



County of Los Angeles  
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November 12, 2008

To: Supervisor Yvonne B. Burke, Chair  
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Supervisor Don Knabe  
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From: William T Fujioka  
Chief Executive Officer

**REPORT ON IMPLEMENTATION OF ACTIONS ENSURING DEPARTMENT OF  
HEALTH SERVICES COMPLIANCE WITH BOARD-ADOPTED POLICIES  
REGARDING CRIMINAL HISTORY BACKGROUND CHECKS AND  
INVESTIGATIONS**

At your October 28, 2008, meeting, your Board directed the Chief Executive Officer to report back within two weeks on specific actions that have been taken or will be taken to address: items established in the Department of Health Services (DHS) and items filled or staffed by existing personnel to process criminal background investigations; operational procedures established in DHS to ensure compliance with Board-adopted policies regarding criminal history; operational procedures established by DHS to ensure appropriate and timely communication with DHS Hospital Chief Executive Officers and Program Directors regarding criminal background investigations; actions to be taken to evaluate countywide compliance with criminal background investigation requirements; and the disposition and implementation status of recommendations made by the Director of Personnel regarding criminal background investigations in the Department of Human Resources (DHR) final report, dated October 20, 2008, regarding investigation of Martin Luther King, Jr., Multi-Service Ambulatory Care Center (MACC) employees with criminal histories.

This memorandum provides our response to these issues.

*"To Enrich Lives Through Effective And Caring Service"*

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**I. Items established in DHS and items filled or staffed by existing personnel to process criminal background investigations.**

DHS has established the Department of Justice (DOJ) unit within its Human Resources operation to process criminal background investigations. -DHS-Human Resources (DHS-HR) has hired a supervisor for the DOJ unit, and has temporarily redeployed three (3) existing staff within DHS-HR to process criminal background investigations. DHS-HR is now interviewing to hire permanent staff for the DOJ unit, and will select new staff by November 26, 2008.

**II. 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).**

After consulting with DHR and the CEO, DHS implemented revised procedures for reviewing and documenting job nexus determinations. DHS has also developed an interim "Application/Criminal History Approval Form" to document the decision making process resulting from criminal background checks. The document is used to determine the job nexus and suitability for employment analysis based on criminal history results.

DHR is now working to finalize a standardized form to be used by DHS and for countywide use by all County departments. DHS has initiated revisions to its forms and procedures to incorporate the DHR procedures and directives.

**III. An operational procedure 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.**

DHS-HR management will revise procedures to notify facility Chief Executive Officers (CEOs) or other managers of criminal background results, and/or discuss related personnel decisions with them, as appropriate.

Additionally, DHS-HR is developing a database for information regarding criminal background investigations. When complete, each facility CEO and/or their authorized designees will be able to access the database to view the status of

criminal background investigations for their present and prospective employees. DHS-HR will commit to making timely determinations of job nexus and suitability for employment. The standard would be to determine job nexus within 72 hours of receipt of the report from the DOJ (Phase I), or if further investigation is required to determine suitability for employment (Phase II), within five (5) business days of receipt of certified court records.

**IV. Actions that will be taken to evaluate countywide compliance with criminal background investigation requirements.**

In order to evaluate countywide compliance with criminal background investigation requirements, DHR has advised County departments that they will be initiating a countywide review of Live Scan processes in place in County departments in order to increase accountability and ensure compliance with the Board Resolution and will be providing training on a countywide basis commencing December 2008. An audit protocol has been developed by DHR and will commence with a review and audit of DHS and Department of Children and Family Services. Additionally, DHR has initiated training of DHS human resources staff with a focus on providing DHS staff with a greater understanding of the processes used in assessing "job nexus" determination and suitability for employment in their Department.

The training sessions will cover specific topics such as:

- 1) use of forms to assist staff in the analysis process as well as ensure documentation of "job nexus" determinations, department analysis, and subsequent actions taken by the DHS;
- 2) use of a flowchart that reflects the primary steps involved in the assessment and decision-making process involved in determining "job nexus" for both new hires, and existing County employees;
- 3) use of a matrix developed by DHR reflecting various degrees of risk assessment to assist County departments in understanding the various types of job categories referenced in DHR PPG 514 in conformance with the Board's Resolution. This document, when used in conjunction with all other documents referenced above, will be essential to the assessment of job nexus in relationship to the job function to be, or in fact, performed by applicants or current employees;

- 4) use of guidelines developed by DHR for contacting the court and a list of contacts within the County of Los Angeles. These guidelines and contact list will serve to assist all County departments in assessing court documents that serve to verify information preliminarily provided by the DOJ; and
- 5) review and discussion on DHR developed, Frequently Asked Questions with respect to the Live Scan process and actions to be taken upon receipt of Department of Justice criminal history notification. FAQs will provide a framework for better understanding this process and will serve as a countywide reference document.

**V. The disposition and implementation status of the recommendations made by the Director of Personnel.**

DHR staff reviewed 152 DOJ cases related to DHS employees. Of the 152 DOJ cases, 64 were determined to warrant further action by DHS to be fully compliant with County policy and procedures. DHS accepted all of DHR's recommendations for further disciplinary action. All of DHR's recommended actions have been issued to employees with the exception of six pending signatures. By November 14, 2008, the remaining six will be issued to employees. A final recommendation by DHR for one case is pending additional information from the Department of Justice.

It is our intention to keep your Board informed regarding any and all actions on this issue. If you have any additional questions you may contact me, or your staff may contact Gregory Polk, of my staff at (213) 974-1791 or [gpolk@ceo.lacounty.gov](mailto:gpolk@ceo.lacounty.gov).

WTF:SRH:SAS  
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c: Executive Officer, Board of Supervisors  
Interim Director, Department of Health Services  
Director of Personnel