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February 20, 2015

TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: John Naimo 
Auditor-Controller

SUBJECT: **FIRE FIGHTER TRAINEE EXAMINATION IMPROPRIETIES –
CASE #2014-9407**

At the request of the Los Angeles County Fire Department (Fire), the Auditor-Controller's Office of County Investigations (OCI) completed an investigation into alleged improprieties in the administration of the Fire Fighter Trainee (FFT) examination. Specifically, on July 8, 2014, Fire Chief Daryl Osby requested that we investigate two allegations:

Allegation 1: Oral interview test questions and answers used by Fire in FFT examinations conducted between 2007 and 2012 were compromised.

Allegation 2: On February 27, 2011 at 8:42 P.M., an unknown individual used a Fire computer to send an electronic mail (e-mail) message containing FFT oral interview questions to a high-ranking chief officer whose son was an FFT applicant, to assist him in passing the examination.

We obtained and analyzed an eight-page document that allegedly contained 18 FFT oral interview questions and 13 corresponding answers, and a hardcopy of a partially redacted e-mail message that allegedly contained nine FFT oral interview questions. Fire management indicated that these documents were presented to them at a meeting with the Los Angeles Times (LA Times) on July 7, 2014. Fire had previously been corresponding with that publication on a series of California Public Records Act requests beginning in February 2014.

Scope and Methodology

We conducted a forensic recovery and search of more than 52 million Fire e-mail records from two separate cumulative data backups completed by Fire on January 4, 2012 and July 28, 2014, to identify instances in which FFT examination materials may have been compromised or inappropriately disseminated. We also reviewed all available FFT examination materials for test administrations from 2007 through the last FFT examination conducted in 2011, including versions of oral interview (referred to in the official FFT bulletin as “Structured Interview”) questions and the corresponding rating standards provided by Fire and the Department of Human Resources (DHR) and developed by DHR. In addition, we reviewed Fire and County Policies, Procedures, and Guidelines concerning the administration of Civil Service examinations, and reviewed recent reports on the City of Los Angeles Fire Department’s practices and procedures.

We also analyzed and compared available employee identifying data (e.g., addresses, telephone numbers, last names, etc.) from Fire personnel records, employment applications, and the County’s electronic Human Resources (eHR) system to determine if FFTs hired by Fire since 2007 had any undisclosed familial relationships to other Fire employees. Finally, we conducted interviews with 22 County personnel, including current and former Fire and DHR employees who were involved in the FFT examination process, and a sample of sworn Fire personnel that evidence indicates may have received and/or disseminated examination materials. We also requested the assistance of the LA Times to interview their informant(s), to obtain additional details/information about misconduct in the FFT examination process. However, the LA Times indicated that their informant(s) declined to speak with us.

Results of Investigation

Overall, our investigation found that numerous sworn Fire personnel, particularly at the rank of Fire Captain, were disseminating questions and answers from the FFT and other Civil Service examinations. We also found evidence that some candidates may have had access to test preparation assistance (e.g., mock interviews, test preparation guides, etc.) that was not available to the general public. The sworn personnel interviewed generally asserted that they did not remember why they circulated examination content or know how it might have been used.

Allegation 1 – Substantiated

We confirmed that oral interview test questions and answers used by Fire in FFT examinations administered between 2007 and 2011 were compromised. Specifically, we located FFT oral interview examination materials (i.e., exact and/or closely paraphrased questions and/or answers) in the e-mail accounts of 27 sworn personnel (two Battalion Chiefs, 17 Fire Captains, one Fire Fighter Specialist, and seven Fire Fighters). Our investigation determined that 17 sworn personnel (one Battalion Chief,

10 Fire Captains, and six Fire Fighters) disseminated these materials to others, including to non-County e-mail accounts. In addition, we identified one Fire Fighter Specialist who disseminated material from the FFT written examination to a Fire Fighter, who then disseminated the information to a generic e-mail account assigned to a Fire Camp. We found no evidence that the senders or recipients of this material had management approval or any legitimate business need to possess or disseminate it.

We also identified at least three FFT candidates who received copies of the oral interview questions and answers prior to taking their FFT oral interview, which compromised the integrity of the examination process and provided these candidates with an unfair advantage. One of these FFT candidates is the son of a Fire Captain, who was selected for the FFT Academy (Academy) and later hired as a Fire Fighter in 2013. One of the two remaining candidates was also subsequently selected for the Academy, but did not complete the training. The third individual was not hired. We did not find any familial relationships between the other two FFT candidates and any Fire employees.

Allegation 2 – Partially Substantiated

Our forensic analysis of Fire e-mail records located the specific e-mail cited in the allegation, and we verified that it contained closely paraphrased versions of FFT oral interview examination questions used between 2007 and 2011, and that it was sent from one Fire Captain to another. The allegation is only partially substantiated because we did not find any evidence that either Fire Captain had any relatives in the Fire Department.

We determined that the questions originated from the personal e-mail account of an FFT candidate who sent them to the personal e-mail account of a Fire Captain, after the candidate took the FFT oral interview examination in 2009 but before he was hired by the County. The original recipient subsequently forwarded the questions to his County e-mail account, and then to a generic account at a Fire Station that was not his assigned work site. Approximately 11 months later, the original recipient forwarded the subject e-mail message from his County e-mail account to the County e-mail account of another Fire Captain.

When interviewed, the FFT candidate who sent the e-mail (and who is now a full-time Fire Fighter) could not explain why he would paraphrase questions from the oral interview or e-mail them to a Fire Captain while he was in the process of competing for an FFT position with the Department. The Fire Captain who originally received the e-mail told us he asked the FFT candidate for practice questions, but denied knowing that he received actual oral interview questions. He also claimed he did not remember why he disseminated the examination questions or know how they were used. Both the FFT candidate and the Fire Captain claimed they were acquainted through the FFT candidate's prior non-County employment.

The second Fire Captain, who received the questions from the first Fire Captain via County e-mail, stated that he used them to improve a “study guide” that he prepared and distributed to Fire personnel. The stated purpose of the “study guide” was to assist interested candidates in preparing for the FFT examination. However, it does not appear that this study material was available to the general public. All three individuals involved in this allegation denied having any other friends or relatives who were candidates in the FFT examination, and we found no evidence to contradict their statements.

Additional Findings

During our investigation, we also noted significant weaknesses in controls and accountability over examination materials, a lack of documentation and support for key examination processes (e.g., the “random” selection of candidates) that were critical in determining who was eventually hired, and that the Fire Department did not have a comprehensive nepotism policy at the time of our review. For example:

- Oral interview and written examination materials were not properly secured. Specifically, Fire examination staff told us that they did not have any copies of FFT written or oral interview examination questions. However, we subsequently found copies of both examinations in an unsecured box of paperwork that was left unattended in an empty workstation in Fire’s Examinations Section. Fire could not identify who the box belonged to, how long the box was left unsecured/unattended, or who might have accessed the contents.
- Fire examination staff compromised the FFT oral interview process by inadvertently mailing the rating standards to some FFT candidates in March 2008. The error was discovered when candidates contacted Fire to report receiving examination materials in the mail. In addition, in April 2010 a DHR analyst notified Fire of concerns about abnormally high FFT test scores, and suggested that the FFT oral interview questions might have been compromised. The Analyst recommended that Fire modify the FFT test administration process, but Fire could not explain what action, if any, was taken to address the compromised examination.
- Neither Fire nor DHR could provide a record of how many versions of the FFT examination were created, the dates various versions were administered, or identify the version administered to each candidate.
- The process for determining the order in which candidates were selected for the written examination in four of the nine FFT examination administrations between 2007 and 2011 was not documented. As a result, we could not determine if the selections were random or evaluate the integrity or objectivity of the process. Additionally, key Fire staff responsible for overseeing the random selections gave conflicting statements about their duties, responsibilities, and involvement.

- Fire could not provide any documentation for how candidates were selected for background checks, medical examinations, and/or other components of the hiring process for all nine FFT examination administrations.
- The Consent and Confidentiality Form that FFT candidates were required to sign in some earlier test administrations did not place sufficient restrictions on sharing/disseminating examination content.
- We uncovered evidence that content from a variety of other Civil Service examinations, and some mandated skills tests, may have been compromised.
- At the time of our review, Fire had a practice of soliciting information on familial relationships from new hires, but did not aggregate or analyze that data, and did not have a formal nepotism policy. With the assistance of Fire, we subsequently determined that 104 (15%) of 701 FFTs hired between 2007 and 2014 had a family member in the Department, including two FFTs hired in 2007 that did not disclose that fact.

Review of Report

We briefed key personnel from Fire, DHR, and County Counsel on our findings on January 15, 2015. Fire management indicated that they would take corrective action to prevent similar issues and control weaknesses identified during our review from impacting the new FFT examination, which opened for filing on January 21, 2015. We also discussed our report with Fire and DHR management. Attached is Fire's response which indicates general agreement with our findings and recommendations.

We will provide the Fire Chief with a separate, confidential report detailing our findings and the individual(s) responsible, so that he may take appropriate corrective and/or disciplinary action.

We thank the Fire Department and DHR management and staff for their assistance. Please call me if you have any questions, or your staff may contact Robert Campbell at (213) 974-0681.

JN:RC:GZ:GH:MQ:bwb:cm:ac
R-2014-9407

Attachments (2)

c: Sachi A. Hamai, Interim Chief Executive Officer
Mark J. Saladino, County Counsel
Daryl L. Osby, Fire Chief
Lisa M. Garrett, Director of Personnel
Public Information Office
Audit Committee

**FIRE DEPARTMENT
FIRE FIGHTER TRAINEE EXAMINATION IMPROPRIETIES INVESTIGATION
CASE #2014-9407**

Background

The Los Angeles County Fire Department's (Fire) Fiscal Year 2014-15 budget includes 2,968 sworn personnel. Fire has historically experienced a 3.34% annual attrition rate, and currently has over 200 vacancies. To fill these vacancies, the Department solicits applications for Fire Fighter Trainee (FFT) through an application process that is typically open to any qualified member of the public. Prior to the current administration, which opened for filing on January 21, 2015, the last examination was posted on February 2, 2007, and 12,675 applications were received before it closed on May 30, 2012.

To be placed on the certification list from which FFT candidates were ultimately selected to enter the Fire Fighter Training Academy (Academy), Fire indicated that applicants completed the following process:

1. Submitted an application, including proof that the applicant passed the Candidate Physical Ability Test;
2. From the applicant pool that met the minimum requirements, were randomly selected by Fire to participate in the written examination. Fire indicated that the random selections were stratified based on the race/ethnicity and gender of the applicant pool, to ensure a representative/diverse group of candidates;
3. Passed a written examination administered by Psychological Services, Inc. (PSI), consisting of 187 multiple-choice questions testing the applicant's understanding of report interpretation, mechanical aptitude, reading comprehension, and work orientation related to work as a fire fighter;
4. Passed an oral interview examination administered by Fire and the Department of Human Resources (DHR), and evaluated by Fire Captains and human resources managers, consisting of a series of questions designed to evaluate the applicant's critical thinking, team orientation, adaptability, awareness and alertness, respect for authority, professional demeanor, multi-tasking/reasoning, interpersonal objectivity and tolerance, and optimism and resilience.

Candidates became eligible for the Academy upon successful completion of their background check conducted by Fire Captains, and a medical examination. Academy selections were made as candidates who received a score of 95% or higher on the oral interview became eligible.

Between July 2007 and April 2011, Fire administered nine separate examinations to populate the list used to select individuals for entry to the Academy:

EXAMINATION ADMINISTRATION	WRITTEN EXAMINATION	ORAL INTERVIEW EXAMINATION
A	May 31, 2007	July 2007
B	November 27, 2007	January 9-11, 2008
C	March 11, 2008	July 15-17, 2008
D	November 14, 2008	January 21-23, 2009
E	September 30, 2009	November 16, 17, 19, 2009
F	December 21, 2009	April 6-9, 2010
G	January 20, 2010	April 6-9, 2010
H	January 13, 2011	March 29 – April 7, 2011
HH (LTAs)*	February 16, 2011	April 7, 2011

*Late Test Administration

Because of the large number of applicants for the FFT examination, the original Certification List resulting from steps 1-4 was used for several years. The last Academy class from these examination administrations was selected on July 23, 2014.

On July 8, 2014, Fire Chief Daryl L. Osby requested the Auditor-Controller’s (A-C) Office of County Investigations (OCI) to investigate allegations concerning the administration of the FFT Civil Service examination process. Specifically, Fire Chief Osby requested that we investigate two allegations:

Allegation 1: Oral interview test questions and answers used by Fire in FFT examinations conducted between 2007 and 2012 were compromised.

Allegation 2: On February 27, 2011 at 8:42 P.M., an unknown individual used a Fire computer to send an electronic mail (e-mail) message containing FFT oral interview questions to a high-ranking chief officer whose son was an FFT applicant, to assist him in passing the examination.

On July 22, 2014, we preliminarily confirmed that FFT oral interview questions used in the 2007 through 2011 administrations of the FFT examination were compromised, and determined that they were distributed among at least three Fire Captains. We subsequently notified Fire, DHR, and County Counsel of our findings and advised that the compromised questions should not be used in any future examinations.

Scope and Methodology

OCI Investigators obtained and analyzed an eight-page document that allegedly contained 18 FFT oral interview questions and 13 corresponding answers, and a copy of an e-mail that allegedly contained nine FFT oral interview questions. Fire management indicated that these documents were presented to them at a meeting with the Los Angeles Times (LA Times) on July 7, 2014. Fire had previously been corresponding with that publication on a series of California Public Records Act requests beginning in February 2014.

OCI Investigators searched more than 52 million Fire e-mail records from two separate cumulative backups completed by Fire on January 4, 2012 and July 28, 2014, to identify instances where examination materials may have been compromised or inappropriately disseminated. We also reviewed all available FFT oral interview questions and answers (rating standards) provided by Fire and DHR for examinations administered from 2007 through the last FFT examination, which was conducted in 2011. In addition, we compared Fire data from Employee Personal Information Sheets of all 701 FFTs hired since 2007 with eHR data (last names, addresses, emergency contact info, etc.) to identify any potential familial relationships. We also reviewed various sources of background information including:

- The County's electronic Human Resources System (eHR)
- Lexis-Nexis
- Fire personnel records, including performance evaluations and administrative forms completed by Fire employees
- Civil Service Rules (CSRs)
- Fire policies and procedures
- Department of Human Resources (DHR) Policies, Procedures, and Guidelines (PPGs)

We conducted interviews with 22 County personnel, including current and former Fire and DHR employees who were involved in the FFT examination process, and a sample of sworn Fire personnel who evidence indicates may have received and/or disseminated examination materials. We also requested the assistance of the LA Times to interview their informant(s), to obtain additional details/information about misconduct in the FFT examination process. However, the LA Times indicated that their informant(s) declined to speak with us.

Results of Investigation

Allegation 1: Oral interview test questions and answers used by Fire in FFT examinations conducted between 2007 and 2012 were compromised.

Findings

We compared the eight-page document provided to Fire management by the LA Times allegedly containing 18 oral interview questions with the four known versions of the FFT oral interview questions provided by Fire and DHR, and noted the following:

- Seven (39%) of the 18 questions contained in the eight-page document were exact “word for word” matches to questions from the FFT oral interview examination.
- An additional eight (44%) questions were closely paraphrased and substantially the same as oral interview questions from the FFT examination.
- Three (17%) of the 18 questions were similar in general concept and theme to questions found on all four versions of the FFT examination.

In addition, 13 (72%) of the 18 questions contained in the eight-page document were accompanied by answers that closely matched the FFT Rating Standards used to score candidate responses. As a result, anyone in possession of that document would have known the questions they were likely to be asked in the FFT oral interview, as well as model answers that would be likely to produce a high test score.

We performed targeted searches of Fire e-mail records and attachments for keywords related to the examination questions, to identify employees who may have sent or received the source document or content from it. We also performed detailed, manual examinations of sent and received e-mails for a sample of subjects who we determined had disseminated examination content.

We located FFT oral interview examination materials (i.e., exact and/or closely paraphrased questions and/or answers) in the e-mail accounts of 27 sworn personnel (two Battalion Chiefs, 17 Fire Captains, one Fire Fighter Specialist, and seven Fire Fighters). Our investigation determined that 17 sworn personnel (one Battalion Chief, 10 Fire Captains, and six Fire Fighters) disseminated these materials to others, including to non-County e-mail accounts. In addition, we identified one Fire Fighter Specialist who sent questions and answers from the FFT written examination to a Fire Fighter, who then disseminated the information to a generic e-mail account assigned to a Fire Camp. During our investigation, we noted that several of these individuals received or disseminated FFT oral interview questions when they held a lesser sworn rank or were FFT candidates. In all of these cases, we found no evidence that either the senders or recipients of this material had management approval or a business need to possess or transmit it.

We also identified at least three FFT candidates who apparently received copies of the oral interview questions and/or answers prior to taking the FFT oral interview examination. This compromised the integrity of the examination process, and provided these candidates with an unfair advantage. Specifically:

- FFT Candidate #1 is the son of a Fire Captain. FFT Candidate #1 sent the oral interview questions and answers from his personal e-mail account to his father's personal e-mail account requesting clarification on specific questions before the date of his FFT oral interview. The Fire Captain later forwarded the e-mail from his personal e-mail account to the personal e-mail account of a Battalion Chief, who then forwarded it to his County e-mail account. The FFT candidate was subsequently selected for the Academy, completed the training, and was hired as a Fire Fighter in 2013.
- A Fire Captain used his County e-mail account to send oral interview questions and answers to the personal e-mail account of FFT Candidate #2, before FFT Candidate #2 took the FFT oral interview. FFT Candidate #2 was not selected for the Academy, and we did not identify any familial relationships between this candidate and any Fire employees.
- FFT Candidate #3 received oral interview questions and answers from a Fire Captain's personal e-mail account before taking the FFT oral interview. The Fire Captain later forwarded the e-mail to his County e-mail account. FFT Candidate #3 was subsequently selected for the Academy but did not complete the training and was not hired. We did not identify any familial relationships between FFT Candidate #3 and any Fire employees.

Conclusion

We substantiated that oral interview questions and answers used by Fire in FFT examinations administered between 2007 and 2011 were compromised. Specifically, we identified 17 sworn personnel (one Battalion Chief, 10 Fire Captains, and six Fire Fighters) who disseminated FFT oral interview examination materials (i.e., exact or closely paraphrased questions and/or answers) to others, including to non-County e-mail accounts. We also identified one Fire Fighter Specialist who disseminated material from the FFT written examination to a Fire Fighter, who then disseminated the information to a generic e-mail account assigned to a Fire Camp. We found no evidence that the senders or recipients of this material had management approval or any business need to possess or disseminate it.

We also identified at least three FFT candidates who apparently received copies of the oral interview questions and answers prior to taking their FFT oral interview. This compromised the integrity of the examination process, and provided these candidates with an unfair advantage. We noted that one of the three FFT candidates, who is the son of a Fire Captain, was selected for the Academy and was hired as a Fire Fighter in 2013. One of the two remaining candidates was also subsequently selected for the Academy, but did not complete the training. The third individual was not hired. We were unable to identify a familial relationship between the other two FFT candidates and any Fire employees.

The dissemination of FFT oral interview and written examination questions appears to violate DHR PPG 116. Additionally, DHR PPG 100 and CSR 7.25 state, in part, that all examinations shall be fair and impartial, and that no candidate should receive special advantages or disadvantages in the way the examination is designed, administered, or scored. Any FFT applicant who had access to these questions prior to the FFT oral interview had an unfair advantage over other candidates. The improper dissemination of test questions and answers compromised the integrity of the FFT examination process.

Allegation 2: On February 27, 2011 at 8:42 P.M., an unknown individual used a Fire computer to send an electronic mail (e-mail) message containing FFT oral interview questions to a high-ranking chief officer whose son was an FFT applicant, to assist him in passing the examination.

Findings

According to DHR PPG 116 – Security of Examination Materials, the unauthorized discussion and duplication of any content of examination materials before, during, or after an examination administration is strictly prohibited. In addition, CSR 6.04 Non-Acceptance of Applicant, states that an individual who has attempted any deception or fraud in connection with Civil Service examinations or who is guilty of conduct not compatible with County employment may be removed from the eligible list.

OCI Investigators reviewed the e-mail provided to Fire management by the LA Times, and compared the questions contained in the e-mail to the four known versions of the FFT oral interview questions we obtained from Fire and DHR. We noted that seven (78%) of the nine questions in the subject e-mail were closely paraphrased versions of the official FFT oral interview questions. The remaining two questions were not included in any known versions of the examination, which suggests that there may be additional versions that could not be accounted for by Fire or DHR.

We performed a targeted search for the subject “Questions,” and for attachments titled “LA county interview questions.doc” in a combined total of 52 million Fire e-mails and attachments. That search found that on March 19, 2010, a Fire Captain (Fire Captain #1) forwarded the subject e-mail and attachment from his personal e-mail account to his County e-mail account, and then subsequently forwarded the e-mail from his County account to a generic account at a Fire Station that was not his assigned work site. On February 27, 2011, Fire Captain #1 forwarded the e-mail from his County e-mail account to the County e-mail account of another Fire Captain (Fire Captain #2).

Further analysis revealed that Fire Captain #1 originally received this information on November 1, 2009, from the personal e-mail account of an FFT candidate who had taken the oral interview examination in January 2009. We reviewed the examination files maintained by Fire and noted that the FFT candidate signed a “Consent and Confidentiality” form agreeing to “not discuss anything about this interview with any other candidate until all candidates have been interviewed.” This FFT candidate was

subsequently hired for the Academy, and entered County service as a full-time Fire Fighter in 2010.

We also noted that on several occasions between 2007 and 2013, Fire Captain #2 sent e-mails with the subject "Practice Oral Questions" and an attachment titled "Practice Oral Questions" to the County e-mail accounts of at least two other Fire Captains. These e-mails contained questions that were similar in concept but not identical to the official oral interview questions. It appears that Fire Captain #2 subsequently incorporated the oral interview questions he received from Fire Captain #1 into his "Practice Oral Questions" document, and sent the updated document via County e-mail to a third Fire Captain (Fire Captain #3).

We reviewed e-mail records for Fire Captain #3 and noted that on September 20, 2013, he forwarded the "Practice Oral Questions" document to an outside e-mail account, which we later determined belongs to Fire Captain #3's son. We searched and did not find any evidence that Fire Captain #3's son was a County employee or FFT applicant.

We interviewed the FFT candidate and Fire Captains #1 and #2 regarding their involvement in distributing the e-mail containing FFT oral interview questions. All three interviewees were represented by the same Los Angeles County Fire Fighters Local 1014 advocate.

Although the FFT candidate initially told investigators that he did not know anything about this e-mail, he later admitted that he and Fire Captain #1 spoke about the e-mail after meeting with a Fire Union Representative, in preparation for their interview with us. The FFT candidate stated that he was acquainted with Fire Captain #1 prior to entering County service through his prior non-County employment. The FFT candidate initially claimed that he did not know anything about an e-mail to Fire Captain #1 containing paraphrased oral interview questions. However, when we confronted the FFT candidate with a copy of the e-mail he sent to Fire Captain #1 from his personal e-mail account, he stated that Fire Captain #1 had requested him to send the oral interview questions, but that he did not remember when or why, and offered no further explanation. The FFT candidate also admitted soliciting Fire Captain #1's personal e-mail address, but did not recall whether Fire Captain #1 asked for the questions as a personal favor.

Fire Captain #1 told investigators that he was acquainted with the FFT candidate through the FFT candidate's prior non-County employment. He also told us that he asked the FFT candidate for practice questions, but denied knowing that he received actual oral interview questions. Fire Captain #1 could not explain why someone who was a casual acquaintance and was competing for a job with the Fire Department would e-mail test questions from the FFT examination to a Fire Captain. Upon further questioning, Fire Captain #1 left the interview to confer privately with his union representative, after which he repeatedly stated that he did not recall the circumstances under which he came to be in possession of the FFT oral interview questions.

Fire Captain #2 told us that he believed the questions he received from Fire Captain #1 were practice questions, and stated that he has never seen the actual oral interview questions. Fire Captain #2 asserted that since Fire Captain #1 sent him the questions two years after they were administered to the FFT candidate, and since the questions are changed periodically, he considered them to be practice questions.

Fire Captains #1 and #2 both claimed that they did not know the questions they received from the FFT candidate were taken from an actual oral interview. However, the FFT candidate's original e-mail to Fire Captain #1 includes the statement "They don't ask at all about the County in the interview so I said something about the Department." This indicates that at a minimum, Fire Captain #1 was aware that the questions provided by the FFT candidate included content from the actual FFT examination. When we confronted them with the e-mail and attachment in question, both Fire Captains stated that they used the questions to conduct mock interviews, and Fire Captain #2 stated he used it to enhance a document containing practice oral interview questions that he distributed to "interested FFT applicants." We found no evidence that either Fire Captain had any undisclosed familial relationships in the Department.

Conclusion

Although we could not substantiate the specific allegation that these oral interview questions were given to a high ranking chief officer whose son was an FFT applicant, we confirmed that oral interview questions were compromised and inappropriately disseminated. Specifically, an FFT candidate paraphrased oral interview questions from the examination he took and e-mailed them to Fire Captain #1, for reasons unknown. Fire Captain #1 subsequently sent the questions to Fire Captain #2 and to a general Fire Station e-mail account. Both Captains admitted using the questions in a study guide to assist FFT examination candidates prepare for the testing process. These actions appear to violate DHR PPG 116.

Despite denials by both Fire Captains of any impropriety, their statements concerning how the oral interview questions were solicited and obtained and the reasons why an FFT candidate would send unsolicited examination questions to a Fire Captain raise questions about the completeness of their statements. Given their rank and tenure with the Department, these Fire Captains knew or should have known that it was inappropriate to solicit and/or disseminate examination content, and that doing so had the effect of compromising the integrity and fairness of the FFT examination.

We noted that these compromised FFT oral interview questions may have been used in three additional test administrations for the FFT examination in 2010 and 2011. As a result, any candidate who received these questions or study materials created from them may have had an unfair advantage in the oral interview. This compromised the integrity of the FFT examination process. As discussed later in this report, this incident is an example of what our findings indicate is a common practice within Fire of disseminating examination content and questions between sworn personnel.

In accordance with established protocol, we will provide the appointing authority a separate confidential report detailing substantiated misconduct and the individual(s) responsible, to enable the Fire Department to take appropriate administrative and/or disciplinary action.

Additional Findings

During our investigation, we noted significant weaknesses in controls and accountability over examination materials, a lack of documentation and support for key examination processes (e.g., the “random” selection of candidates) that were critical in determining who was eventually hired, and that the Department did not have a comprehensive nepotism policy at the time of our review.

FFT Examination Security

Fire and DHR management stated that written examination materials were secured by PSI and oral interview materials were secured by DHR. However, we later found both written and oral interview examination materials in an unsecured work area at Fire. Fire staff could not determine who was responsible for those examination materials, how long they were left unsecured, or who might have had access to them. We also discovered an unsecured file cabinet at Fire’s Examination Section in Commerce, California containing applicant information, interview rating sheets, and other materials pertaining to administration (version “D”) of the FFT examination. In addition, we found that examination content was being commonly disseminated between various Fire employees.

We also noted at least two instances where Fire was notified of potential breaches of FFT examination content. Specifically, in March 2008 the FFT oral interview process was compromised when a Fire examination analyst inadvertently mailed the rating standards to at least four FFT candidates, before those candidates took the oral interview examination. Fire discovered this breach when the FFT candidates contacted Fire to report receiving the rating standards in the mail. Fire could not explain what action, if any, was taken to address the compromised examination, and it appears that Fire continued to use substantially the same oral interview questions in subsequent FFT examination administrations.

In April 2010, a DHR analyst e-mailed the Fire manager responsible for the FFT examination to inquire about an unusually high number (50%) of FFT candidates from the November 2009 and April 2010 test administrations being placed in Band 1. The DHR analyst suggested various explanations for this result, including the possibility that FFT test questions may have been compromised and/or were being shared between candidates. The DHR analyst recommended that Fire change the FFT test administration process, but Fire could not explain what action, if any, was taken. The Fire manager principally responsible for the FFT examination could not recall if executive management was notified about either of these incidents.

According to DHR PPG 116, Security of Examination Materials, examination materials must be secured at all times. Fire should maintain strict security over examination materials at all times, and ensure that staff with access are appropriately trained.

Recommendations

Fire Department Management:

- 1. Ensure that staff maintain strict security over examination materials at all times and only allow access to staff with a business need.**

- 2. Ensure that any staff with responsibility for or access to examination materials are appropriately trained on relevant policies and procedures, including Department of Human Resources Policy, Procedure, and Guideline 116.**

FFT Examination Documentation

Neither Fire nor DHR could provide a record of how many versions of the FFT examination were created, the dates various versions were administered, or identify the version administered to each candidate. This impaired our ability to determine who might have been responsible for compromising certain examination questions, and the impact on subsequent examinations. DHR provided us a total of three versions of the FFT oral interview questions. However, we found another version of the FFT oral interview questions and a copy of the written examination in an unsecured box of paperwork that was left unattended in an empty workstation at Fire's Exams Section. Fire could not identify who the box belonged to, how long the box was left unsecured/unattended, or who might have accessed the contents.

Fire and DHR did not maintain sufficient documentation of the examination and selection process, and the respective duties and responsibilities carried out by Fire and DHR personnel involved in the administration. As a result, the delineation of responsibilities is unclear.

CSR 7.22, Record of Examination, states, in part, that a summary or narrative statement of the examination, showing the method of testing used should be preserved for not less than five years. CSR 7.23, Record of Oral Examination, states in part that the Director of Personnel shall make and preserve for not less than five years a record of oral tests or interviews used in examinations, and that such record shall show the basis of rating or standards used and the formula or method used for translating ratings into a numerical score.

Recommendations

Fire Department management work with the Department of Human Resources to:

- 3. Document the Fire Fighter Trainee examination process and the responsibilities of key individuals and entities for future examinations.**
- 4. Retain records of all examination versions, the date(s) they are administered, and the individuals to whom they are administered, in accordance with the requirements of Civil Service Rules 7.22 and 7.23.**

Random Selection Process

According to Fire, candidates were selected to participate in the written examination through a “random process.” Specifically, we were told that for the first four examination administrations, Fire staff used a random number generator written in the C-Sharp programming language to select candidates. For the five subsequent administrations, the Random Selection Application (RSA) was used. RSA is a web-based application developed by Fire and hosted on their network that randomly selects applicants based on certain criteria input by Fire staff. RSA could be accessed with a login and password from computers connected to Fire’s Intranet. Fire RSA developers confirmed that login and password access were solely given to two Fire managers responsible for Human Resources and Examinations.

As part of our investigation, we attempted to validate that the selections were in fact random, and that the underlying procedures were objectively verifiable. However, we found that in the first four (44%) of nine administrations, the selection process was not documented. As a result, we could not verify who selected the candidates, or evaluate the integrity of the process. We followed-up with interviews of managers and staff who were responsible for the random selections, and noted significant inconsistencies in their statements about how the process was conducted.

For example, the Fire manager who was principally responsible for the random selection process provided the names of four staff who allegedly observed and/or participated in the selections. When interviewed, two of the staff denied ever being present for any selections. One of the staff confirmed that she was present, but stated that the Fire manager manually selected candidates, contradicting the manager’s claim that the selections were made by computer. The fourth staff was unavailable to be interviewed. We interviewed a fifth individual not mentioned by the former Fire manager who acknowledged assisting the Fire manager, and also asserted that the selections were manual. These findings raise questions about the integrity of the selection process, and highlight the need for appropriate documentation.

We also noted that for all nine FFT examination administrations, Fire was unable to provide documentation of the process used to determine the order in which candidates were selected for a background check and medical examination. Those selections ultimately determined the final order in which candidates entered the Academy, and should be made in a documented and verifiable manner.

Recommendations

Fire Department management:

- 5. Ensure that any random candidate screening is performed using a documented and independently verifiable process, and that Fire personnel who are otherwise involved in evaluating, testing, or selecting candidates not conduct the screening.**
- 6. Consult with the Department of Human Resources and County Counsel about developing an objective framework for making selection (i.e., hiring) decisions.**

FFT Consent and Confidentiality Form

The Consent and Confidentiality Form signed by FFT candidates did not place sufficient restrictions on sharing/disseminating examination content, and did not require candidates to disclose potential conflicts with examination proctors. Specifically, for the FFT candidates we reviewed, the Consent and Confidentiality Form stated, in part, that candidates should keep examination questions confidential "...until after all candidates have received the exam." This does not sufficiently restrict the dissemination of examination content, particularly for long-running examinations such as for FFTs.

In addition to candidates, anyone who accesses or is administered examination content should be required to complete a Consent and Confidentiality Form which at a minimum: 1) expressly prohibits copying, sharing, or disseminating examination content; 2) specifies that confidentiality must be maintained at a minimum for as long as the examination content may be used by the County; 3) prescribes administrative penalties for non-compliance (e.g., up to and including discharge for employees, disqualification for candidates, etc.); and 4) that any attempt to solicit examination content or share/disseminate examination materials must be reported to an appropriate authority (e.g., DHR or the County Fraud Hotline).

Recommendation

- 7. Fire Department management work with the Department of Human Resources and County Counsel to strengthen the Consent and Confidentiality Form, and ensure that anyone who accesses or is administered examination content completes a confidentiality agreement.**

Other Examinations

During the course of our investigation, e-mail searches also uncovered evidence that employees disseminated content from a variety of other Civil Service examinations and some mandated skills tests, indicating that content from these examinations and tests may have been compromised. Specifically, we noted that content from the following tests was e-mailed between Fire personnel:

Civil Service Examinations

- Fire Captain
- Fire Suppression Aid
- Senior Fire Fighter Suppression Aid
- Fire Dispatcher I

Other Tests/Examinations

- Supervisor CPOE
- State Responsibility Area (SRA)
- DMV Test – Air Brakes
- DMV Test – Combination Vehicles (Class A)
- EMT Skills

Since the purpose of our searches was to identify evidence related specifically to the allegations which are the subject of this report, findings related to other examinations were incidental to those searches, and may not constitute the entire population of examinations that were compromised or reflect the full extent to which Fire personnel disseminated such information. We will work with Fire and DHR management to identify individuals involved in misconduct, and to ensure that compromised content is not used in future examinations.

The totality of our findings suggests that dissemination of examination content between Fire personnel is not uncommon. Fire management needs to ensure that managers and staff at all levels are aware that such activity is improper. The Department should also work with DHR to identify strategies to safeguard the content of future examinations from being compromised and disseminated by Fire personnel.

Recommendations

Fire Department management:

- 8. Ensure that managers and staff at all levels are aware that disseminating examination content is prohibited.**

9. **Work with the Department of Human Resources and County Counsel to identify strategies to safeguard the content of future examinations from being compromised and disseminated by Fire personnel.**
10. **Work with the Department of Human Resources and County Counsel to determine if any employees discussed in this report should be involved in planning or administering future Civil Service examinations.**

Nepotism Policy

At the time of our review, Fire did not have a formal nepotism policy. While the Department had a practice of soliciting information on familial relationships from new hires, Fire did not aggregate or analyze that data. Over the course of our investigation, Fire reviewed the Employee Personal Information Sheets for all of the 701 FFT candidates that were hired by the Department since 2007, and that initial review identified 102 (15%) who disclosed some familial relationship to an existing Fire employee. To identify undisclosed relationships, we compared the surnames and home and emergency contact addresses for the remaining 599 new hires with payroll and personnel information for all existing Fire employees. That analysis identified two additional employees, who we later determined were sons of sworn personnel and did not disclose their familial relationships on the Employee Personal Information Sheet when they were hired.

Fire should work with DHR and County Counsel to develop and implement a nepotism policy to ensure that employment decisions are strictly merit-based and free from any appearance of a potential conflict, to clarify each employee's responsibility for reporting familial relationships, and to ensure that related employees are not assigned to areas of conflicting responsibility. Fire should also consider implementing formal expectations for employees concerning the full and accurate disclosure of familial relationships, how and when to report an assignment or duty that may create the appearance of a conflict, and administrative consequences for non-compliance. In addition, Fire should consider expanding their review of related employees to all Departmental personnel, and maintain a list of related employees to enable management to identify and prevent potential conflicts.

Recommendations

Fire Department management:

11. **Work with the Department of Human Resources and County Counsel to develop and implement a formal nepotism policy to ensure that employment decisions are strictly merit-based and free from any appearance of a potential conflict, to clarify each employee's responsibility for reporting familial relationships, and to ensure that**

related employees are not assigned to areas of conflicting responsibility.

12. Consider implementing formal expectations for employees concerning the full and accurate disclosure of familial relationships, how and when to report an assignment or duty that may create the appearance of a conflict, and administrative consequences for non-compliance.
13. Consider expanding the review of related employees to all Departmental personnel, and maintain an updated list of related employees to enable management to identify and prevent future conflicts.

Mock Interviews and Test Preparation Assistance

As mentioned above, we found evidence that sworn Fire personnel prepared study guides and conducted mock interviews for potential FFT candidates, and that these do not appear to have been advertised in the official examination bulletin or available on Fire's website for the general public. Our review of e-mails and interviews with Fire staff indicate that at least some examination preparation materials may have been developed and/or disseminated on County time, and that some mock interviews and trainings may have been provided at County facilities.

County time, resources and/or facilities should not be used in a way that could create the appearance of preferential treatment or favoritism. Fire management should consider prohibiting the use of County time, resources or facilities to prepare or present unofficial test preparation materials or classes, unless they are open and available to all potential candidates on an equal basis.

Recommendation

14. Fire management consider prohibiting the use of County time, resources or facilities to prepare or present unofficial test preparation materials or classes, unless they are open and available to all potential candidates on an equal basis.

Fire E-mails

Fire's current e-mail architecture does not impose uniform retention requirements on e-mail, and has limitations that prevented the Department from comprehensively searching e-mails for evidence related to this investigation. In addition, any e-mails deleted from a Fire e-mail account prior to the time/date it was backed-up would not have been included in the archives we searched.

As noted earlier in this report, some examination content was disseminated to a generic e-mail account at a Fire station. As a result, we could not determine who may have

received it, or if it was further disseminated. Generic e-mail accounts impair accountability over correspondence, and may continue to be an avenue for improperly disseminating confidential information.

Fire should develop and implement a formal e-mail retention policy, and ensure that any future e-mail system upgrades include retention policy enforcement, as well as a robust search capability. In addition, Fire should discontinue the use of generic e-mail accounts, and ensure that each e-mail account is assigned to a specific user.

Recommendations

Fire Department Management:

- 15. Develop and implement a formal e-mail retention policy.**
- 16. Ensure that any future e-mail system upgrades include retention policy enforcement, as well as a robust search capability.**
- 17. Discontinue the use of generic e-mail accounts and ensure that each e-mail account is assigned to a specific user.**



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

February 19, 2015

TO: JOHN NAIMO, AUDITOR-CONTROLLER
DEPARTMENT OF THE AUDITOR-CONTROLLER

FROM: FIRE CHIEF DARYL L. OSBY

FIRE FIGHTER TRAINEE EXAMINATION IMPROPRIETIES - CASE #2014-9407

We have reviewed the draft of the subject report provided to us on February 13, 2015, along with all 17 recommendations made in the report. The following provides the Fire Department's (Department) response to each recommendation:

- 1. Fire Department Management ensure that staff maintain strict security over examination materials at all times and only allow access to staff with a business need.**

Our review and associated actions started prior to the current audit and are on-going. We ensure that examination materials are only maintained in our Examination Section and they are maintained under lock and key. Access to keys is limited to the Examination Section staff, and only those with a business need have access to the Examination Section and the materials. In addition, the Examination Section Manager has thoroughly searched common areas to ensure that no examination materials are in an unsecured area.

- 2. Fire Department Management ensure that any staff with responsibility for or access to examination materials are appropriately trained on relevant policies and procedures, including Department of Human Resources Policy, Procedure and Guideline 116.**

Our review and associated actions started prior to the current audit and are on-going. As part of the Department's on-going effort to ensure the security of examination material, all staff involved in any part of the examination process have and will continue to be required to review Policy, Procedure and Guideline 116 and

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWNDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMead
SAN DIMAS
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SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
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acknowledge receipt of the policy. In addition, all personnel involved with examination material have and will continue to be required to sign a Test Security Agreement. All but one of the Examination Section staff has completed the required Examination Analyst Training that includes test security. The remaining examination analyst will attend the next training that will be offered by the Department of Human Resources in Spring of 2015.

- 3. Fire Department Management work with the Department of Human Resources to document the Fire Fighter Trainee examination process and the responsibilities of key individuals and entities for future examinations.**

Since approximately April of 2012, the Department has worked closely with the Department of Human Resources to develop the 2015 Fire Fighter Trainee Examination. We have worked closely with the Department of Human Resources and County Counsel to highlight and document the responsibilities of key individuals to ensure the delineation of responsibilities is clear and institutionalized.

- 4. Fire Department Management work with the Department of Human Resources to retain records of all examination versions, the date(s) they were administered, and the individuals to whom they are administered, in accordance with the requirements of Civil Service Rules 7.22 and 7.23.**

Our actions started with the 2015 Fire Fighter Trainee Examination and we have worked closely with the Department of Human Resources, County Counsel and the involved contracted vendor to ensure that all current and future test administrations are conducted in accordance with Civil Service Rules 7.22 and 7.23. We will continue to operate in this manner with respect to all future test administrations.

- 5. Fire Department Management ensure that any random candidate screening is performed using a documented and independently verifiable process, and that Fire personnel who are otherwise involved in evaluating, testing, or selecting candidates not conduct the screening.**

Specific to the 2015 Fire Fighter Trainee examination process, no candidate will be eliminated from any portion of the examination using any kind of random selection method. All qualified candidates will be invited to participate in the written examination. As to the structured interview component, all qualified candidates may, but the order in which they are scheduled may be random. Any random processes that are utilized will be documented and independently verified.

- 6. Consult with the Department of Human Resources and County Counsel about developing an objective framework for making selection (i.e. hiring) decisions.**

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The Department will continue to consult with the Department of Human Resources and County Counsel to ensure that the best interests of the County and Fire Department are met.

- 7. Fire Department Management work with the Department of Human Resources and County Counsel to strengthen the Consent and Confidentiality Form, and ensure that anyone who accesses or is administered examination content completes a confidentiality agreement.**

We are working with the Department of Human Resources and County Counsel to strengthen the Consent and Confidentiality Form, and will ensure that anyone who accesses or is administered examination content completes the updated confidentiality agreement. We anticipate finalization of the form by March 2, 2015.

- 8. Fire Department Management ensure that managers and staff at all levels are aware that disseminating examination content is prohibited.**

We will communicate to all Departmental personnel that disseminating examination content is prohibited and any violation may be subject to discipline.

- 9. Fire Department Management work with the Department of Human Resources and County Counsel to identify strategies to safeguard the content of future examination from being compromised and disseminated by Fire personnel.**

We will continue to work with the Department of Human Resources, County Counsel and any involved contracted vendor to identify strategies to safeguard the content of future examinations from being compromised and disseminated by Fire personnel as identified in the response to Recommendations 1, 2, 5 and 8.

- 10. Fire Department Management work with the Department of Human Resources and County Counsel to determine whether employees discussed in this report should be involved in planning or administering future Civil Service examinations.**

We will work with the Department of Human Resources and County Counsel to determine if any employees referenced in this report should be involved in the planning or administration of future Civil Service examinations.

- 11. Work with the Department of Human Resources and County Counsel to develop and implement a formal Nepotism Policy to ensure that employment decisions are strictly merit-based and free from any appearance of a potential conflict, to clarify each employee's responsibility for reporting familial relationships, and to ensure that related employees are not assigned to areas of conflicting responsibility.**

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Our Compliance Officer is currently working with the Department of Human Resources and County Counsel. We anticipate development and approval of a formal Nepotism Policy consistent with the recommendation within thirty (30) business days.

- 12. Fire Department Management consider implementing formal expectations for employees concerning the full and accurate disclosure of familial relationships, how and when to report an assignment or duty that may create the appearance of a conflict, and administrative consequences for non-compliance.**

Through our Standards of Behavior Policy, we already require all employees to be truthful in their communications with the Department. The Department's Nepotism Policy will include expectations regarding the full and accurate disclosure of familial relationships, as described in the recommendation.

- 13. Fire Department Management consider expanding the review of related employees to all Departmental personnel, and maintain an updated list of related employees to enable Management to identify and prevent future conflicts.**

We will ensure the Department's Nepotism Policy applies to all employees.

- 14. Fire management consider prohibiting the use of County time, resources or facilities to prepare or present unofficial test preparation materials or classes, unless they are open and available to all potential candidates on an equal basis.**

The Department will consider the recommendation. In regards to the 2015 Fire Fighter Trainee Examination, the Department offered ten preparatory seminars that were open to the public throughout the County of Los Angeles and the City of La Habra, and the Fire Fighter Trainee Study Guide was made available to the public on the Department's and Department of Human Resources' websites.

- 15. Fire Department Management develop and implement a formal email retention policy.**

The Department's custodian of records is working with the Registrar-Recorder/County Clerk and the Chief Information Officer to develop a formal email retention policy that will be in compliance with County-wide guidelines.

- 16. Fire Department Management ensure that any future email system upgrades include retention policy enforcement, as well as a robust search capability.**

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The Department's Information Management Division will continue to work with the County Information Officer and the Internal Services Department on the upgrade to Office 365 which will provide a robust search capability and retention policy enforcement.

17. Fire Department Management discontinue the use of generic email accounts and ensure that each email account is assigned to a specific user.

The Department's Information Management Division will continue to work with the County Information Officer on a plan to ensure generic email accounts are eliminated and to ensure that each email account is assigned to a specific user.

If you have any questions regarding our response, you may contact me at (323) 881-6180, or your staff may contact Acting Chief Deputy Dawnna Lawrence, Business Operations, at (323) 881-2478.

DLO:trb

c: Robert Campbell
Greg Hellmold