



**COUNTY OF LOS ANGELES  
OFFICE OF AFFIRMATIVE ACTION COMPLIANCE**

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September 21, 2009

To: John Schunhoff, Ph.D., Interim Director  
Department of Health Services

Jonathan E. Fielding, M.D., M.P.H., Director  
Department of Public Health

From: Dennis A. Tafoya  
Director

**SUBJECT: EEOC SETTLEMENT AGREEMENT – COMPLIANCE REPORT**

I am pleased to inform you that it is my assessment that your departments have successfully complied with the provisions of the Settlement Agreement entered into with the Chicano Employees Association and Hispanic Managers Association. Attached is a report which outlines the completed actions taken by your departments in meeting the requirements of each provision.

I want to thank you and your staff, the Advisory Work Group members, and especially community members of the Los Angeles County Chicano Employees Association and Hispanic Managers Association who worked collaboratively with the County on this project.

I am also very pleased to know that the Departments of Health Services and Public Health will continue its efforts to increase Hispanics management opportunities; and that enhanced EEO program efforts are being implemented to ensure that women and minorities are utilized in employment. Please contact me at (213) 974-1080 if you have any questions. Again, thank you for your efforts on this project.

DAT:CO:nr

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Attachment

c: Advisory Work Group



## OFFICE OF AFFIRMATIVE ACTION COMPLIANCE

### Departments of Health Services/Public Health Los Angeles County Chicano Employees Association and Hispanic Managers Association Settlement Agreement

EEOC Charge #s 340-2004-00923 and 340-2004-00926

### COMPLIANCE REPORT

September 21, 2009

This report confirms that all the terms of agreement between Los Angeles County Chicano Employees Association (CEA), Los Angeles County Hispanic Managers Association (HMA), Department of Health Services (DHS), Department of Public Health (PH), and the Office of Affirmative Action Compliance (OAAC) have all been achieved as follows:

In July 2006, DHS and PH were re-organized as separate entities. This report is a consolidated report of both departments' achievements for the period September 2005 to September 2009.

#### **TERM 1**

*Appoint oversight responsibility to OAAC to provide administrative accountability for demonstrating good-faith efforts in carrying out all elements of the Plan.*

**Status: Completed (October 10, 2005)**

On October 10, 2005, the OAAC assigned Hayward Harris, Jr., Senior Deputy Compliance Officer oversight responsibilities for all aspects of the Plan. In September 2008, as the result of an organizational change in OAAC, Cecile Ochoa, Principal Deputy, assumed oversight responsibilities from Hayward Harris. The OAAC also assigned Robert Valdez, Senior Deputy Compliance Officer, to assist in the oversight tasks.

#### **TERM 2**

*Designate a full time DHS Administrator who will report to the DHS Director and who will be responsible for managing and facilitating the Agreement as well as serve as staff support to the Advisory Work Group (AWG).*

**Status: Completed (June 8, 2009)**

DHS/PH Administrator's were assigned as follows:

- With the separation of the PH from the DHS, Miles D. Yokota assumed the role of Administrative Deputy for PH and became responsible for administering PH's portion of the Agreement.

- On December 6, 2007, DHS announced Maria I. Avalos, Assistant Staff Analyst, HS, as the full time administrator over the Agreement with a title as: "Director of Equal Employment Opportunity and Compliance."
- Effective February 2, 2009, Ann Marinovich assumed the role of the AWG Administrator.
- Effective 06/08/09, Anabel Rojas, Staff Analyst, HS, was appointed as the new Agreement Administrator for DHS.

### **TERM 3**

*Establish the AWG who will make recommendations and advise the DHS Director on Plan progress. The AWG shall meet every two months and semi-annually with the Director, DHS.*

**Status: Completed (September 1, 2005)**

Membership includes representatives from the following:

- DHS (Anabel Rojas, EEO, Ernest Espinoza, COO, Ann Marinovich, HR Director)
- PH (Miles Yokota, Administrative Deputy, and Maria I. Avalos, Staff Analyst, HS.)
- OAAC (Cecile Ochoa, Principal Deputy and Robert Valdez, Senior Deputy)
- Department of Human Resources (Helen Lee, Principal Analyst)
- Hispanic Managers Association (Andy Martinez, Administrator)
- Chicano Employees Association (Alan Clayton, Director of EEO)
- National Hispanic Nurses Association (Nancy Montoya, Nurse Manager)
- California Latino Medical Association (Pete Delgado, CEO)

### **TERM 4**

*Conduct in collaboration with OAAC, a utilization analysis of Hispanics to identify qualified available Hispanic candidates in DHS/County internal workforce and the external labor force for existing management vacancies.*

**Status: Completed (April 22, 2009)**

The Utilization Analysis to identify qualified available candidates in the DHS/PH/County internal and external labor workforce was completed and shared with the members of the AWG to review. DHS/PH Administrators have collaborated in conjunction with OAAC in completing this task. The Workforce Utilization Analysis for combined DHS/DPH and individual facilities was completed on February 26, 2009.

Furthermore, OAAC/DHS completed all workforce utilization including PH on April 22, 2009.

#### **TERM 5**

*Develop a management vacancy report by DHS facility as a tool for succession planning, strategic recruitment, internal employee development and management mentoring.*

**Status: Completed**

DHS/PH provided to AWG a Vacancy by Category A & B by Cluster reports and departmental open position bulletins to the AWG which requested that the Ethnic Distribution Category A & B by Appointed Period by Quarter report be summarized into a one page report and produced quarterly. On a quarterly basis, the DHS Administrator receives a copy of the Vacancy by Ethnic Distribution Category A & B by Appointed Period by Classification Report, tracking the duration of vacancies (focusing on CEO's/Executives and management categories) and other information which is used to analyze patterns/trends of vacancies, from DHS' Information Systems Applications & Development section.

The Administrator requested DHS to provide (Category A & B) monthly applicant flow reports for all (classified and unclassified) DHS active recruitments. The applicant flow reports were submitted to the AWG which summarized for each organization the total number of participants and their disposition by job title applied for and their race/ethnicity.

Each departmental Administrator reviews all respective departmental open examinations for filing (OC, DP and IP), applicant pool information, and examination decisions (new hires and promotions) to Category A and B positions on a monthly basis. These Administrators analyzes hiring and promotion decisions after appointments have been made and requests justification for hiring or promotion decisions from their respective Human Resources Operations, as needed. Bi-monthly reports were provided to the AWG portraying hiring and promotional decisions by ethnic category as compared to the candidates certified as eligible for appointment in accordance with Civil Service Rule 10 (Certification Lists).

#### **TERM 6**

*Ensure all management examinations have recruitment plans that utilize employee associations, community organizations and other resources in Hispanic community.*

**Status: Completed**

The AWG and Alan Clayton of the Chicano Employee Association, collaborated to implement a plan for distribution of a list of national and community Hispanic/Latino Organizations to be notified of employment opportunities that exist within DHS/PH. Notification is provided by a variety of methods that include electronic, and/or, postal distribution of examinations bulletins and internet access to job bank listings. DHS/PH has instructed DHR Executive Recruitment Section to utilize the Hispanic/Latino Organization list in recruitment activities conducted on behalf of DHS/PH. In cooperation with DHS/PH HR Examination Division, procedures were developed and implemented whereby all examination and recruitment activities are reported to the Administrator on a monthly basis and were shared with the AWG.

### **TERM 7**

*Encourage Hispanics as well as all groups to participate in the "Leadership Development" initiatives such as executive level mentoring, college tuition reimbursement, customized DHR Training Academy programs, administrative internships and college internships.*

#### ***Status: Completed***

DHS/PH offers an array of classes geared toward professional growth and development of employees and continues to encourage Hispanics, and all ethnic groups, to participate in "Leadership Development" activities. DHS has adopted PH's Organizational Development and Training Model, and offers similar professional growth and development courses to DHS employees, especially at the feeder pools to Categories A & B. Information regarding customized DHR Training Academy Programs, college tuition reimbursement, employee development, administrative and college internships is communicated to all employees through e-mail and distribution of memorandums, bulletins, flyers and departmental/unit meetings. In addition, CEA/HMA receives notifications of these programs for distribution to their membership.

In line with this term, one of DHS' strategic planning initiatives is Workplace Excellence. Ann Marinovich, DHS HR Director, is the Executive leader of this initiative and Miguel Ortiz-Marroquin, Harbor-UCLA CEO, is the CEO representative. The DHS Committee determined that training and development is one of the key areas of focus for the next 18 months. The Committee is assessing the training needs of the Department and is developing a reporting mechanism to track employee participation in training programs and their respective demographic data.

The departments reported the following additional initiatives in support of this term:

Classes geared toward Professional Growth and Development

PH offers classes which promote professional growth and employee development including: Public Speaking, Harvard Business Press: "Essential Leader Series"; Emotional Intelligence; and "The Seven Habits of Highly Effective People." PH has and DHS will develop a reporting mechanism, in collaboration with the Administrators to track employee participation and demographic information.

Supervisory and Management Learning Academy:

In April 2009, DHS implemented a new Supervisory and Management Learning Academy. The purpose of the academy is to provide invaluable information regarding key functions and processes of Human Resources, including Employee Relations, Leave Management, Organizational Management, Performance Management, and Regulatory Compliance. The purpose of the training is to better equip supervisors and managers with the necessary tools to tackle key personnel issues in order to work more effectively and ultimately reduce liability for the County. The training is targeted for Supervisors, Managers and workforce members who will be moving into a supervisory position.

Since its inception, ten training sessions have been conducted with a total of 403 participants. The feedback received to date from those who have participated has been very positive.

Leaders Are Learners Program:

The Leaders Are Learners Program was designed to provide a high-impacting learning experience for selected represented employees with the potential for advancing to manager level positions. This program encourages Hispanics, as well as other groups, to participate in the initiative and prepare for promotion to management level positions. The program was piloted at Rancho Los Amigos National Rehabilitation Center (RLANRC) and will be implemented to some degree throughout the entire department.

The program consists of five phases: Leadership Framework Planning; Selection; Assessment and Development Planning; Skill Development and Application and Post Program Evaluation and Follow-Up. The expected duration of the program is six to eight months and will involve approximately 15-18 participants. Program goals include: preparing future leaders to take on higher and broader roles and responsibilities within DHS and creating an environment that fosters leaders interacting and learning from one another. The impact of the program will be evaluated upon completion and recommendations will be made regarding the possible expansion implementation within DHS.

Fellowship in Healthcare Management:

DHS offers a healthcare management fellowship program designed to provide a structured, planned, preceptor-directed learning opportunity beyond the completion of a related master's degree. The fellowship program assists in the preparation of qualified individuals to assume effective management roles throughout DHS. This program enhances the recruitment, training and retention of highly qualified minority and female health care managers. A total of five Fellows are currently participating in the program and are assigned to various DHS facilities. The individuals selected to the fellowship program function under the direction of one of the Hospital Administrators or a Deputy Director of the Department.

As part of this program, DHS initiated a special effort to identify highly qualified Hispanic candidates. DHS remains committed to be an Equal Employment Opportunity Program and selects qualified candidates regardless of color, race, religion, nationality, or sex. The DHS Management Fellowship Program began on September 1, 2008. We currently have five Fellows, three of whom are of Hispanic descent.

While DHS has not graduated any fellows to date (the program just recently restarted), DHS leadership remains committed to the program and is convinced that it is an effective tool recruit quality candidates, from diverse backgrounds, who will be able to enter management positions.

DPH annually offers thirteen (13) ordinance positions for first-year master degree students who intern with PH programs during the months of mid-August to late October. Whenever possible, grant funding is sought to accommodate as many candidates as possible. Each year, PH programs are encouraged to submit internship project proposals. Previous project themes included some around the needs of Hispanic community including: "Impact of Social Support Networks on Engagement in HIV Care among Publicly Insured Latinos and African Americans in Los Angeles County from the HIV/Epidemiology Program," "Plain Talk/Hablando Claro" and "Health Weight for Women of Reproductive Age-Latino Women." In 2009, nine (9) of the 2009 intern applicants were Hispanic; seven (7) of these were placed in the HR certification list for Administrative Aid.

Unpaid Internships

PH established relationships with local schools of public health in order to provide internship and employment opportunities for students and graduates. The schools of public health are UCLA, USC, Cal State Northridge, Cal State Long Beach and Loma Linda University.

Healthcare Workforce Development and Tuition Reimbursement:

Due to the current budgetary constraints, the funds for this program are currently limited to Nursing Programs.

College Reimbursement

DHS/PH has not offered tuition reimbursement in the past and with the current budgetary constraints, future college reimbursement programs are dependant upon fiscal funding capabilities.

**TERM 8**

*Establish and implement a standardized exit interview procedure for management positions that separate from service.*

**Status: Completed (June 2009)**

The Administrator collaborated with DHS/PH and developed an Exit Interview Questionnaire. The questionnaire was approved by the DHS/PH HR Directors, as well as by the OAAC and the AWG. The policy and procedures for the Exit Interview process were approved in June 2009 and became fully automated effective June 30, 2009. DHS employees can now access the questionnaire via the Intraportal environment using Websphere, a web based application.

**TERM 9**

*Ensure Employment Discrimination Prevention, Sexual Harassment Prevention and Diversity Training is provided to all DHS employees.*

**Status: Completed/On-going**

DHS, in collaboration with OAAC, continues to coordinate trainings for all DHS employees. During the period from October 1, 2005 through September 30, 2009, 371 training sessions have been provided to DHS with over 7,000 employees and managers in attendance. Training participation statistics of the total number of participants by topic is included on the attached "EEO Training Statistics for Department of Health Services."

**TERM 10**

*Request the County Director of Personnel, where appropriate, to exempt certified bilingual positions from workforce reductions to meet the service needs of limited-English proficiency community members. DHS is to provide an explanation of their plan to provide equal services to limited-English speaking clients.*

***Status: Completed***

To ensure access and delivery of services to clients, during the recent MLK MACC mitigation process, DHS made exceptions to the order of layoff or reduction, by retaining those employees with certified bilingual skills, as allowed for under Civil Service Rule 19.05, Exception to order of layoff or reduction, A. Where the appointing power deems it to be for the best interest of the service, the appointing power may retain an employee despite the order of the layoff provided in Rule 19.03; B. The "best interest of the service" may be defined on the basis of such considerations as: 1. Special qualifications possessed by only the employee(s) retained, important to performance of the department's work; 2. Loss of the employee's skills on a particular assignment would adversely affect public welfare; 3. An employee's distinctly superior documented work performance.

DHS/PH adheres to Los Angeles County Code Section 6.10.140 and policy, Bilingual Bonus, which states: Every local Human Resources office shall develop and monitor a Bilingual Bonus Plan to comply with County Code Section 6.10.140 requirements and conduct an annual review and revision of the plan to reflect current authority/policy. The plan shall include a list of the assignments that require bilingual capability and list of employees currently receiving the bonus. The plan is subject to the review of the Department of Human Resources. The purpose of the policy is to ensure that certified employees assigned to assignments requiring frequent and continuous use of a second language are properly compensated.

To meet the service needs of limited-English speaking clients, certified bilingual staff is available at all DHS facilities to assist in patient care service areas. DHS currently has nine Healthcare Interpreters assigned to various hospitals. The predominant language of those interpreters is Spanish.

**TERM 11**

*DHS is to review the November 12, 1986 DHS Advisory Committee Report recommendations and implement recommendations when developing the Settlement Agreement Plan.*

***Status: Completed***

All employee association parties of the AWG reviewed the 1986 Advisory Committee Report and provided feedback to the group with recommendations for the programs that were to be implemented. Those recommendations have been implemented as identified in this report.

**TERM 12**

*Agreement became effective September 12, 2005 and expires three years from that date.*

**Status: On-going**

On June 1, 2007, all parties agreed to extend the Settlement Agreement from its scheduled September 12, 2008 expiration date to September 13, 2009.

**CONCLUSION**

In conclusion, the OAAC agrees that the DHS/PH has complied with all of the stipulations set forth, and entered into, in the No Fault Settlement Agreement, dated September 21, 2005, as noted in this report.

The DHS/PH has pledged to continue working to improve the utilization of Hispanic employees throughout the Department, as well as to monitor continued compliance of all goals contained in stated agreement on an ongoing basis. The DHS/PH reported that it will be forming an EEOC Unit to track and monitor utilization of Hispanics, women, and other minorities.