County of Los Angeles
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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September 6, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
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From: For Philip L. Browning, Director

RESPONSE TO BOARD ORDER NUMBER S-1 OF THE AUGUST 6, 2013 BOARD MEETING AGENDA

At the Board's regular meeting of August 6, 2013, Supervisor Gloria Molina instructed the Director of the Department of Children and Family Services (DCFS) to report back on the following three items:

- A status update on accommodations for employees who are on a return-to-work status;
- A status update regarding a triage concept to expedite investigations that involve the death of a child or problems with an employee; and,
- A mechanism to allow for upward mobility in the social worker classification.

The following information is provided to the Board in response to these three questions.

ACCOMODATIONS FOR EMPLOYEES WHO ARE ON A RETURN-TO-WORK STATUS

During Fiscal Year 2012-2013, the DCFS Human Resources Office of Health and Safety Management closed 135 long-term leave cases (59%) out of 227 total cases. Employees on short-term leave status are excluded from the Department's Return-to-Work census. Long-term leave cases are those cases where a DCFS employee is on a health-related leave lasting six (6) months or more. Due to the regulations that govern the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA), employees on short-term leave are on protected leave for specified family and/or medical reasons. As such, FMLA and ADA regulations restrict the Department from initiating return-to-work efforts in these cases.

In 2010, the Department re-aligned oversight of its Health and Safety Unit within the Department's Human Resources Division. Since that time, Return-to-Work Coordinators were assigned a variety of leaves of absence cases on rotation. On January 2, 2013, the Department dedicated a Return-to-Work Coordinator specifically to long-term leave case management. This action accelerated long-term leave case closings by centrally determining the most suitable accommodation available, including but not limited to, offering temporary transitional assignments; modifying employee duties; and providing ADA-compliant ergonomic equipment and tools.

The following data reflects the return-to-work status of the 135 closed long-term leave cases referenced above:

- ***51*** employees returned to work with no restrictions and resumed their customary duties;
- ***48*** employees returned to work, with restrictions, on a temporary transitional assignment, under either a Work Hardening Transitional Assignment Agreement or a Conditional Assignment Agreement;
- ***3*** employees returned to work, with restrictions, on a temporary "light desk duty" transitional assignment, thereby accommodating the employee's work restrictions as the employee gradually returns to work;
- ***29*** employees retired, resigned, or transferred out of the Department; and
- ***4*** employees were medically released from their position.

A TRIAGE CONCEPT TO EXPEDITE INVESTIGATIONS THAT INVOLVE THE DEATH OF A CHILD OR PROBLEMS WITH AN EMPLOYEE

The Department's Internal Affairs (IA) Unit is responsible for conducting investigations regarding alleged employee misconduct; Critical Incident/Child Fatality (CICF) reviews; and matters related to litigation, which are determined to potentially impact Departmental goals of child safety, permanency, and effective and caring service delivery. Triaging IA referrals enables prioritization of investigations that pose immediate child safety concerns; the expediting of appropriate disciplinary action; and timelier dissemination to Departmental management of findings related to current policy, procedure and best practice.

The following chart illustrates the number of open investigation referrals as of August 23, 2013, including pending backlogged cases.

	Litigation	Child Fatality/Critical Incident	Misconducts	Total
Open (including cases received up to 8/23)	36	21*	115	172
Backlogged	35	17	83	135
Number backlogged >12 months	23	3	15	41

*As of June 2013 CICF referrals are all actively being investigated.

Timeframes for Completion

Three factors impact IA's ability to complete timely investigations: (1) the number of referrals received; (2) the number of available staff to conduct the investigations; and (3) IA's process for prioritizing investigations. In order to address the backlog, in June 2013, all efforts were redirected to CICF investigations. At least one CICF case was assigned to each of eleven IA investigators and to three additional staff borrowed from within the Risk Management Division. It is expected that all backlogged CICF investigations will be completed by September 30, 2013. With the completion of these investigations, IA will develop a "target" timeframe for completion of future referrals, considering variables such as the number of referrals/cases and number of subjects to be interviewed.

The following provides an overview of the above three factors that have impacted timely investigation completion; and the steps taken to mitigate them:

1. **Number of Referrals Received**

During the past two and one half years, there has has been a 9% increase in the overall number of referrals (please see chart below).

	2011	2012	2013*
Misconduct	132	147	107
Litigation	30	29	7
CICF	13	15	14
Total	**175**	**191**	**128****

*Referrals as of August 23, 2013
**192 total referrals are projected by the end of 2013

2. **Staffing**

For the past two years, the IA Unit has operated with an average of 10 of 13 budgeted staff, attributable to retirements, transfers, and medical leaves. Based on the increased number of referrals received and the decreased number of staff, during this period each IA investigator received an average of 17.22 cases annually, contributing to the backlog of investigations pending completion. As of September 3, 2013, all vacant IA positions have been filled.

3. **Prioritization Process**

Assigning Priority Levels

Effective September 1, 2013, priority levels are being assigned to the completion timelines for all new IA referrals in accordance with a standardized methodology (please see attached flowchart). CICF referrals take priority over other types of investigations. Since no CICF case ranks higher priority over another, currently all CICF cases are under active investigation. By October 1, 2013, all backlogged cases will have been assigned a priority level, following which, each Misconduct and Litigation case will be assigned a priority level and monitored for a revised completion date.

Triage

Within three business days of referral receipt, IA management will triage all new IA referrals by determining the "focus point" of the investigation, as follows:

Critical Incident/Child Fatality (CICF) Investigations
The "focus points" of an IA investigation related to a CICF case are those emergency response referrals related to the incident or fatality. IA reports will summarize the relevant referral and/or case history, identifying patterns and trends that contributed to the critical incident or child fatality. Based on the outcome of the IA investigation, the IA manager will determine the need for additional investigation. If additional investigation is warranted, a supplemental report will be completed within 60 to 90 days, following which the finalized IA report will be submitted to the Department's Human Resources Performance Management Section (HR/PM) for the purpose of determining appropriate disciplinary action.

Upon review of the IA report, the HR/PM section will discuss the IA report and recommended disciplinary action with IA staff and, within 10 days of IA report receipt, HR/PM will schedule a Performance Management Roundtable (PMRT) meeting. The PMRT meeting is a panel discussion between the Department's Director, Chief Deputy, HR/PM and IA staff, the employee's Deputy Director, and Regional Administrator, during which IA presents its investigative findings and HR/PM presents its recommended disciplinary action for consideration. Upon approval of the recommended disciplinary action, within 30 days of assignment to HR/PM, HR/PM notifies the affected employee(s) with a Letter of Intent/Corrective Action. For employees whose recommended disciplinary action includes a suspension of six (6) days or more, a Skelly hearing is held within 20 days of the Letter of Intent mailing.

If the Skelly process adopts the recommended discipline, within five days, HR/PM notifies the employee of the final determination of disciplinary action. If Skelly process does not adopt the recommended discipline, within five days, HR/PM submits the Skelly process outcome to the Director's designee for alternative consideration.

Investigations Involving Alleged Misconduct:
The "focus point" of an Employee Misconduct investigation is the identification of the following IA criteria: work performance/child safety issues; abuse of position and/or authority; threats; fiscal/procedural irregularities; theft; special assignment; misuse of County resources; and/or violence in the workplace. If the referral does not meet IA criteria, IA refers the case for investigation by the regional office administrative team or by the Human Resources Division. Examples of cases investigated by regional office staff or the Human Resources Division include, but are not limited to, falsification of time cards; falsification of documentation; abuse of time; insubordination; poor work habits; declining work performance; and employee improprieties. IA will facilitate a comprehensive investigation and timely completion of each Misconduct case investigation by the Regional Office or the Human Resources Division by providing an investigation documentation template.

Litigation-Related Investigations:
The "focus point" of a Litigation-related investigation is the litigant's specific claim. IA will determine those cases that require an expedited investigation by consulting with the Department's Litigation Division. The IA report will include a detailed analysis of all referral and case history relevant to the details of the lawsuit or claim. Child safety concerns noted at any stage of the IA investigation result in immediate consultation with the Department's Senior Deputy Director and Director for necessary action (e.g., staff desk duty, previous case reviews).

UPWARD MOBILITY MECHANISM IN THE SOCIAL WORKER CLASSIFICATION

The main mechanism for the upward mobility of Children's Social Workers (CSW) is promotion to either a Supervising Children's Social Worker (SCSW) position or Children's Services Administrator I (CSA I) position. The SCSW position is primarily responsible for supervisorial duties, while the CSA I position is an entry level management position. One qualification for advancement is based on the number of years of experience as a CSW. For example, five years as a CSW II are required for promotion to an SCSW position; and 2 years as a CSW III are required for promotion to a CSA I position.

On August 29, 2013, DCFS Human Resources Division management met with the Chief Executive Office (CEO) Classification and Compensation section to explore upward mobility of the professional social worker classification. CEO staff plans to review the matter further after the current labor relations negotiations are settled in order to explore, in greater depth, the feasibility of creating another classification.

Thank you for the opportunity to respond to the above matters. For any additional questions, please contact me at (213) 351-5600 or your staff may contact Helen Berberian, Executive Assistant at (213) 351-5594 or via email at HBerberian@dcfs.lacounty.gov.

PLB:FAD:hb

Enclosure

INTERNAL AFFAIRS FLOWCHART

Risk Management Division
Department of Children and Family Services

Internal Affairs Referral Sources
(CI/CF, Litigation, Auditor Controller, Employee Fraud Hotline, Office of Security Mgmnt. Board of Supv. DCFS Employees/ Clients/Community Agencies and Other Outside Sources)

Review / Close

- Refer to appropriate body (e.g. CEOP)
- No further action necessary

Within 3 business days

Review / Open

Assign Priority Level:
Cases are assessed to determine timeframes for completion in order of importance.

Misconduct	Litigation	Critical Incident/Child Fatality
Priority 1: Child safety Priority 2: Staff on desk duty Priority 3: High profile Priority 4: Fraud related Priority 5: Date referral received	Priority 1: Settled Lawsuits / Claims in need of CAP and/or SCAP Priority 2: Litigations (in order received) Priority 3: Claims (in order received) NOTE: Consultation with Litigation Division to determine cases to be expedited.	Priority 1: CICF cases are Always Top Priority 1a. Staff on desk duty 1b. No staff on desk duty

Hand off meeting between CICF and IA

Triage:
Cases are reviewed and assessed to determine "focus" point of the investigation.

*** IA Criteria**

- Child safety/ Work performance
- Abuse of position and/or authority
- Acts of threat
- Fiscal/Procedural irregularities
- Theft
- Special Assignment
- Misuse of County Resources
- Violence in work place

Misconduct

Screen all incoming cases to ensure meets IA criteria for investigation*

Send to appropriate regional office and/or HR

Litigation

- Focus of investigation is Litigant's Claim

NOTE: Final Internal Affairs reports include a detailed analysis of all referrals/cases which appear to have nexus to the lawsuits or claim.

Critical Incident / Child Fatality

- Referrals/cases that appear to have nexus to the current referred incident or fatality

NOTE: Report includes a summary of referral/case history which has no nexus to the current referred incident.

Report to HR within 60 Days

Investigation of history, as determined

No → **Close**

Yes → **Conduct Investigation**

*** Supplemental Report within 90 Days**

If immediate child safety concerns are identified, the Senior Deputy Director and Director are immediately consulted for next steps. Possible Actions: Staff Desk Duty, Case Reviews

Investigation Tasks (Investigators)

- Case Review
- Identify Policies & Findings
- Determine Subjects & Witnesses
- Develop Interview Questions
- Conduct Interviews
- Assess Interviews
- Incorporate Findings
- Draft Report Due
- Final Report Due to HR

Target Timeframes for Completion

CICF	30 days	45 days	60 days		*90 days
Misconduct / Litigation	30 days	45 days	60 days	80 days	90 days