

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

24 April 23, 2024


JEFF LEVINSON
INTERIM EXECUTIVE OFFICER



**COUNTY OF LOS ANGELES
DEPARTMENT OF HUMAN RESOURCES**

HEADQUARTERS

KENNETH HAHN HALL OF ADMINISTRATION
500 W. TEMPLE STREET, ROOM 579 • LOS ANGELES, CALIFORNIA 90012
(213) 974-2406 • FAX (213) 621-0387

BRANCH OFFICE

510 S. VERMONT AVENUE, 12TH FLOOR • LOS ANGELES, CALIFORNIA 90020
(213) 866-5846 • FAX (213) 637-0821

LISA M. GARRETT
DIRECTOR OF PERSONNEL

April 23, 2024

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

Dear Supervisors:

**RECOMMENDATION TO PROVIDE LEGAL REPRESENTATION FOR A CLINICAL
PSYCHOLOGIST EMPLOYED BY THE DEPARTMENT OF HUMAN RESOURCES FOR
ADMINISTRATIVE PROCEEDINGS BROUGHT BY THE CALIFORNIA BOARD OF
PSYCHOLOGY (ALL DISTRICTS) (3 VOTES)**

SUBJECT

Request to provide legal representation for a clinical psychologist in the Department of Human Resources ("DHR") for an administrative proceeding brought by the California Board of Psychology ("BOP").

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the administrative proceeding involving a DHR clinical psychologist is brought on account of alleged acts or omissions performed in the scope of the clinical psychologist's employment as an employee of the County of Los Angeles ("County").
2. Find that the defense of the clinical psychologist would be in the best interest of the County.
3. Find that the clinical psychologist acted in good faith, without malice, and in the apparent interest of the County.
4. Direct County Counsel to secure legal representation or authorize reimbursement for attorneys' fees incurred, at the County's expense, for the DHR clinical psychologist.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

DHR seeks the Board of Supervisor's ("Board") approval of this recommendation to provide legal representation for one clinical psychologist who was requested to respond to a BOP inquiry regarding alleged conduct with a former County employee ("Former Employee") during the process of conducting a fitness for duty evaluation ("FFDE"). Based on the psychological tests conducted, the Former Employee interview, and the Former Employee's response, the decision was made to medically separate the Former Employee. The Former Employee subsequently filed a complaint with BOP.

County Counsel has reviewed the facts and circumstances surrounding this case. This DHR clinical psychologist has worked for the County for several years. At the time of the occurrence of the specific allegations and at the time of the filing of the complaint with BOP, the clinical psychologist was employed with the County and acting within the course and scope of employment. County Counsel's review reveals no indication that this clinical psychologist acted in bad faith or with malice. Rather, it appears that this clinical psychologist acted in apparent good faith and in the apparent interests of the County. Therefore, it appears that defense of this employee would be in the best interests of the County.

FISCAL IMPACT/FINANCING

The costs for providing legal representation for this clinical psychologist to date is \$1,000. If this matter were to proceed to hearing, additional costs of up to \$25,000 may be incurred. Funds will be allocated from DHR's existing operating budget. If the costs increase, they will continue to be allocated from DHR's operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Section 995.6 provides that the County is not required to provide for the defense of an administrative proceeding brought against a County employee, but the County may provide for such defense if:

- The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and
- The public entity determines that such defense would be in the best interests of the public entity and that the employee acted, or failed to act, in good faith, without actual malice, and in the apparent best interests of the public entity.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact on current services or projects.

CONCLUSION

Based on County Counsel's review of the facts and circumstances, DHR recommends that the Board find the DHR clinical psychologist acted in apparent good faith, without actual malice, and in the apparent interests of the County, and this employee's representation before the BOP is in the best interests of the County. DHR further recommends that the Board direct County Counsel to secure

The Honorable Board of Supervisors

4/23/2024

Page 3

legal representation for this employee at the County's expense.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa M. Garrett", with a long horizontal flourish extending to the right.

LISA M. GARRETT

Director of Personnel

LMG:RC:MM

DRH:SRE:jm

Enclosures

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



LISA M. GARRETT
DIRECTOR OF PERSONNEL

COUNTY OF LOS ANGELES

DEPARTMENT OF HUMAN RESOURCES

HEADQUARTERS

KENNETH HAHN HALL OF ADMINISTRATION
500 W. TEMPLE STREET, ROOM 579 • LOS ANGELES, CALIFORNIA 90012
(213) 974-2406 • FAX (213) 621-0387

BRANCH OFFICE

510 S. VERMONT AVENUE, 12TH FLOOR • LOS ANGELES, CALIFORNIA 90020
(213) 866-5846 • FAX (213) 637-0821

April 23, 2024

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

Dear Supervisors:

**RECOMMENDATION TO PROVIDE LEGAL REPRESENTATION FOR A CLINICAL
PSYCHOLOGIST EMPLOYED BY THE DEPARTMENT OF HUMAN RESOURCES
FOR ADMINISTRATIVE PROCEEDINGS BROUGHT BY THE CALIFORNIA BOARD
OF PSYCHOLOGY
(ALL DISTRICTS – 3 VOTES)**

SUBJECT

Request to provide legal representation for a clinical psychologist in the Department of Human Resources ("DHR") for an administrative proceeding brought by the California Board of Psychology ("BOP").

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the administrative proceeding involving a DHR clinical psychologist is brought on account of alleged acts or omissions performed in the scope of the clinical psychologist's employment as an employee of the County of Los Angeles ("County").
2. Find that the defense of the clinical psychologist would be in the best interest of the County.
3. Find that the clinical psychologist acted in good faith, without malice, and in the apparent interest of the County.

4. Direct County Counsel to secure legal representation or authorize reimbursement for attorneys' fees incurred, at the County's expense, for the DHR clinical psychologist.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

DHR seeks the Board of Supervisor's ("Board") approval of this recommendation to provide legal representation for one clinical psychologist who was requested to respond to a BOP inquiry regarding alleged conduct with a former County employee ("Former Employee") during the process of conducting a fitness for duty evaluation ("FFDE"). Based on the psychological tests conducted, the Former Employee interview, and the Former Employee's response, the decision was made to medically separate the Former Employee. The Former Employee subsequently filed a complaint with BOP.

County Counsel has reviewed the facts and circumstances surrounding this case. This DHR clinical psychologist has worked for the County for several years. At the time of the occurrence of the specific allegations and at the time of the filing of the complaint with BOP, the clinical psychologist was employed with the County and acting within the course and scope of employment. County Counsel's review reveals no indication that this clinical psychologist acted in bad faith or with malice. Rather, it appears that this clinical psychologist acted in apparent good faith and in the apparent interests of the County. Therefore, it appears that defense of this employee would be in the best interests of the County.

FISCAL IMPACT/FINANCING

The costs for providing legal representation for this clinical psychologist to date is \$1,000. If this matter were to proceed to hearing, additional costs of up to \$25,000 may be incurred. Funds will be allocated from DHR's existing operating budget. If the costs increase, they will continue to be allocated from DHR's operating budget.

FACTS AND PROVISION/LEGAL REQUIREMENTS

Government Code Section 995.6 provides that the County is not required to provide for the defense of an administrative proceeding brought against a County employee, but the County may provide for such defense if:

- The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and
- The public entity determines that such defense would be in the best interests of the public entity and that the employee acted, or failed to act, in good faith, without actual malice, and in the apparent best interests of the public entity.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact on current services or projects.

CONCLUSION

Based on County Counsel's review of the facts and circumstances, DHR recommends that the Board find the DHR clinical psychologist acted in apparent good faith, without actual malice, and in the apparent interests of the County, and this employee's representation before the BOP is in the best interests of the County. DHR further recommends that the Board direct County Counsel to secure legal representation for this employee at the County's expense.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Lisa M. Garrett', is written over the typed name.

LISA M. GARRETT
Director of Personnel

LMG:RC:MM
DRH:SRE:jm

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