY AND EXPENSE SUMMARY

Department	FY 2009-10		FY 2010-11		FY 2011-12	
	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)
Affirmative Action Compliance	3	\$21,761	2	\$17,833	0	\$0
Agricultural Commissioner/Weights and Measures	45	\$3,712,518	43	\$950,164	56	\$753,824
Alternate Public Defender	22	\$198,774	11	\$108,491	6	\$214,469
Animal Care and Control	133	\$1,116,261	173	\$1,006,599	127	\$1,700,575
Assessor	56	\$1,671,536	40	\$1,395,301	56	\$1,081,561
Auditor-Controller	20	\$500,048	23	\$466,569	25	\$360,678
Beaches and Harbors	45	\$479,617	47	\$460,556	27	\$1,240,506
Board of Supervisors	37	\$902,811	29	\$1,701,285	25	\$1,725,593
Chief Executive Office	24	\$1,936,467	46	\$1,904,447	37	\$10,597,597
Chief Information Office	0	\$8,590	0	\$2,203	4	\$8,352
Child Support Services	118	\$3,309,102	148	\$3,885,431	159	\$4,741,710
Children and Family Services	507	\$21,605,877	538	\$22,503,464	582	\$21,553,546
Community and Senior Services	26	\$2,553,286	54	\$1,639,382	38	\$2,064,001
Consumer Affairs	1	\$56,503	1	\$83,571	1	\$16,125
Coroner	32	\$864,752	39	\$1,057,950	33	\$836,901
County Counsel	11	\$424,596	27	\$617,868	10	\$576,235
District Attorney	139	\$5,291,714	143	\$4,985,261	182	\$5,682,750
Fire	1,490	\$60,135,029	1,555	\$67,954,429	1,455	\$71,910,990
Health Services	1,668	\$61,815,430	2,148	\$65,150,250	1,965	\$70,361,004
Human Relations Commission	0	\$34,328	0	\$5,891	0	\$9,425
Human Resources	7	\$184,175	13	\$106,835	9	\$187,098
Internal Services	156	\$4,942,442	173	\$4,951,220	157	\$4,679,302
LACERA	17	\$407,093	12	\$410,453	12	\$574,455
Mental Health	391	\$6,624,829	270	\$7,829,500	294	\$7,923,556
Military and Veterans Affairs	2	\$19,671	0	\$17,686	5	\$24,415
Museum of Art	4	\$117,720	7	\$141,551	4	\$67,249
Museum of Natural History	2	\$158,231	1	\$423,118	0	\$233,503
Non-Jurisdictional	304	\$279,226	383	\$467,080	539	\$3,646,309
Office of Public Safety	215	\$5,301,475	171	\$3,630,736	5	\$1,666,404
Parks and Recreation	205	\$3,722,766	343	\$5,175,622	422	\$5,252,975
Pending Assignment	18	-\$90	16	\$0	5	\$0
Probation	907	\$35,682,746	1,014	\$40,755,045	796	\$38,075,783
Public Defender	55	\$1,497,804	61	\$1,553,407	64	\$1,100,922
Public Health	244	\$7,249,627	258	\$8,472,894	210	\$8,458,734
Public Library	50	\$565,873	75	\$839,000	68	\$855,576
Public Social Services	896	\$35,940,190	976	\$39,047,217	1,054	\$36,499,088
Public Works	971	\$13,274,940	1,029	\$14,543,465	1,021	\$24,832,153
Regional Planning	18	\$308,091	33	\$519,513	15	\$898,996
Registrar-Recorder/County Clerk	84	\$3,055,986	106	\$2,859,205	69	\$2,876,125
Sheriff	6,955	\$152,268,900	6,688	\$161,093,201	5,785	\$167,521,124
Superior Court	257	\$9,660,397	293	\$10,522,879	294	\$10,584,102
Treasurer and Tax Collector	85	\$1,370,285	116	\$1,189,383	73	\$1,291,877
<b>TOTAL<sup>4</sup></b>	<b>16,033</b>	<b>\$449,271,377</b>	<b>16,571</b>	<b>\$480,445,956</b>	<b>15,423</b>	<b>\$512,685,589</b>

1. Amount Paid is the total of the transactions paid by coverage code in the fiscal year regardless of occurrence date plus amounts paid for workers' compensation from the Workers' Compensation Status Report. Amount Paid includes indemnity and legal fees and expenses. Does not include RBNP or IBNR reserves. Workers' compensation paid does not reflect State of California Labor Code 4850 or salary continuation payments. Data does not include unemployment costs.
2. Above information includes pending and non-jurisdictional departments, but does not include associated agencies that are not County departments, i.e., MTA, Foothill Transit, etc. This information does include County Counsel tort files. County Counsel expenditures are included.
3. Amounts valued as of June 30, 2012.
4. The total number of claims does not add up to the sum of claims by department since some claims are allocated to multiple departments; count includes all suffixes.

## EXHIBIT B

**WORKERS' COMPENSATION CLAIM FREQUENCY AND EXPENSE SUMMARY  
FY 2009-10 THROUGH FY 2011-12**

Department	FY 2009-10		FY 2010-11		FY 2011-12	
	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)
Affirmative Action Compliance	3	\$21,761	2	\$17,833	0	\$0
Agricultural Commissioner/Weights and Measures	31	\$620,750	25	\$856,735	40	\$651,621
Alternate Public Defender	15	\$73,643	7	\$65,711	4	\$198,843
Animal Care and Control	99	\$788,985	132	\$616,515	99	\$726,277
Assessor	36	\$1,313,069	27	\$973,482	35	\$847,609
Auditor-Controller	7	\$215,635	13	\$201,350	15	\$324,678
Beaches and Harbors	13	\$387,445	25	\$377,712	18	\$622,327
Board of Supervisors	13	\$119,901	14	\$193,563	9	\$641,617
Chief Executive Office	7	\$348,429	9	\$324,847	13	\$339,216
Chief Information Office	0	\$8,590	0	\$2,203	4	\$8,352
Child Support Services	101	\$2,751,958	124	\$3,585,970	136	\$4,207,182
Children and Family Services	368	\$15,931,483	382	\$15,857,097	383	\$15,417,133
Community and Senior Services	19	\$704,495	33	\$910,543	10	\$942,453
Consumer Affairs	1	\$56,503	1	\$77,174	0	\$16,125
Coroner	25	\$689,675	15	\$726,074	19	\$737,028
County Counsel	6	\$364,037	16	\$592,051	9	\$548,875
District Attorney	74	\$4,141,258	74	\$3,598,160	82	\$3,919,214
Fire	1,326	\$37,617,412	1,383	\$42,269,729	1,328	\$47,672,830
Health Services	1,279	\$39,596,207	1,369	\$40,498,620	1,431	\$46,589,989
Human Relations Commission	0	\$34,328	0	\$5,891	0	\$9,425
Human Resources	5	\$117,300	13	\$84,458	8	\$156,879
Internal Services	109	\$4,544,192	104	\$4,205,171	98	\$4,201,006
LACERA	17	\$398,406	12	\$369,578	12	\$563,519
Mental Health	296	\$5,346,415	195	\$5,381,008	213	\$6,717,114
Military and Veterans Affairs	2	\$19,671	0	\$17,686	4	\$10,834
Museum of Art	4	\$115,529	6	\$112,960	3	\$67,249
Museum of Natural History	2	\$114,024	0	\$243,412	0	\$128,228
Non-Jurisdictional	0	\$0	0	\$0	0	\$0
Office of Public Safety <sup>4</sup>	44	\$3,409,182	11	\$3,111,351	3	\$2,969,232
Parks and Recreation	135	\$2,858,631	159	\$2,701,721	202	\$3,920,887
Pending Assignment	4	\$0	5	\$0	4	\$0
Probation	846	\$23,865,566	946	\$26,646,815	727	\$27,328,288
Public Defender	35	\$783,073	38	\$1,081,159	41	\$747,269
Public Health	206	\$6,018,834	223	\$7,357,882	169	\$6,884,337
Public Library	42	\$560,133	62	\$806,013	58	\$824,764
Public Social Services	846	\$34,155,932	921	\$36,624,041	1,014	\$34,510,222
Public Works	220	\$5,271,514	254	\$7,284,318	258	\$5,420,225
Regional Planning	1	\$56,376	8	\$279,333	1	\$199,398
Registrar-Recorder/County Clerk	74	\$2,714,884	84	\$2,569,914	59	\$2,584,556
Sheriff	4,042	\$91,766,545	4,235	\$92,709,480	3,938	\$104,439,147
Superior Court	257	\$9,089,322	293	\$9,745,232	294	\$10,124,898
Treasurer and Tax Collector	19	\$1,147,367	14	\$979,488	25	\$1,050,095
<b>TOTAL</b>	<b>10,629</b>	<b>\$298,138,460</b>	<b>11,234</b>	<b>\$314,062,280</b>	<b>10,766</b>	<b>\$337,268,942</b>

1. Amount Paid is the total of the transactions paid for workers' compensation in the fiscal year; amount includes indemnity and legal fees and expenses, regardless of date of occurrence. Does not include RBNP or IBNR reserves. Workers' compensation paid does not include State of California Labor Code 4850 or salary continuation payments.
2. Amounts shown as listed on the Workers' Compensation Status Report.
3. Superior Court expenses are billed to the State of California; these expenses are not controllable by the County as these are State of California employees.
4. The Office of Public Safety was consolidated with the Sheriff's Department in FY 2010-11.

**EXHIBIT C****STATE LABOR CODE 4850 AND SALARY CONTINUATION EXPENSE SUMMARY  
FY 2009-10 THROUGH FY 2011-12**

Department	FY 2009-10	FY 2010-11	FY 2011-12
	Amount Paid <sup>1</sup>	Amount Paid <sup>1</sup>	Amount Paid <sup>1</sup>
Affirmative Action Compliance	\$0	\$0	\$0
Agricultural Commissioner/Weights and Measures	\$74,258	\$33,548	\$33,444
Alternate Public Defender	\$18,201	\$0	\$9,682
Animal Care and Control	\$55,556	\$18,407	\$96,559
Assessor	\$43,261	\$80,608	\$46,326
Auditor-Controller	\$4,026	\$364	\$8,195
Beaches and Harbors	\$2,138	\$20,484	\$40,962
Board of Supervisors	\$0	\$211	\$6,161
Chief Executive Office	\$37,971	\$7,199	\$41,823
Chief Information Office	\$0	\$0	\$0
Child Support Services	\$79,838	\$154,000	\$138,585
Children and Family Services	\$779,268	\$973,899	\$572,217
Community and Senior Services	\$0	\$22,015	\$51,626
Consumer Affairs	\$0	\$6,398	\$0
Coroner	\$43,872	\$37,448	\$2,914
County Counsel	\$0	\$0	\$13,300
District Attorney	\$367,316	\$128,761	\$207,950
Fire	\$18,727,163	\$20,252,025	\$21,617,102
Health Services	\$1,875,701	\$2,212,400	\$2,247,793
Human Relations Commission	\$0	\$0	\$0
Human Resources	\$24,633	\$7,845	\$13,561
Internal Services	\$248,419	\$102,930	\$124,647
LACERA	\$8,687	\$40,875	\$10,936
Mental Health	\$235,611	\$404,520	\$301,245
Military and Veterans Affairs	\$0	\$0	\$13,581
Museum of Art	\$2,191	\$28,591	\$0
Museum of Natural History	\$1,186	\$0	\$0
Non-Jurisdictional	\$0	\$68,956	\$0
Office of Public Safety	\$451,682	\$0	\$0
Parks and Recreation	\$91,481	\$155,348	\$163,232
Pending Assignment	\$0	\$0	\$0
Probation	\$8,679,089	\$10,193,650	\$8,162,015
Public Defender	\$119,535	\$105,891	\$17,819
Public Health	\$374,536	\$297,512	\$356,370
Public Library	\$0	\$1,271	\$19,812
Public Social Services	\$1,319,264	\$1,514,014	\$1,262,485
Public Works	\$397,677	\$318,555	\$379,842
Regional Planning	\$0	\$0	\$0
Registrar-Recorder/County Clerk	\$150,435	\$81,365	\$98,586
Sheriff	\$23,069,367	\$22,027,158	\$24,136,854
Superior Court	\$570,075	\$777,647	\$459,204
Treasurer and Tax Collector	\$51,200	\$46,729	\$34,078
<b>TOTAL</b>	<b>\$57,903,637</b>	<b>\$60,120,620</b>	<b>\$60,688,906</b>

1. Amount Paid is as reported by the Auditor-Controller based on the sum of 70% IA, 100% IA, and MegalA expense.

**EXHIBIT D****VEHICLE LIABILITY CLAIM FREQUENCY AND EXPENSE SUMMARY  
FY 2009-10 THROUGH FY 2011-12**

Department	FY 2009-10		FY 2010-11		FY 2011-12	
	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)
Affirmative Action Compliance	0	\$0	0	\$0	0	\$0
Agricultural Commissioner/Weights and Measures	6	\$2,999,174	9	\$16,930	7	\$22,889
Alternate Public Defender	1	\$0	0	\$0	0	\$0
Animal Care and Control	10	\$81,397	13	\$19,764	3	\$32,546
Assessor	2	\$15,949	2	\$41,374	5	\$5,612
Auditor-Controller	2	\$17,781	0	\$935	0	\$0
Beaches and Harbors	4	\$24,032	1	\$44,260	2	\$346,579
Board of Supervisors	13	\$52,319	3	\$86,626	5	\$5,295
Chief Executive Office	0	\$0	9	\$5,769	4	\$12,101
Chief Information Office	0	\$0	0	\$0	0	\$0
Child Support Services	0	\$0	0	\$0	2	\$0
Children and Family Services	33	\$182,526	62	\$323,400	58	\$194,325
Community and Senior Services	1	\$745	2	\$12,081	2	\$3,560
Consumer Affairs	0	\$0	0	\$0	0	\$0
Coroner	1	\$4,017	13	\$24,659	2	\$6,941
County Counsel	2	\$0	1	\$0	0	\$0
District Attorney	10	\$42,603	8	\$26,121	10	\$116,660
Fire	83	\$414,706	113	\$3,727,756	84	\$517,746
Health Services	14	\$282,156	5	\$143,623	8	\$44,039
Human Relations Commission	0	\$0	0	\$0	0	\$0
Human Resources	0	\$0	0	\$0	0	\$0
Internal Services	29	\$58,570	36	\$75,419	26	\$119,000
LACERA	0	\$0	0	\$0	0	\$0
Mental Health	11	\$137,145	30	\$1,223,596	18	\$51,390
Military and Veterans Affairs	0	\$0	0	\$0	0	\$0
Museum of Art	0	\$0	0	\$0	0	\$0
Museum of Natural History	0	\$0	0	\$0	0	\$0
Non-Jurisdictional	87	\$66,110	85	\$94,513	109	\$40,124
Office of Public Safety	13	\$85,153	0	\$132,079	0	\$123,208
Parks and Recreation	20	\$441,029	17	\$1,495,699	26	\$151,595
Pending Assignment	7	-\$90	8	\$0	1	\$0
Probation	10	\$75,398	9	\$54,687	15	\$164,802
Public Defender	3	\$559	9	\$19,105	3	\$49,821
Public Health	22	\$145,995	13	\$41,848	11	\$72,717
Public Library	7	\$5,740	7	\$7,718	4	\$11,000
Public Social Services	7	\$88,589	6	\$89,822	7	\$20,534
Public Works	96	\$1,065,751	108	\$586,694	89	\$1,020,027
Regional Planning	0	\$0	5	\$6,069	0	\$8,121
Registrar-Recorder/County Clerk	2	\$0	4	\$12,755	0	\$0
Sheriff	450	\$8,461,637	412	\$7,946,924	441	\$7,263,309
Superior Court	0	\$0	0	\$0	0	\$0
Treasurer and Tax Collector	0	\$0	0	\$0	0	\$0
<b>TOTAL<sup>4</sup></b>	<b>942</b>	<b>\$14,748,991</b>	<b>973</b>	<b>\$16,260,226</b>	<b>942</b>	<b>\$10,403,941</b>

1. Amount Paid is the total of the transactions paid for vehicle liability claims and lawsuits in the fiscal year; amount includes indemnity and legal fees and expenses, regardless of date of occurrence. Does not include RBNP or IBNR reserves.
2. Above information includes pending and non-jurisdictional departments, but does not include associated agencies that are not County departments, i.e., MTA, Foothill Transit, etc. This information includes County Counsel tort files.
3. Amounts do not include non-insured and non-third party vehicle losses which are directly paid by the departments. Amounts valued as of June 30, 2012.
4. The total number of claims does not add up to the sum of claims by department since some claims are allocated to multiple departments; count includes all suffixes.

**EXHIBIT E****GENERAL LIABILITY CLAIM FREQUENCY AND EXPENSE SUMMARY  
FY 2009-10 THROUGH FY 2011-12**

Department	FY 2009-10		FY 2010-11		FY 2011-12	
	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)
Affirmative Action Compliance	0	\$0	0	\$0	0	\$0
Agricultural Commissioner/Weights and Measures	8	\$18,336	9	\$42,950	9	\$45,870
Alternate Public Defender	6	\$106,930	4	\$42,780	2	\$5,944
Animal Care and Control	24	\$190,323	28	\$351,913	25	\$845,193
Assessor	18	\$299,257	11	\$299,837	16	\$182,014
Auditor-Controller	11	\$262,606	10	\$263,920	10	\$27,805
Beaches and Harbors	28	\$66,002	21	\$18,100	7	\$230,638
Board of Supervisors	11	\$730,591	12	\$1,420,886	11	\$1,072,520
Chief Executive Office	17	\$1,550,067	28	\$1,566,633	20	\$10,204,457
Chief Information Office	0	\$0	0	\$0	0	\$0
Child Support Services	17	\$477,306	24	\$145,462	21	\$395,943
Children and Family Services	104	\$4,712,600	94	\$5,349,068	141	\$5,362,973
Community and Senior Services	6	\$1,848,046	19	\$694,743	25	\$1,061,593
Consumer Affairs	0	\$0	0	\$0	1	\$0
Coroner	4	\$104,585	8	\$269,306	10	\$89,848
County Counsel	3	\$60,559	10	\$25,818	1	\$14,060
District Attorney	55	\$740,537	61	\$1,232,219	90	\$1,438,926
Fire	73	\$2,714,224	52	\$1,590,766	31	\$1,834,015
Health Services	153	\$4,685,844	538 <sup>5</sup>	\$5,228,857	273	\$7,094,900
Human Relations Commission	0	\$0	0	\$0	0	\$0
Human Resources	2	\$42,242	0	\$14,532	1	\$16,658
Internal Services	18	\$91,261	33	\$567,701	33	\$234,649
LACERA	0	\$0	0	\$0	0	\$0
Mental Health	54	\$870,460	27	\$762,769	43	\$819,433
Military and Veterans Affairs	0	\$0	0	\$0	1	\$0
Museum of Art	0	\$0	1	\$0	1	\$0
Museum of Natural History	0	\$43,021	1	\$179,706	0	\$105,275
Non-Jurisdictional	201	\$213,116	266	\$298,079	391	\$636,953
Office of Public Safety	158	\$1,356,947	171	\$387,305	1	\$1,543,096
Parks and Recreation	50	\$331,625	167 <sup>6</sup>	\$822,855	194	\$1,017,261
Pending Assignment	7	\$0	3	\$0	0	\$0
Probation	51	\$3,062,693	57	\$3,859,893	52	\$2,413,945
Public Defender	17	\$594,637	14	\$347,252	20	\$286,013
Public Health	13	\$688,890	16	\$757,382	22	\$1,102,123
Public Library	1	\$0	6	\$23,998	6	\$0
Public Social Services	40	\$376,405	49	\$819,340	33	\$705,847
Public Works	655	\$6,539,998	667	\$6,353,899	674	\$18,012,059
Regional Planning	17	\$251,715	20	\$234,112	14	\$691,477
Registrar-Recorder/County Clerk	8	\$190,667	18	\$195,172	10	\$192,983
Sheriff	2,446	\$28,895,439	2,031 <sup>5</sup>	\$38,310,059	1,394	\$31,515,282
Superior Court	0	\$1,000	0	\$0	0	\$0
Treasurer and Tax Collector	66	\$171,718	102	\$163,166	48	\$207,704
<b>TOTAL<sup>4</sup></b>	<b>4,207</b>	<b>\$62,289,647</b>	<b>4,077</b>	<b>\$72,640,476</b>	<b>3,380</b>	<b>\$89,407,457</b>

1. Amount Paid is the total of the transactions paid for liability claims and lawsuits in the fiscal year; amount includes indemnity and legal fees and expenses, regardless of date of occurrence. Does not include RBNP or IBNR reserves.
2. Above information includes pending and non-jurisdictional departments, but does not include associated agencies that are not County departments, i.e., MTA, Foothill Transit, etc. This information includes County Counsel tort files.
3. Amounts valued as of June 30, 2012.
4. The total number of claims does not add up to the sum of claims by department since some claims are allocated to multiple departments; count includes all suffixes.
5. Over 400 claims for Health Services and the Sheriff's Department involve billing disputes. This is a new type of claim.
6. There were over 85 claims involving an environmental hazard at the same location.

## EXHIBIT F

**MEDICAL MALPRACTICE CLAIM FREQUENCY AND EXPENSE SUMMARY  
FY 2009-10 THROUGH FY 2011-12**

Department	FY 2009-10		FY 2010-11		FY 2011-12	
	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)	# New Claims	Amount Paid <sup>1,2,3</sup> (all claims)
DHS – Ambulatory Care Network	42	\$371,529	36	\$620,619	33	\$826,421
DHS – Harbor-UCLA Medical Center	59	\$1,930,501	74	\$8,700,319	87	\$8,311,075
DHS – LAC+USC Medical Center	75	\$5,184,415	103	\$4,922,638	108	\$1,980,075
DHS – Olive View-UCLA Medical Center	38	\$7,715,925	40	\$1,944,208	33	\$439,872
DHS – Rancho Los Amigos	7	\$173,152	13	\$878,966	3	\$2,826,840
<b>Health Services Subtotal<sup>4</sup></b>	<b>201</b>	<b>\$15,375,522</b>	<b>239</b>	<b>\$17,066,750</b>	<b>253</b>	<b>\$14,384,283</b>
Children and Family Services	2	\$0	1	\$0	0	\$6,898
Community and Senior Services	0	\$0	0	\$0	1	\$4,769
Coroner	2	\$22,603	4	\$462	2	\$170
Fire	8	\$661,524	7	\$114,152	12	\$269,297
Mental Health	30	\$35,198	18	\$57,606	20	\$34,374
Non-Jurisdictional	16	\$0	23	\$5,532	39	\$0
Office of Public Safety	0	-\$1,489	0	\$0	1	\$100
Probation	0	\$0	2	\$0	2	\$6,733
Public Health	2	\$21,372	6	\$18,270	8	\$43,187
Public Social Services	3	\$0	0	\$0	0	\$0
Sheriff	17	\$75,912	10	\$99,581	12	\$166,532
<b>TOTAL<sup>4</sup></b>	<b>255</b>	<b>\$16,190,642</b>	<b>288</b>	<b>\$17,362,354</b>	<b>335</b>	<b>\$14,916,343</b>

1. Amount Paid is the total of the transactions paid for medical malpractice claims and lawsuits in the fiscal year; amount includes indemnity and legal fees and expenses, regardless of date of occurrence. Does not include RBNP or IBNR reserves.
2. Above information includes pending and non-jurisdictional departments, but does not include associated agencies that are not County departments, i.e., MTA, Foothill Transit, etc. This information includes County Counsel tort files.
3. Amounts valued as of June 30, 2012.
4. The total number of claims does not add up to the sum of claims by department since some claims are allocated to multiple departments; count includes all suffixes.

**EXHIBIT G****RECAP/MANAGEMENT APPRAISAL AND PERFORMANCE PLAN GOALS**

Risk Exposure Cost Avoidance Plans (RECAPs) and Department Head Management Appraisal and Performance Plan (MAPP) goals remain key tools for ensuring departmental focus on risk management issues. Development of these plans requires departments to study their risks, identify areas for improvement, and develop strategic action plans to lead to improved performance.

Accomplishments reported by departments for FY 2011-12 include:

- Developed and implemented an Employee Orientation Health and Safety Guidelines Handbook;
- Established a tracking system for vehicle accidents and repairs;
- Provided training on ergonomics and field operations;
- Established quarterly meetings with branch/division managers to discuss risk issues within the department;
- Implemented a “How Am I Driving?” program in the department;
- Met with managers and supervisors to identify and assess risk factors and human resources issues;
- Provided ergonomic tips and information on Auditor-Controller paystub viewer;
- Identified top high-risk areas and developed mitigation plans to reduce risk;
- Reviewed Corrective Action Plan Applicability Notices and evaluated impact on the department;
- Completed online sexual harassment training for all staff;
- Developed monthly risk management roundtable meetings to improve communication within the department;
- Developed a department-wide safety committee;
- Implemented a departmental safety awareness campaign titled “Play It Safe;”
- Upgraded Cal/OSHA recordkeeping capabilities;
- Conducted a job hazard analysis and noise monitoring in key areas;
- Developed preventive action plans based on lessons learned and implemented mitigation measures;
- Distributed periodic risk management alerts to improve awareness;
- Upgraded existing programs for addressing respiratory protections and aerosol transmissible diseases;
- Developed a departmental risk management intranet page;
- Enhanced capabilities of the return-to-work unit by adding staff and providing training for all staff members;
- Created a vehicle damage claim review board to evaluate mileage permittee claims;
- Modified existing claim dashboards to improve effectiveness;

- Implemented a workstation evaluation checklist for conducting and documenting ergonomic evaluations;
- Identified and mitigated Americans with Disabilities Act barriers; and,
- Added a risk management section to periodic departmental newsletter.

Initiatives planned by departments for FY 2012-13 include:

- Conducting roundtable discussions for managers and supervisors regarding human resources issues;
- Completing a safety/risk assessment inventory and prioritizing high-risk areas;
- Implementing a safety communication system to ensure awareness of all safety programs;
- Establishing a risk management performance multi-disciplinary team to identify, assess, and propose corrective actions on risk issues;
- Assessing the feasibility of creating a consolidated risk management unit to include all risk management functions;
- Establishing departmental safety indices to assist with benchmarking;
- Providing training for managers and supervisors on effective supervision and leadership;
- Enhancing the new employee orientation program;
- Establishing a risk management award program to recognize top performing locations;
- Enhancing return-to-work procedures and implementing “best practices;”
- Improving workers’ compensation coding methods to track claims at the site location level;
- Implementing the Absence Management System;
- Organizing a departmental ergonomics committee and standardizing procedures related to ergonomic evaluations and equipment;
- Conducting ergonomic evaluations at all workstations;
- Developing a standardized list for the procurement of ergonomic equipment;
- Implementing a pilot program to evaluate stretch-break software to reduce ergonomic claims;
- Implementing the use of hand carts to minimize strains;
- Providing defensive driver training for high frequency drivers;
- Installing global positioning systems in vehicles to better monitor vehicle use;
- Implementing the Department of Motor Vehicles Pull Notice Program;
- Installing back-up sensors on County vehicles;
- Creating a vehicle accident review committee;
- Improving procedures for processing vehicle property damage claims;
- Providing training on conflict resolution for staff with field exposures;

- Improving safety training for volunteers;
- Disseminating risk management messages through the intranet and through “pop-up” pages; and,
- Developing and providing specialized slip, trip and fall training.

DRAFT



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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JOHN F. KRATTLI  
County Counsel

Agenda No. 17  
11/07/12

TO: SUPERVISOR MARK RIDLEY-THOMAS, Chairman  
SUPERVISOR GLORIA MOLINA  
SUPERVISOR ZEV YAROSLAVSKY  
SUPERVISOR DON KNABE  
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: JOHN F. KRATTLI  
County Counsel

SACHI A. HAMAI  
Executive Officer, Board of Supervisors

DEAN C. LOGAN  
Registrar-Recorder/County Clerk

RE: **County Tax Agent Registration Ordinance**

**Purpose of the Memorandum**

This memorandum is to provide an update on the proposed ordinance requiring tax agent registration which we prepared at your instruction. The ordinance was initially presented to your Board at your November 7, 2012, meeting and it was referred back at that time for further review and modifications. The revised ordinance will be presented to your Board at your January 22, 2013, Board meeting.

**Summary**

On August 28, 2012, your Board directed the Office of the County Counsel and the Executive Office to develop a registration process for tax agents who have business before the Assessor, Assessor's staff, Assessment Appeals Board, and Assessment Hearing Officers. In this regard, our offices drafted a tax agent registration ordinance that would require registration and reporting to ensure transparency. The tax agent registration ordinance adds Chapter 2.165 to the Los Angeles County Code which requires tax agents to annually register and pay a registration fee.

At your November 7, 2012 Board meeting, the initially drafted ordinance was referred back to our departments for further review and modification, based in part on discussions with the tax agent community and a further review of the existing requirements imposed on tax agents under State law.

Since November 7, 2012, the proposed ordinance has been further revised in five ways: 1) the ordinance now requires tax agents to submit semi-annual, rather than quarterly reports identifying campaign contributions to any elected official or candidate; 2) the ordinance will be enforced pursuant to existing Chapter 1.25 of the Los Angeles County Code which already provides administrative fine and noncompliance fee remedies for enforcing the provisions of the Code; 3) duplicative duties and prohibitions were eliminated; 4) the definition of County official was modified to include the Auditor-Controller and the Treasurer and Tax Collector; and 5) enrolled agents (individuals enrolled as agents to practice before the Internal Revenue Service) are now included in the definition of tax agent.

Lastly, the Executive Office has also revised its estimates of the cost impact to its department, as well as the staffing and office space needs to implement the tax agent registration process.

### **Tax Agent Registration Ordinance**

As requested by your Board, our offices have worked together to develop a new ordinance that requires the annual registration of tax agents who practice in Los Angeles County on Assessment Appeals and other property assessment matters. We have made revisions to the initially drafted ordinance to provide for a more streamlined process to ensure that it is efficient and cost effective. The ordinance amends Title 2 of the Los Angeles County Code by adding Chapter 2.165 which sets forth detailed registration requirements for tax agents.

Tax agents are defined as persons who are employed, under contract, or otherwise receive compensation to communicate directly, or through agents, employees, or subcontractors, with the Assessor, Assessment Appeals Board, Assessment Hearing Officers, Auditor-Controller, Treasurer and Tax Collector, or any other non-clerical County employee within the Office of the Assessor, Auditor-Controller, or Treasurer and Tax Collector for the purpose of influencing official action. Enrolled agents, as described above, are now included, along with attorneys and corporate in-house employees, within the definition of tax agent under the ordinance.

The ordinance requires semi-annual reports of all campaign contributions made by a tax agent to any elected official or candidate for elected office in any jurisdiction within Los Angeles County, *other than* the Assessor or candidate for Assessor.<sup>1</sup> The ordinance that was originally submitted to your Board required this information to be reported quarterly along with the identities of taxpayers whom the tax agent is authorized to advocate, and the Assessor's Identification Numbers ("AINs") of the properties for which the tax agent is authorized to render services in connection with Assessment Appeals and other assessment matters. However, taxpayer identities and property AINs can be gathered from the Assessment Appeals Division and/or the Office of the Assessor. Thus, this additional reporting was not deemed necessary and the requirement for it has been removed from the proposed ordinance.

The ordinance also requires every tax agent to comply with all applicable State and local laws. In this regard, the original ordinance that was submitted to your Board required tax agents to perform certain duties, such as using due diligence in representations, promptly submitting information upon request of public officials, not interfering with County officials to obtain records, and promptly returning records of the taxpayer. Upon further consideration, we determined that these duties were duplicative of requirements already mandated by California Revenue and Taxation Code sections 441, 461, 462, and 468. Accordingly, these duties were removed from the proposed ordinance.

Additionally, the ordinance enforcement provisions were streamlined by utilizing the existing enforcement provisions of Chapter 1.25 of the Los Angeles County Code which already provide for the imposition of administrative fines, noncompliance fees, and administrative hearing procedures. The ordinance was also revised to be more concise by condensing duplicative prohibitions.

Finally, the ordinance is consistent with the campaign contribution ban set forth in the recent amendment to Chapter 2.190 and continues to exempt from the registration process persons representing: 1) themselves; 2) an immediate family member; or 3) an entity of which the person is a partner, officer, or owner of ten percent or more of the value of the entity.

The proposed effective date of the registration requirement is July 1, 2013, which coincides with the beginning of the Assessment Appeals filing period. This will allow the Executive Office sufficient time to hire staff and

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<sup>1</sup> Campaign contributions by tax agents to the Assessor or any candidate for Assessor are already prohibited by a separate ordinance your Board adopted in November amending Chapter 2.190 of the County Code.

complete computer system enhancements. This effective date will also allow other departments, such as the Assessor, Treasurer and Tax Collector, and Auditor-Controller, sufficient time to revise their taxpayer notices to provide information regarding the new tax agent registration requirements.

As a result of the revisions to the ordinance, the ordinance now establishes an annual registration fee of \$250. Under Proposition 26,<sup>2</sup> any fee enacted by State or local government is deemed a tax, unless the fee qualifies for a specific exception. This tax agent registration fee qualifies under the "regulatory exception," a charge imposed for reasonable regulatory costs relating to issuing licenses or permits, investigations, inspections, audits, and related enforcement activities, which allows the fee to be imposed without voter approval. The \$250 fee does not exceed the reasonable costs of the County's implementation and enforcement of the tax agent registration program. In addition, all fee payers directly benefit from the implementation by receiving a registration authorizing them to conduct business before the County, as well as enforcement against those who practice without a registration.

### **Impact on Executive Office**

The Executive Office has conducted a new cost study and determined the anticipated costs of the tax agent registration process, in terms of staffing and ongoing costs, will be \$431,000 annually. As indicated above, the Executive Office expects that these costs will be offset by the annual \$250 tax agent registration fees.

The Executive Office plans to implement the tax agent registration program within the Assessment Appeals Division which currently interacts with the tax agents and other County departments responsible for the local property tax system. The tax agent registration program will involve identifying tax agents, processing registrations, posting online reports of the tax agents who represent various taxpayers throughout the County, and online posting of the names of agents who are not in compliance with the ordinance. In addition, the Assessment Appeals Board Division will be responsible for receiving the tax agents' semi-annual campaign activity reports, and the Registrar-Recorder/County Clerk will continue to be responsible for publishing the semi-annual tax agents' campaign activity reports.

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<sup>2</sup> Proposition 26, approved by the voters on November 2, 2010, amends article XIII A and C of the California Constitution. Under Proposition 26, any "fee" enacted by State or local government, including the County, is deemed a "tax" unless it falls within one of seven exceptions.

There are approximately 1,725 individuals that would meet the definition of tax agent under the proposed ordinance; however, given the above revisions to the ordinance, the Executive Office is now requesting only four additional positions to provide technical, administrative, analytical, and clerical functions. The number and levels of the requested positions are necessary for both the administration and enforcement of the program, in addition to providing efficient interaction with the tax agents and other County departments to ensure taxpayers can effectively present their cases.

The program is expected to cost approximately \$279,000 during the first six months, and the Executive Office will be asking for general funds to cover this portion of the costs. A separate Board letter from the Executive Office confirming the appropriation authority and ordinance positions will be filed with your Board for review and approval at the same time as the public hearing on the ordinance's proposed registration fee, should your Board decide to proceed with this ordinance.

If you have questions concerning this matter, please contact County Counsel John F. Krattli, Executive Officer Sachi A. Hamai, or Registrar-Recorder/County Clerk Dean C. Logan.

JFK:DRH:plp

c: William T Fujioka  
Chief Executive Officer

Santos H. Kreimann  
Chief Deputy Assessor

Wendy L. Watanabe  
Auditor-Controller

Mark J. Saladino  
Treasurer and Tax Collector



WILLIAM T FUJIOKA  
Chief Executive Officer

# County of Los Angeles CHIEF EXECUTIVE OFFICE

KENNETH HAHN HALL OF ADMINISTRATION  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

January 29, 2013

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

Dear Supervisors:

**EXPANSION OF THE CRIMINAL BACKGROUND CHECK PROGRAM TO  
INCLUDE RECOMMENDATIONS FROM THE LIVE SCAN FEASIBILITY  
REPORT  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

The Chief Executive Officer (CEO) and the Director of Personnel recommend that your Board approve recommendations for changes to the County's criminal history background check program to: expand the scope of the search to a federal review for all employees and certain volunteers and contractors in sensitive positions, fingerprint all current employees in sensitive positions, further define the personnel subject to the background check, standardize language regarding criminal background checks in new contract solicitations, delegate authority to the Director of Personnel to evaluate all requests for exemption from the process, and approve the concept of employee self-reporting of arrests and convictions.

**IT IS RECOMMENDED THAT YOUR BOARD:**

Approve the following recommendations relating to the County of Los Angeles criminal history background check program:

1. Expand the local and State criminal history background checks to include a federal level review for all employees and certain volunteers and contractors in sensitive positions.

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

2. Require all current County employees and volunteers in sensitive positions to undergo the expanded criminal background check.
3. 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.
4. Require criminal history background checks to be conducted on all contract personnel who work within County facilities or have remote electronic access to medical or criminal information, consistent with existing standards established for employees in sensitive positions working in the County; and approve standard language to be included in new contract solicitations that sets forth this requirement.
5. Delegate authority to the Director of Personnel to evaluate and resolve all requests for exemption from the criminal background check process, approve if good cause exists, and annually report to the Board of Supervisors all exemptions that were granted.
6. Approve the concept of a County ordinance that requires all employees and volunteers in sensitive positions to self-disclose any arrests and convictions that occur while employed within 72 hours of the arrest and/or conviction, and self-disclose all criminal convictions at the time of hire and on an annual basis thereafter.
7. Direct the Chief Executive Officer to consult with the County's labor groups regarding the program changes.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

##### Background

On November 10, 1998, your Board adopted a resolution authorizing the County to access State and local summary criminal history information for employment purposes of individuals working in sensitive positions. A sensitive position was defined in the resolution as any duties posing a potential threat or risk to the County or to the public when performed by persons who have criminal history incompatible with those duties, whether those persons are employees of the County or perform those services pursuant to contract. The County's general practice has been to use the California Department of Justice (DOJ) electronic Live Scan system for this purpose.

On August 4, 2009, your Board approved a new resolution (Attachment A) that provided the authority to expand the State and local summary criminal history information to include access to federal level information. Your Board also instructed the Director of Personnel to immediately implement all of the provisions of the new resolution prospectively for the most highly qualified executive recruitment candidates for department head, chief deputy and the assistants/deputies who report to the chief deputy.

Your Board further directed the Director of Personnel to work with the CEO to conduct a feasibility study to consider expanding the criminal background check program to include a federal level review for all other employees on the occasion of transfers, promotions and new hires. Also, the study was to consider the feasibility of phasing in the implementation of local, State and federal background checks for:

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

On February 28, 2012, upon a motion by Supervisor Molina, your Board directed the Department of Children and Family Services (DCFS) to immediately begin conducting Live Scans of all DCFS employees who have contact with children and have not been previously scanned (Attachment B). Your Board also directed the CEO and the Department of Human Resources (DHR) to report on the status of the Live Scan Feasibility Study (Attachment C).

On March 16, 2012, the CEO and DHR convened a meeting with your representatives to obtain feedback on a draft Live Scan Feasibility Report and implementation plan. A final report was submitted to your offices on May 10, 2012 (Attachment D). Thereafter, a meeting was held on June 7, 2012, with your representatives to obtain input on the final report, and receive further direction on the Live Scan program and policy.

#### Feasibility Study Findings

*Federal Level Background Check* - The feasibility study determined that many County employees and candidates for employment have previously resided and worked outside of the state of California. There are also part-time workers and contract personnel who currently reside and/or work in other states. Therefore, a federal level review should be conducted for all employees, certain volunteers, and

designated contract personnel in sensitive positions. This will ensure a comprehensive criminal background check is obtained. Additionally, a nationwide review is a risk management tool for identifying all convictions incompatible with job duties vital to effective County operations and public protection.

*Fingerprinting of Current Employees* - Currently, only new hires and employees who receive promotions or transfer to a different County department are fingerprinted. There are a significant number of employees who were hired before the criminal background check resolution was adopted and have not had a qualifying event (promotion or transfer) subsequent to that time. Therefore, it is recommended that a Live Scan be conducted on all current employees in sensitive positions, which includes the federal level review.

*Live Scan Exemptions* - The Board has exempted from the criminal background check process all minor volunteers under the age of 14. It is recommended that minors 14 years old and older who work under constant supervision of a permanent County employee also be exempted, at the discretion of the appointing power. An example of this would be those minors who work at County libraries under adult supervision.

Compensated election personnel who work less than three days per election are also exempted currently. It is recommended that this exemption be extended to *all* volunteers who work less than three days for each event or period of service as it would not be practicable to fingerprint these individuals and could negatively impact their availability to perform critical services on a short-term basis.

Elected officials should also be exempted from Live Scan because the County has no authority to make job suitability determinations as they are elected by their constituency.

*Contract Workers Subject to Live Scan* - For contract personnel, it is recommended that those contractors who work in a sensitive position within County facilities, or those who possess remote access to medical or criminal information via electronic means, be subject to a criminal background check. Unless otherwise required or necessary due to the proximity of the public (e.g., recreation areas and parks), background checks would not be required for contract workers in less sensitive areas or assignments.

It is recommended that the following standard language be included in all new contract solicitations that require criminal background checks:

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.

*Requests for Special Exemption from Live Scan* - Currently, there are no defined provisions for exemption from the Live Scan requirement. However, special or emergency circumstances may arise where exemption from a criminal background check may be in the best interests of the service and/or the County, such as a hiring emergency in which life, health or property is in jeopardy or a project where it is impractical to await Live Scan results for a large number of workers. Therefore, it is recommended that exceptions be made in limited situations, after review and approval by the Director of Personnel. For monitoring purposes, it is recommended that the Director of Personnel annually report to the Board of Supervisors all exemptions from Live Scan that have been granted for that calendar year.

*Self-Reporting of Arrests and Convictions* - Candidates for employment and current employees who apply for promotional opportunities are required to disclose any criminal convictions on County employment applications and online job applications. They are not required to disclose arrests or convictions at any other time, except by department policy if one exists. The DOJ Live Scan system does provide alerts on subsequent arrests or convictions in California for an employee or candidate who has been fingerprinted. However, sometimes those notifications are delayed or do not occur if an arresting jurisdiction does not report the information to the DOJ. Subsequent arrests and convictions outside of California are not reported.

An early alert regarding an arrest would enable the County to take precautionary measures such as reassignment, ordered absence, or an unpaid leave per Civil Service Rule 18.01 pending the resolution of a court matter. An early alert regarding a criminal conviction would allow the County to determine if there is job nexus and suitability for continued employment. Therefore, it is recommended that an ordinance and related policy be adopted that would require employees and volunteers in sensitive positions to notify their human resources office within 72 hours of an arrest or conviction. This information would also be collected on an

annual basis, similar to the report of outside employment. If your Board approves this concept, consultation with employee unions will be immediately initiated prior to implementation.

#### Consultation with Labor Unions

In August 2012, the CEO provided copies of the Live Scan Feasibility Study report to all certified employee organizations and extended an invitation to meet with them to discuss the findings. In response to their request, CEO Employee Relations and Department of Human Resources staff met with representatives from the Services Employees International Union (SEIU) Local 721 and the Coalition of County Unions. Both groups expressed concern that currently all positions in the County have been designated as sensitive. In addition, they advised that they were reserving their rights under the Employee Relations Ordinance, as well as enforcing their contractual rights contained in memoranda of understanding, on any recommendations contained in the Study and approved by your Board.

The recommendation to continue the consultation with the County labor groups regarding the criminal background check program will ensure that appropriate communication occurs regarding any changes that may impact its members.

#### Other Actions

Since the adoption of the August 4, 2009 resolution, DHR has taken several actions to strengthen the County's criminal background check program as follows:

*Central Live Scan Unit* – A Central Live Scan Unit was established in DHR to provide Countywide oversight of criminal background checks to ensure compliance with DOJ and Board requirements. This unit maintains the departmental sensitive position lists and the inventory of Live Scan equipment throughout the County. It also provides fingerprinting services and support to other departments; obtains local Superior Court records; maintains County policies relating to the criminal background check process; serves as the central point of contact for all questions relating to Live Scan; and conducts training, as required.

*Superior Court Records* – The DOJ information resulting from a Live Scan check is considered confidential and must be destroyed once an employment decision is made. Therefore, court documents, which are public records, are necessary to take administrative actions relating to the convictions. DHR consulted with Los Angeles Superior Court management regarding an expedited process to access their records to confirm the convictions reported by the DOJ. In response, the Court developed a system known as the Data and Document Exchange Service (DDES) that provides

direct access to their records. The County executed a Memorandum of Understanding with the Court on August 9, 2010 to access this system. The Central Live Scan Unit is now able to provide expedited retrieval of court documents for County departments.

*Policy Changes* – DHR has drafted an updated policy to reflect all Board changes that resulted from the August 2009 resolution, as well as clarifications and efficiencies that resulted from a Countywide Live Scan review conducted in 2008-2009. The changes include elimination of the redundancy of background checks and associated costs conducted by multiple Live Scans of employees promoted in the same department, the addition of DOJ requirements and recordkeeping protocols, and a modification to require disclosure of all felony convictions dismissed or set aside pursuant to Penal Code Section 1203.4.

*Discipline Roundtable* – In response to the February 2012 Board order re fingerprinting of current DCFS employees, DHR has provided assistance and guidance to the department on administrative activities relating to this process. In addition, DHR coordinated the establishment of a cross-department roundtable to discuss the appropriate disciplinary action to take for previously undisclosed criminal convictions in which job nexus has been determined. The members of the roundtable include representatives from the department, DHR, and County Counsel. This process will also be used for other departments should the Board approve the recommendation to Live Scan all current employees.

### **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). Expanding the County's criminal background check program to include more extensive reviews is another strategy to ensure that individuals entrusted with performing the duties related to this goal have backgrounds compatible with County employment. The recommendations will also result in more effective, comprehensive, and consistent processes, procedures and policies addressing existing legal requirements and appropriate personnel practices.

### **FISCAL IMPACT/FINANCING**

The costs to implement the expansion of the criminal background check program to include federal level criminal history information and to fingerprint current employees and volunteers in sensitive positions is estimated at \$4.1 million. The estimate is based on the State of California Department of Justice fees for processing local, State, and federal level Live Scan requests. The cost estimates

for prospective personnel are limited to the federal level criminal background check, as the costs associated with local and State background checks are already accounted for in each department's existing budget. To mitigate the immediate impact of the program expansion, an implementation plan has been developed that allows for a phased-in approach for various categories of personnel, which spreads estimated costs over two years.

The costs related to conducting background checks for contract personnel in sensitive positions will be assumed by the prospective vendors selected to conduct business with the County. While it is anticipated that any cost increases due to new program requirements will be assumed initially by the selected contractors, these increases may ultimately be charged back to the County as part of the total cost of the contract.

The Board previously set aside \$2 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.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On August 4, 2009, pursuant to Penal Code Section 11105(b)(11), your Board adopted a new resolution that provided authority to expand the State and local summary criminal history background check to include access to federal level information. At that time, the expanded federal review was limited to executive level recruitment candidates. The current request is to extend the review to all employees and certain volunteers and contractors serving in sensitive positions. No additional legal authority is required for this action based on the August 4, 2009 resolution that includes this provision.

The other recommendations are policy decisions within the Board's authority. Should the Board adopt the concept of self-disclosure of arrests and convictions, an ordinance will be drafted for your consideration, after consultation with labor unions.

### **IMPACT ON CURRENT SERVICES**

The recommendations contained herein to expand the current criminal background check program are designed to further strengthen the County's workforce capacity and employment practices. The benefits of conducting comprehensive screenings of current and prospective employees, and certain volunteers and contractors in

Honorable Board of Supervisors  
January 29, 2013  
Page 9

designated sensitive positions outweigh the financial impact to the County. The addition of a federal level (nationwide) criminal background check will ensure that the County has exercised due diligence in determining the fitness for duty of every member of the County workforce assigned to a sensitive position, and fulfill its risk management responsibilities in connection with hiring, retention and other employment decisions.

Respectfully submitted,

WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:EF  
LMG:SKT:moi

Attachments

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



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

July 14, 2009

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

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;

**REVISED**

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

19 August 4, 2009

*Sachi A. Hamai*  
SACHI A. HAMAI  
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

- 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

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: Sybil J. DeLaLuz  
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 day of <sup>AUGUST</sup> ~~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

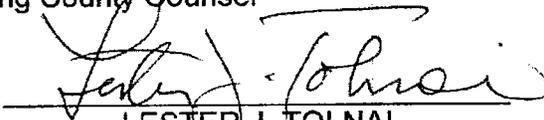
By

  
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN  
Acting County Counsel

By

  
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

**25-A.** Recommendation as submitted by Supervisor Molina: Direct the Director of Children and Family Services to immediately begin live scanning all Children and Family Services employees who have contact with children and have not yet been live scanned, and report back within two weeks on the status of this request; also instruct the Chief Executive Officer and the Director of Personnel to report to the Board within two weeks on the status of the Live Scan Feasibility Study, along with an implementation plan for remaining County departments; and develop a process for mitigation of those employees who receive negative reports on their live scan, when there is a nexus to their jobs. (12-0942)

**Dr. Genevieve Clavreul and Arnold Sachs addressed the Board.**

**Supervisor Molina amended her motion as follows:**

- 1. Direct the Director of Children and Family Services, as provided in and consistent with Welfare and Institutions Code 16501, to immediately begin live scanning all Department of Children and Family Services' employees who have contact with children and have not yet been live scanned, and report back to the Board within two weeks on the status of this request; and**
- 2. Instruct the Chief Executive Officer and the Director of Personnel to:**
  - Immediately begin consultation with the union(s) representing the subject employees; and**
  - Report to the Board within two weeks on the status of the Live Scan Feasibility Study, along with an implementation plan for remaining County Departments.**

**On motion of Supervisor Molina, seconded by Supervisor Antonovich, this item was approved as amended.**

**Ayes: 5 - Supervisor Molina, Supervisor Ridley-Thomas, Supervisor Knabe, Supervisor Antonovich and Supervisor Yaroslavsky**



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

March 14, 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

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

### STATUS REPORT ON LIVE SCAN FEASIBILITY

On February 28, 2012, upon the motion of Supervisor 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. As instructed, this memorandum provides the status of the Live Scan Feasibility Study and implementation plan, and provides an update on the Countywide Live Scan program enhancements.

On March 8, 2012, the CEO and DHR presented the draft Live Scan Feasibility Study and implementation plan to the Operations Cluster Board Deputies. The draft report is near completion and the Live Scan Steering Committee is working to resolve the remaining issues related to the Live Scan of current employees and contract personnel.

On March 16, 2012, the CEO and DHR will convene a meeting for the Board Offices to consider your Board's input regarding the Live Scan direction and policy. In addition, any offices requesting separate briefings will be accommodated. The final report will be submitted for your Board's review within thirty (30) days.

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Each Supervisor  
March 14, 2012  
Page 2

In addition to the Feasibility Study, the following enhancements have been made to the Countywide Live Scan operations by DHR:

- Implemented the Federal level criminal background checks for all executive level and unclassified candidates for hire and promotion.
- Established a Central Live Scan Unit to monitor compliance with the Department of Justice (DOJ) Live Scan requirements and County Live Scan policy, and provide guidance and customer assistance to County departments to expedite the hiring process. The Central Live Scan Unit currently conducts fingerprint-rolling services for ten (10) customer departments.
- Negotiated and entered into a memorandum of understanding with the Los Angeles Superior Court to provide DHR Central Live Scan staff access to court records through the Superior Court Document and Data Exchange Service. This service allows DHR to assist County departments in obtaining court records in a cost-effective and timely manner in order to validate criminal history information and expedite the job nexus and employment suitability decision-making process.
- Established a process to assist and ensure the compliance of County departments with the Department of Justice, Custodian of Records confirmation requirements.
- Implemented a Live Scan Web Scheduler for client departments that automated the scheduling of Live Scan appointments.

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

WTF:EFS  
LMG:EP:ef

c: Executive Office, Board of Supervisors  
County Counsel



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
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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

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.

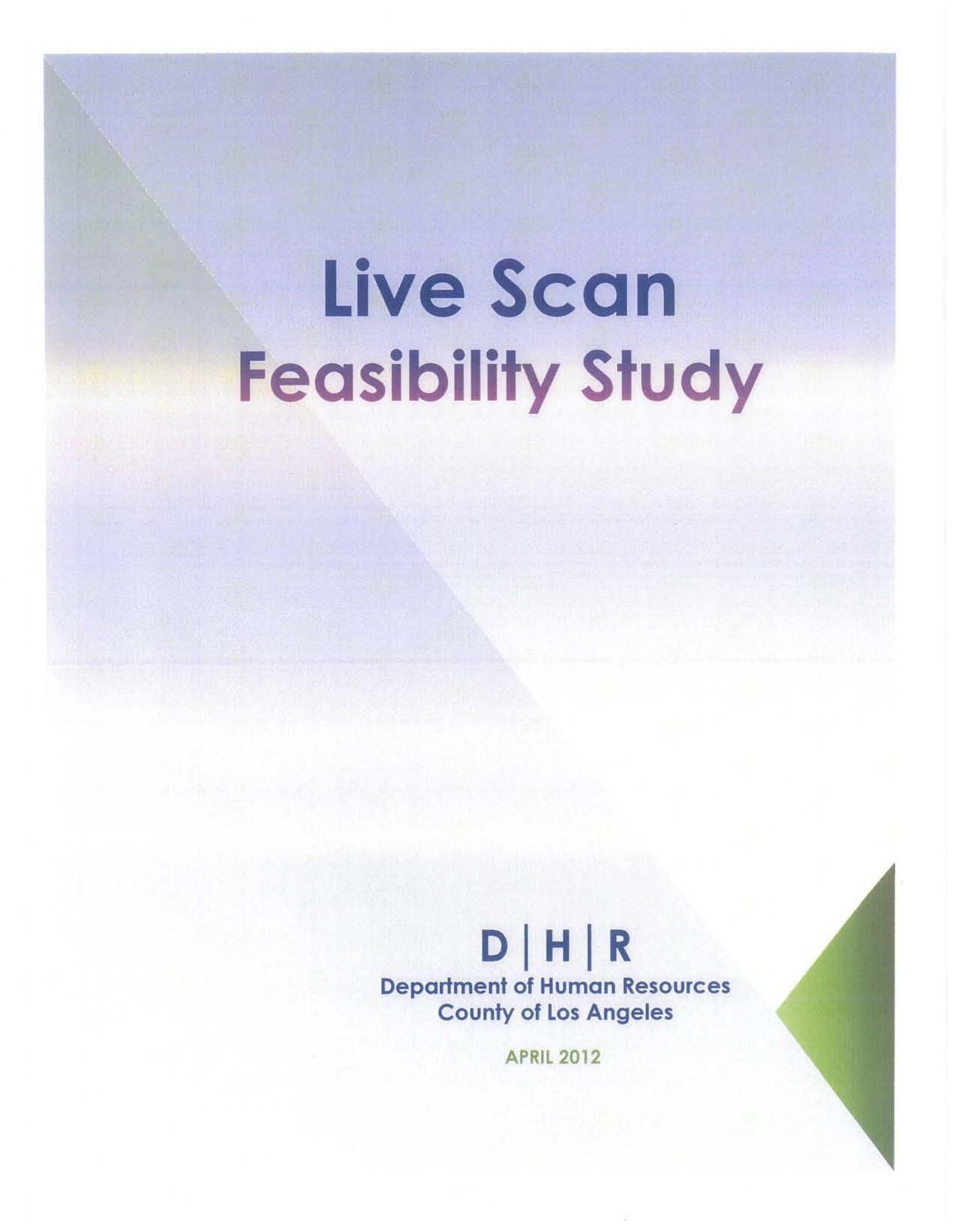
Should you have any questions regarding this matter, please contact Ellen Sandt at (213) 974-1186, or Lisa M. Garrett at (213) 974-2406.

WTF:ES:LMG  
SKT:smh

Attachment

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# Live Scan Feasibility Study

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

APRIL 2012

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# 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 61,857<sup>1</sup> 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

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<sup>1</sup> 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 10,090<sup>1</sup> 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.<sup>2</sup>

## 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

<sup>2</sup> 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 4<sup>th</sup> <sup>AUGUST</sup> 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 "NICHOLE 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**

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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**

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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

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Chief Executive Office

## DATE ISSUED/SUNSET DATE

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**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](mailto: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**

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

## **PURPOSE**

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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**

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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**

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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**

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### **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**

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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**

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*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**

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- 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**

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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). <b>ANY CONVICTIONS OR COURT RECORDS WHICH ARE EXEMPTED BY A VALID COURT ORDER DO NOT HAVE TO BE INCLUDED.</b></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
<b>TOTAL COST</b>					<b>\$2,674,624</b>	<b>\$1,420,894</b>	<b>\$4,095,518</b>

\* 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.