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CHAPTER 1

THE MERGER OF EMERGENCY MEDICAL SERVICES AND THE SAN FRANCISCO FIRE DEPARTMENT: A MATCH MADE IN HEAVEN OR SHOTGUN WEDDING?

BACKGROUND

The 2003-04 Civil Grand Jury investigated the status of Emergency Medical Services (EMS) that merged with the San Francisco Fire Department (SFFD) in 1997.¹ Following a national trend, the Department of Public Health (DPH) and the SFFD agreed to merge EMS into the SFFD in the late 1990s. The merger was seen as a way to get better and faster deployment of EMS services and to better utilize the rich resources of SFFD. Representatives from DPH and SFFD planned for the phased merging of the two services.

DPH paramedics joined the SFFD in 1997, and were given the choice to remain as paramedics or to be fully trained as firefighters. Firefighters were given the opportunity to become cross-trained as paramedics. Members who cross-trained were then eligible to serve in the newly created firefighter/paramedic rank. Cross-training was encouraged and incentives were put in place in addition to a 15% higher salary for firefighter/paramedics.

Since the merger, the Department has had three rather short-term Chiefs. As a result, continuous, long-term leadership at the top and a shared vision for the SFFD has been lacking. Chief Joanne Hayes-White, appointed in January 2004, is the fourth Chief since the merger took place in 1997. A lack of strong leadership has allowed for conditions in the Department, which adversely impact the integration of EMS and fire suppression into an effective team.²

RESULTS

The Civil Grand Jury made 25 recommendations and required responses from the following:

Mayor
Board of Supervisors
Civil Service Commission
Director, Department of Public Health
Fire Chief
Fire Commission
Health Commission

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

¹ The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

² This report of the SFFD and EMS merger is issued by the 2003-2004 Grand Jury with the exception of one member of this Grand Jury who is an employee of the San Francisco Fire Department. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.

FINDING 1: THE MERGER OF THE DEPARTMENT OF PUBLIC HEALTH'S EMERGENCY MEDICAL SERVICES AND THE FIRE DEPARTMENT DID NOT SUFFICIENTLY SPECIFY MEASURES OF SUCCESS AND COMPLETION OF THE MERGER

Finding 1.1: The planning document for the merger, "Optimizing the Configuration of San Francisco's Emergency Medical Services, Fire Based Response and Transportation System, Phase II Report, Amended February 1997," (hereinafter referred to as the Phase II document), does not include criteria for success or for determining when the merger is complete.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The documents did not include "success or failure" criteria.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree. The document was a planning document and did not specifically include criteria for success.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree. The document was a planning document and did not specifically include criteria for success.

Finding 1.2: Section 112 of the San Francisco Health Code authorizes the Fire Department to provide emergency medical services "without diminishing the authority of the (Department of Public Health) San Francisco Emergency Medical Services Agency."

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The San Francisco Fire Department is indeed the primary EMS service provider in the City and County.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree.

Finding 1.3: Although Emergency Medical Services are provided by the SFFD, DPH is responsible for its effectiveness.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree in part. SFFD is also responsible for the effectiveness of EMS.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. The EMS Section of the Department of Public Health is responsible for overall system coordination and effectiveness as it relates to the delivery of out-of-hospital medical care. The Fire Department is equally responsible for the care and service it delivers to the community.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Disagree. The Fire Department is responsible for the effectiveness of its EMS services. The EMS Section of the Health Department is responsible for regulating the Fire Department's EMS services and for more broadly ensuring the quality of out-of-hospital care including the 911 Consolidated Dispatch Center, hospital emergency departments, Fire and private provider paramedic and EMT service providers.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Disagree. The Fire Department is responsible for the effectiveness of its EMS services. The EMS Section of the Health Department is responsible for regulating the Fire Department's EMS services and for more broadly ensuring the quality of out-of-hospital care including the 911 Consolidated Dispatch Center, hospital emergency departments, Fire and private provider paramedic and EMT service providers. The Commission is responsible for setting policy for the Health Department, including the EMS Section. The Commission also reviews the performance of all areas of the Health Department. The Commission has held formal hearings on San Francisco's EMS system annually.

Finding 1.4: There is no consensus among the Fire Commission, the Fire Chief and the DPH on whether the merger has been completed.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The Report is engaging in semantics with the terms "merger" and "complete". The merger is complete by every measure, from the lettering on the ambulances to the integration of EMS services, training and administration into the Department. The Department, as with every successful organization, will continue to refine the method and quality of the services it provides.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. There is consensus among the Mayor, the Fire Commission, the Department of Public Health, the Health Commission and the Fire Department Administration that the transfer of function is, in fact, complete, as evidenced by the revision of the Fire Commission's Annual Statement of Purpose which removed the term 'merger'.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Disagree. The Mayor, the Fire Commission, the Health Commission, the Fire Department, and the Health Department all believe that the merger has been completed. I believe that some of the confusion comes from the fact that not all the benefits envisioned by the Phase II report have yet been realized.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Disagree. The Mayor, the Fire Commission, the Health Commission, the Fire Department, and the Health Department all believe that the merger has been completed, although not all the benefits envisioned by the Phase II report have yet been realized.

Finding 1.5: The Phase II document created the position of SFFD Medical Director, who reports directly to the Director of Public Health and serves as a consultant and advisor to the Fire Chief on medical issues. The responsibilities of the position are limited to quality improvement, medical control and accountability, and compliance with all applicable regulations and statutes. The SFFD Medical Director does not have a policy advisory role in SFFD and is not paid by SFFD. (See Appendix A, Phase II Organizational Chart.)

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The SFFD Medical Director's salary is paid in part by the SFFD and in part by the Department of Public Health. The SFFD Medical Director has, and exercises, a policy advisory role in the SFFD regarding the provision of medical care and quality improvement.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. The SFFD Medical Directors are employed by the Department through a contract with UCSF. These physicians, board certified in emergency medicine, provide guidance and consult on matters of clinical significance and their impact on policy.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

The SFFD EMS Medical Director is employed by the Fire Department through a professional services contract with University of California, San Francisco (UCSF). This arrangement predates the merger and was done because we wanted the SFFD EMS Medical Director to be clinically active at an academic medical center. A professional services contract with UCSF was the best way to achieve this.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Disagree. The SFFD EMS Medical Director is employed by the Fire Department through a professional services contract with University of California, San Francisco (UCSF). This arrangement predates the merger and was done because we wanted the SFFD EMS Medical Director to be clinically active at an academic medical center. A professional services contract with UCSF was the best way to achieve this. The contract has been reviewed by the Health Commission budget committee and the full commission.

Finding 1.6: There is no reporting relationship between the Fire EMS Medical Director and the DPH EMS Medical Director who, as the head of the Emergency Medical Services Agency, is otherwise responsible for all EMS in the City and County.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. There is a direct reporting relationship between the SFFD Medical Director and the Director of Public Health. There is also a direct reporting relationship between the Director of EMSA and the Director of Public Health.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. The Department's Medical Directors report directly to the Director of Public Health, Mitch Katz, MD. The EMS Medical Director for the Department of Public Health also reports directly to Dr. Katz. The EMS physicians, amongst themselves, maintain a collegial working relationship.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree. Because the EMS Section of the Health Department is the State of California designated regulator of the EMS System, it would be inappropriate for that section to directly supervise the SFFD EMS Medical Director. However, the SFFD EMS Medical Director reports directly to the Health Director. The Medical Director of the EMS Section of the Health Department also reports directly to the Health Director. In this way, we are able to maintain an arm's length between the regulator (EMS Section of the Health Department) and the provider of service (the EMS Division of the Fire Department).

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree. Because the EMS Section of the Health Department is the State of California designated regulator of the EMS System, it would be inappropriate for that section to directly supervise the SFFD EMS Medical Director. However, the SFFD EMS Medical Director reports directly to the Health Director. The Medical Director of the EMS Section of the Health Department also reports directly to the Health Director. The Health Director reports to the Health Commission. We perform annual evaluations of the Health Director.

Finding 1.7: The Chief of EMS in SFFD is one of eight division chiefs who report to the Chief of Department through the Deputy Chief of Operations. (See Appendix B, SFFD 2004 Organizational Chart.)

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The SFFD Chief of EMS is one of three Assistant Deputy Chiefs who reports to the Chief of Department through the Deputy Chief of Operations.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. There are a total of five Assistant Deputy Chiefs; three report directly to the Deputy Chief of Operations

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Cannot comment. The command structure of the Fire Department is determined by the Fire Department Chief.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Cannot comment. The command structure of the Fire Department is determined by the Fire Department Chief.

Finding 1.8: Although 70% or more of the calls to which the Department responds are EMS in nature, the fire suppression mission is valued above EMS by Department leadership, ranking officers, Local 798 and many rank and file.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The Department responded to BLS medical calls before the merger and continues to respond, with added ALS capability, since the merger. The EMS mission is considered to be an integral part of the Department's mission.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department responded to emergency medical services calls before the merger, and continues to respond, with added ALS capability, since the merger. The provision of EMS is embraced by this Administration and is wholeheartedly considered an integral part of this Department's mission.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Disagree. The Fire Chief greatly values the EMS mission of the Fire Department. I have no direct contract with the Fire Union.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Cannot comment.

Finding 1.9: Calls for EMS average about 200 per day, whereas those for actual fires (as opposed to false alarms and other calls that are counted as fire suppression responses) are one or two per day citywide.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. This statement does not make a fair comparison between all EMS calls, regardless of the true medical condition of the patient, and those fire calls which only involve actual structure fires. Call volume alone, without reference to the nature or severity of the incident as well as other factors, should not be relied upon in determining the appropriate deployment of resources.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. This statement does not quantify, qualify or otherwise detail an 'EMS incident' from a 'Fire Suppression incident'. Due to the inherent complexity of emergencies, most incidents have fire suppression / rescue and medical components.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree in terms of call volume.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree in terms of call volume.

Finding 1.10: Numbers of fire suppression calls are inflated. For example, according to the Controller's Office report, "A Review of the San Francisco Fire-EMS System, April 28, 2004 (hereinafter referred to as the Controller's report): "*suppression*, as a category, includes a number of response types not related to fires; *medical*, as a category, includes medical responses only."

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. There is no basis, factual or otherwise, to support a conclusion that the number of fire suppression calls are “inflated” or are otherwise misrepresented. SFFD incident response data is available to the public through a number of sources.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

See finding 1.9

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

Finding 1.11: The Controller's report also found that 47% of the fire suppression workload is in responding to street box and commercial alarms. Twenty thousand responses a year or nearly 25% of suppression workload are for street box alarms. Ninety-five percent (95%) of street box alarms are false. Of those that are not false, 80% are calls for medical attention.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

See finding 1.9

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

Finding 1.12: The Controller's report notes also that all alarms "are typically responded to with both a truck and an engine and are dispatched as highest priority (Code 3)." A Code 3 response to alarms seems excessive given the high percentage of them that are false.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that street box alarms are typically responded to by an ALS or BLS engine and a truck, which are prepared to provide fire suppression or medical response. Disagree that this is excessive, given the importance of a fast medical response and the risk of fire spread posed by the construction type and density in San Francisco.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. All alarms are considered legitimate emergencies until proven otherwise. The Department responds with the appropriate equipment to meet the needs of the service request.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

The Health Department has no information on fire suppression calls, the street box response, or the response to alarms.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

The Health Commission has no information on fire suppression calls, the street box response, or the response to alarms.

Finding 1.13: Firefighter/paramedics are treated like second-class citizens by their fire fighting peers and some officers. (See specific examples in the section on harassment.)

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. Refer to Response to Findings and Recommendations in Section V and the Introduction, Overview and Conclusion sections of this Response.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. All alarms are considered legitimate emergencies until proven otherwise. The Department responds with the appropriate equipment to meet the needs of the service request.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

I have never observed Firefighters treating Firefighter/Paramedics like “second class citizens”. However, I have spoken with Firefighter/Paramedics who felt that they had been treated badly by Firefighters.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Cannot comment. The Commission has received no public testimony on this issue, but individual commissioners have been told by Firefighter/Paramedics that paramedics were not treated well in the Fire Department.

Recommendation 1a: The Fire Department and the Department of Public Health Should Establish Criteria for Measuring Success of the Merger

SFFD and DPH should establish specific criteria for measuring the success of the merger. They should determine the steps necessary to complete the merger. Steps to be taken and the establishment of timelines should be delineated and agreed upon as soon as possible.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. The Commission agrees with this recommendation to the extent that it suggests the establishment of specific criteria for measuring the success of the Department's provision of Emergency Medical Services. This recommendation will be implemented, understanding that the Commission views the merger as having already been "completed", but with the view that goals and timelines for further improvement should be established and articulated and accomplishment of these goals measured.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. The Department and this Administration see the 'merger' as being complete. However, as the Department moves forward, it constantly searches for more efficient mechanisms to deliver its critical services.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree. In retrospect, I wish that we had set specific criteria for measuring the success of the merger in the Phase II document. Although we did not do this, I am nonetheless pleased with the successes that we have achieved:

1. Shorter response times to both life-threatening medical emergencies and to urgent calls.
2. Increased number of ambulances on San Francisco streets.
3. Single communication system for coordinating actions during emergencies.
4. Single chain of command for swift response during emergencies.

Although we cannot go backward, I agree with the recommendation that we set goals and timelines for improvements to the current system. I will meet with the Chief of the Fire Department to set up goals and timelines as soon as possible.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree. The Health Commission held extensive hearings on the Health Department, the Fire Department, and the EMS reconfiguration at the time of the merger. We have been monitoring performance of the EMS System including the number of ambulances on the street, the presence of ALS trained personnel on the Fire engine, and the response time. We will work with the Fire Commission to establish new criteria for measuring the success of fire based EMS.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Agree. Although we did not set specific criteria during the merger, I am pleased with the successes that we have achieved:

- 1) Shorter response times to both life-threatening medical emergencies and to urgent calls.
- 2) Increased number of ambulances on San Francisco streets.
- 3) Single communication system for coordinating actions during emergencies.
- 4) Single chain of command for swift response during emergencies.

I met with the Fire Department during the Fall of 2004 to jointly modify the EMS configuration plan based on the successes and limitations of the existing model and the recommendations of a stake holders process. The Health Commission held two hearings on the new configuration, the basic elements of which are:

- Establishment of 42 ALS engine companies (from 21).
- Dynamic deployment of ambulances with higher number of ambulances at peak times.
- Use of dedicated paramedics and dedicated EMTs to staff ambulances.

The Commission approved the Reconfiguration Proposal for Emergency Medical Services in the Fire Department at its meeting October 26, 2004.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Agree. Although specific criteria was not set during the merger, the Health Commission is pleased with the successes that has been achieved:

1. Shorter response times to both life-threatening medical emergencies and to urgent calls.
2. Increased number of ambulances on San Francisco streets.
3. Single communication system for coordinating actions during emergencies.
4. Single chain of command for swift response during emergencies.

Dr. Katz, who reports to the Health Commission, met with the Fire Department during the Fall of 2004 to jointly modify the EMS configuration plan based on the successes and limitations of the existing model and the recommendations of a stake holders process. The Health Commission held two hearings on the new configuration, the basic elements of which are:

- Establishment of 42 ALS engine companies (from 21).
- Dynamic deployment of ambulances with higher number of ambulances at peak times.
- Use of dedicated paramedics and dedicated EMTs to staff ambulances

The Commission approved the Reconfiguration Proposal for Emergency Medical Services in the Fire Department at its October 26, 2004 meeting.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

Reference is made to the attached Fire Commission Resolution 05-4, which provides that the EMS Reconfiguration is to be measured as follows: *[The resolution is not attached as part of this report. Please contact the commission for a copy of the document.]*

“Success of the reconfiguration will be monitored and reported on a continual basis and measured by the following factors: maintenance or improvement of current patient outcomes; maintenance or improvement of current response times; achievement of uniform response times among the City’s battalion districts; compliance with accepted and applicable standards for the provision of pre-hospital emergency care; compliance with EMSEO Section and Department agreed upon standards and Continuous Quality Improvement guidelines; reduction in the current level of fatigue experienced by EMS responders and transporters; fiscal accountability; and the effect on the ability of the Department to provide a balanced response to all types of emergencies;

“The Chief of Department shall report to the Commission on a quarterly basis, or more often as circumstances warrant, on the progress and success of the reconfiguration, and shall make recommendations to the Commission concerning any proposed changes to the hiring and deployment schedule outlined above;”

It should be noted that the EMS Reconfiguration is at the beginning stages, with no new personnel or apparatus deployed as yet. It is anticipated that the first new ten hour shift Paramedic/EMT ambulances will be deployed in January 2006.

The Fire Commission continues to receive regular reports from the Chief of Department and her administration concerning the Department’s provision of EMS services, including response times, quality of service, significant events and the progress of the EMS Reconfiguration.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Portions of the recommendation have been implemented

The Department has worked collaboratively with the Department of Public Health (DPH) and has identified criteria for ongoing assessment of the delivery of Emergency Medical Service (EMS).

The Department reasserts its position that the merger is, in many respects, an unparalleled success. The merger is in fact complete; the Fire Department has become wholly responsible for the delivery of pre-hospital care in the City and County of San Francisco. How that service is delivered are operational details of that merger, not its essence. The merger resulted in rapid Paramedic level Advanced Life Support (ALS) becoming available faster to more of our residents and visitors.

Emergency medical systems are fluid and dynamic by their nature. As such, our EMS delivery is constantly evolving to meet the needs of the population served including the incorporation of updated technology. Therefore, it is inherently impractical and counter-productive to make efforts to assess the “success” or “completeness” of a merger which has already occurred.

It is far more important for an EMS provider to identify and develop criteria that can be used to measure progress and success on an ongoing basis. In retrospect, the absence of ongoing performance evaluation was a glaring omission from the 1996-97 Phase I and II plans.

The Department has, in partnership with the Department of Public Health Emergency Medical Services Agency, a number of indices to measure the success of its EMS system. These criteria are used on a daily and monthly basis by Department upper management to facilitate performance review and provided to the public on a monthly basis at both the Fire Commission and the Mayor’s SFStat meetings.

These criteria will be used to monitor and prevent degradation in the level of Emergency Medical Service as the Department moves into the implementation phase of its EMS reconfiguration.

Recommendation 1b: The Fire Chief and Fire Commission Should Be Accountable for Achieving Success for the Merger

Once criteria and timelines are established, the Chief and the Fire Commission should be held accountable by the Mayor for achieving them.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree, as noted in 1a, above. The Commission is accountable to the Mayor and agrees that it should be accountable for all goals established for the Fire Department.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. See Recommendation 1a.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Agree.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Agree. The Fire Department now submits a quarterly report with specific indicators to the Health Commission on the progress of the new configuration.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Agree. The Fire Department now submits a quarterly report with specific indicators to the Health Commission on the progress of the new configuration.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

The Commission continues to agree that it should be accountable for all goals established for the Fire Department, and remains accountable for such.

Recommendation 1c: The Mayor Should Appoint a Health Professional to the Fire Commission

The Mayor should appoint a health professional, preferably one with Emergency Medical Services experience, to the Fire Commission.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The Mayor appoints Commissioners, pursuant to the San Francisco Charter, Sections 3.100 and 4.108, and, therefore, the Commission cannot implement this recommendation.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Sections 3.100 and 4.108 of the San Francisco City Charter confer exclusive Commission appointment privileges to the Mayor of the City and County. The Department would welcome the opportunity to work with the Mayor's Office to realize this recommendation.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Not applicable to the Health Department.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Not applicable to the Health Commission.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Not applicable to the Health Department.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Not applicable to the Health Department.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Since the Civil Grand Jury issued this recommendation, Dr. Douglas Goldman was appointed to the Fire Commission. Dr. Goldman was a non-practicing, board certified emergency physician. Appointed in October 2004, Dr. Goldman's tenure ended when he resigned from the Fire Commission in May 2005.

Recommendation 1d: The Fire Commission and the Health Commission Should Meet Jointly at Least Quarterly

The Fire and Health Commissions should meet jointly at least quarterly for better oversight of SFFD EMS.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The Commission disagrees with this recommendation. Medical oversight is provided by: The Department of Public Health Director; the Director of the San Francisco County Emergency Medical Services Agency (EMSA); the Department's two Medical Directors, all in communication with one another. The Department's Medical Directors and the EMS Division Chief and the EMS Operations Chief report to the Chief of Department and through her, report directly to the Fire Commission at regularly scheduled Commission meetings. Individual Commissioners recommended in November, 2003 that greater communication occur between the Chief of Department and the EMSA Director. There has been significant improvement in this area since the inception of Chief Hayes-White's administration, to the benefit of the Department's provision of EMS services.

The Commission believes that there may be occasions in the future when both the Fire Commission and the Public Health Commission would find it beneficial to meet jointly with respect to specific policies or procedures, as appropriate.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Both Commissions receive regular updates and reports. The Chief and the Director of Public Health meet regularly to discuss any issue that might impact the provision of EMS in San Francisco.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Partially agree. The Health Commission agrees that joint meetings between the Commissions, as occurred at the time of the merger, would be worthwhile and we intend to work with the Fire Department to schedule them as soon as possible. We believe the interval of the meetings should depend on the need at the time.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile. While no joint meetings have occurred this fiscal year, the Fire Chief has attended three Health Commission meetings to discuss system changes within the Fire Department. Dr. John Brown, EMS Medical Director regularly attends the Fire Commission meetings.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Agree. The Health Department agrees that joint meetings between the Commissions, as occurred during the pre-merger discussions, would be worthwhile. While no joint meetings have occurred this fiscal year, the Fire Chief has attended three Health Commission meetings to discuss system changes within the Fire Department. Dr. John Brown, EMS Medical Director regularly attends the Fire Commission meetings.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Implementation is independent of the Department

The Department feels that it may be beneficial for the Fire and Health Commissions to hold joint meetings, as necessary, for issues that arise requiring input of both entities.

Recommendation 1e: Department Leadership Should Communicate the Importance of EMS.

Department leadership should define and communicate the values of the department so that EMS is seen to be at least as important as fire suppression, as stated in the SFFD's mission statement. The Fire Commission, the Chief and Department leadership should promote and support EMS by communicating the value of its mission throughout the Department.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The Commission agrees with this recommendation, which has already been implemented. The Commission, in its Annual Statement of Purpose posted on the Commission web site, recites that the provision of emergency medical services, together with fire suppression and fire prevention is an integral part of the Department's mission. The Commission has also communicated the importance of the Department's EMS mission in public statements during both regular and special Commission meetings.

In addition, at a special meeting convened by the Commission on August 12, 2003 specifically for the purpose of considering steps to take to improve the progress of the merger and to respond to complaints from Firefighter/paramedics, the Commission sought and obtained public comment from members. Following this meeting, two Commissioners undertook a series of individual meetings with all stakeholders in regards to the merger and the complaints since reiterated in the Report. These Commissioners publicly announced and repeated the importance of the EMS mission during the November 25, 2004 Commission meeting. (See minutes of August 12, 2003 Special Meeting and November 25, 2003 Regular Meeting.) Additionally, in communications with Department membership and administration, Commissioners have stressed the importance of a team approach of all segments of the Department in carrying out its mission to provide fire prevention, emergency medical services, fire suppression, rescue and hazardous materials response. The Chief of Department has clearly and unequivocally communicated the same message.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. This Administration communicates its values, and those of the Department, by words and actions, on a daily basis. EMS, suppression, prevention and training are all equally important and valuable to carrying out the Mission of the Department.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Not applicable to the Health Department.
Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Not applicable to the Health Commission.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Not applicable to the Health Department.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Not applicable to the Health Commission.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

The Commission continues to stress the importance of the EMS mission of the Department. This is evidenced by Resolution 05-4 and continues to be publicly stated by individual Commissioners during Commission meetings. The Chief of Department and her administration continue to communicate this message.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Completed

The provision of Emergency Medical Services is an integral part of our core mission. This administration continues to articulate that both the EMS and suppression missions define our organization. The message is clear and unequivocal; neither EMS nor Fire suppression has to win at the expense of the other. Our Department will only be successful if these two goals are integrated into a cohesive, unified vision for the future of our Department.

Recommendation 1f: Respond to Alarms With Appropriate Staff and Equipment

Given that most alarms are false and those that are not are medical in nature, SFFD should respond with appropriate staff and equipment.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This recommendation has already been implemented. Additionally, the EMS configuration study is currently underway to refine the Department's delivery of EMS services and ensure that the most effective and efficient combination of resources is brought to bear on medical and other emergencies. The Commission does not agree with the inference that there has been a disproportionate emphasis on fire suppression, but agrees with the recommendation that the Department should respond with appropriate staff and equipment.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Until proven otherwise, every alarm is a true emergency. The Department currently responds, and will continue to respond, with all necessary apparatus and personnel, as determined by the Chief of Department and her Command Staff. Additionally, the Department is working with the Department of Telecommunications and Information Services (DTIS) to reduce false street alarms by installing False Alarm Deterrent Devices (FADD) on all street boxes. This program is being monitored through the Mayor's SFSTAT Program and has already proven to be successful.

The San Francisco Fire Department is a multi-faceted, multi-skilled public safety agency, whose mission of which is to protect the lives and the property of the people of San Francisco from fires, natural disasters, and hazardous materials incidents; to save lives by providing emergency medical services; to prevent fires through prevention and education programs; and to provide a work environment that values cultural diversity and is free of harassment and discrimination.

The Department is staffed by 1,734 members: of those, 1,601 are field personnel directly involved in provision of fire protection and prevention, medical assistance, emergency communications and technical rescues. Sixty-five (65) members provide administrative and investigatory support, training and continuing education curriculum for all Department personnel. Sixty-eight (68) members of the Fire Department are civilians.

The Civil Grand Jury commissioned a report on the Fire Department in July of 2003, some six months prior to Chief Hayes-White taking office.

In 1996, the City and County of San Francisco was faced with what physician and medical groups termed a "public health crisis". The Paramedic Division of the Department of Public Health was not meeting the County's mandated response times.

The question that faced the Health Commission, the Health Department and the Director of Public Health was how to provide the maximum number of health care resources to the City of San Francisco, using existing equipment, without a significant increase in expenditures.

Transfer of EMS into the Fire Department was the natural next-step. Fire Services all over the nation had successfully assumed responsibility for providing Paramedic Services and the San Francisco Fire Department had been providing emergency first response since the late 1950's. Every front line responder in the Department has been staffed with at least one firefighter trained to the level of Emergency Medical Technician since 1989 and equipped with first aid equipment, oxygen and an automatic external defibrillator. Additionally, the Fire Department was equipped and trained in extrication, confined space rescue and Hazardous Materials mitigation techniques. The addition of Paramedics was a logical progression in the development of the services it provided.

The SFFD has had three Chiefs since 1997. Lack of continuity, lack of long range goals and the lack of time and ability for the Department to meet those goals are all factors in the questions that are raised in this report. This Administration has stated unequivocally that the transfer of function of Paramedic Services from the Department of Public Health to the Fire Department is complete. The combination of services and the strengthening of the service provided have created a public safety entity that is orders of magnitude stronger than the sum of its parts.

Except for the National Fire Protection Agency (NFPA) standards, the Fire Services of this nation have enjoyed operational autonomy since their inception. Each Fire Department carries equipment and tools unique to its own operational district and no two Fire Departments are exactly alike.

In contrast to the Fire Service, the medical profession is very different in regards to oversight and autonomy. There are laws, directives, and governing bodies for every facet of medicine, and EMS is no exception.

The State EMS Agency oversees fifty-eight counties in California, each with its own Department of Public Health, and its own Emergency Medical Services Agency. Each county is required by state law to have an EMS Medical Director, who is responsible for the oversight, regulation and efficacy of the pre-hospital medical and trauma care practiced in their jurisdiction. Every provider in those jurisdictions, public or private, maintains a Director of EMS who is responsible for the oversight and efficacy of the medical care being provided by their agency.

In San Francisco, the Fire Department is overseen by the civilian governing body of the Fire Commission. Public Health is overseen by the like civilian body of the Health Commission.

The perception that there is no contact between the Health Commission and the Fire Commission is incorrect. While the twelve commissioners do not regularly conduct joint meetings or discussions, the Health Commission is keenly aware of the Fire Department's provision of pre-hospital care.

The Fire Department provides ongoing reporting and documentation to the office of the EMS Medical Director of the Department of Public Health. John Brown, MD, presents to the Health Commission in the same manner that the Department presents to the Fire Commission. During his presentation, Doctor Brown reports on the Fire Department activities and response times. In addition, Chief Hayes-White and Doctor Mitch Katz maintain open lines of communication and confer on a regular basis.

The Fire Department provides a myriad of services to the public. The perception that fire suppression is valued more highly than EMS services is false. This Department values every

component of its mission equally, and every facet of this Department is geared towards the preservation of life and property in San Francisco.

The Controller's Report of 2004 noted that the Fire Department responds to 20,000 street box alarms per year. The audit went on to state that 95% of street box alarms are false. The Fire Department also responds to 1,836 'person downs', 3,256 'vehicle crashes' and 6,128 'sick evaluations' per year. The majority of those incidents are without emergency merit, but many are true life-threatening emergencies. Until a Paramedic is on scene and can determine the extent of the emergency, every person down is considered a cardiac arrest. Until Firefighters can arrive on scene and determine the extent of the emergency, every street box alarm is considered a working fire.

In the past, the Department responded to most alarms with a full box assignment. The apparatus dispatched has been pared down to accommodate changes in the nature of service requests. A first response Engine and a Truck are considered to be the absolute minimum response to an initial box alarm. It should be made clear that the Department is constantly evaluating system performance and seeks to deploy the most effective configuration of resources to each call for service.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
August 24, 2004

Not applicable to the Health Department.

Edward A. Chow, MD
President
San Francisco Health Commission
August 27, 2004

Not applicable to the Health Commission.

Mitchell H. Katz, MD
Director of Health
Department of Public Health
June 24, 2005

Not applicable to the Health Department. Thank you again for all the hard work involved in preparing this report.

Lee Ann Monfredini
President
San Francisco Health Commission
June 28, 2005

Not applicable to the Health Commission. Thank you again for all the hard work involved in preparing this report.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

The EMS Reconfiguration has been developed by the Department and approved by the Commission as a means of further enhancing the provision of Fire-based EMS service to the public. The Department continues to respond with appropriate staff and equipment to fire, medical and other emergencies.

Finding 2: The Merger of Emergency Medical Services Into the Fire Department Is Impeded by Local 798 and Cultural Differences in the Two Services

Finding 2.1: Local 798 has been cited at all levels within and without the Department as a major impediment to the integration of EMS into the Department.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. This Administration sees the merger as being complete.

Finding 2.2: Local 798 and a vocal core of SFFD personnel perpetuate a culture that values fire suppression over emergency medical services.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department, the Administration and staff values all aspects of its operation equally. No one operational facet is more or less important than any other.

Finding 2.3: An article in the November/December 2003 issue of "Mainline," a Local 798 publication, targeted two EMS officers, accusing them of illegitimately negotiating with the City as representatives of the Department. In a letter to the Fire Commission a DPH official subsequently refuted the allegations. Shortly after Chief Hayes-White assumed office, these two EMS officers were demoted and reassigned. Whatever the reasons for the reassignment, the perception is that the demotions were made to satisfy Local 798.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. Virtually every member of the Command Staff was replaced during the establishment of the new Administration. This Administration cannot comment on the perception of individuals.

Finding 2.4: Leadership of Local 798 has been accused of trying to intimidate firefighter/paramedics and other members of the Local by publicly accusing them of being “snitches” in Union meetings.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The Department does not exercise control, direction or any form of authority over the labor unions or their members’ actions outside of the workplace.

Finding 2.5: The Secretary of Local 798 labeled SFFD personnel who speak out and report on-duty drinking as “snitches” in the February/March issue of “Mainline,” the publication of local 798.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

See finding 2.4

Finding 2.6: The Chiefs response (as quoted by the 3/26/04 San Francisco *Chronicle*) reminded members that they had an obligation to report violations through the chain of command. In addition, she said that retaliation or threats against those who report such violations is also a violation. Many saw this as a weak response to the Union. Further, her comments fail to recognize that the reason members have gone outside the Department chain of command is because the Department has failed to deal with the problem.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. While it is impossible for the Department to comment on individual thoughts and opinions, the response of this Administration to the aforementioned articles was swift and

unequivocal. Letters were sent to Union leaders and memos issued Department-wide emphasizing the responsibility of all members to report inappropriate behavior and that any retaliatory acts would be met with discipline.

Finding 2.7: An article in the April/May issue of “Mainline” discusses the gatherings firefighters have when a member retires or dies and the feelings of pride the gatherings engender. The author seems to equate the recent termination of a probationary firefighter, who tested positive for alcohol levels in excess of SFFD regulations to termination due to death or retirement. The final sentence, “ Are YOU finally PROUD?” is presumably directed at those whom the author feels are responsible for reporting that the firefighter was under the influence of alcohol.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Department does not exercise control, direction or any form of authority over the labor unions or their members’ actions outside of the workplace. This includes print media or any other form of information and/or news statements or distribution.

Recommendation 2: Confront the Perception that Local 798 Is Running the Department

Department leadership should confront the commonly held perception that Local 798, rather than the Chief, is “running the department.”

Response

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree.

The Department has had three Chiefs over the past seven years. This procession of Department Heads had difficulty in achieving the momentum necessary to effect substantive change. Chief Joanne Hayes-White and the current Command Staff is committed to providing, and has already displayed the strong leadership necessary to facilitate change and promote the accountability and professionalism throughout the ranks of the Department.

IAFF Local 798, as the authorized bargaining unit for most members of the Department is involved in any decision that has the potential to impact the wages, hours or working conditions of its members. The Chief, however, is the sole arbiter of decisions that affect the operations and administration of the Department. The current leadership has already displayed its willingness to exercise independent authority, often in opposition to the opinion of the labor union.

Finding 3: The Fire Department Allocates the Majority of Its Budget to Fire Suppression Although the Workload Is a Fraction of the Use of Its Resources

Finding 3.1: The “Fire/EMS Project Preliminary Findings and Recommendations of the Controller's Office,” presented on March 22, 2004 states, “with 1150 firefighters and 250 firefighter/paramedics stationed at fire stations. . . .SFFD staffing is weighted towards suppression activities.”

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. Among other omissions, this statement does not account for the Firefighter-EMTs in the Department who provide important BLS services, in addition to their other services. This statement does not recognize the pre-merger and continuing demand for fire and other emergency response that is not eliminated by the addition of ALS responsibilities.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Staffing is determined by the needs of the public.

Finding 3.2: Although current Department leadership maintains the merger will be complete when there is a firefighter/paramedic on every engine, there are no plans to hire additional firefighter/paramedics in the near future.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The merger is complete. A goal has been expressed of achieving all ALS engines. Some recruits with paramedic licenses have been hired into the current academy and will be encouraged to work for the Department as Firefighter/Paramedics. The Department is currently reviewing its hiring plan to increase the number of paramedics.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. Future recruitment and hiring of personnel will be determined following the conclusion of the Reconfiguration Task Force’s work and the selection of an appropriate response model.

Finding 3.3: The current and previous administrations cite the higher cost of firefighter/paramedic salaries as a budgetary reason for not hiring more of them. However, a firefighter/paramedic is able to provide both firefighting skills and Advanced Life Support (ALS) services at a cost of approximately 15% more than a regular firefighter.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that an entrance level Firefighter/Paramedic provides firefighting and ALS services at a 15% higher cost than a fifth year firefighter.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. No such statement came from the Department.

Finding 3.4: Firefighter/paramedics are trained in ALS. This enables them to start intravenous lines, administer medications, and place endotracheal tubes (artificial airways which pass through the larynx), provide advanced cardiac monitoring, and apply manual defibrillation.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Finding 3.5: In fiscal year 2002-2003, there were 138,171 medical responses by the SFFD. Of these, 77% (or 106,205) were for ALS emergency medical services.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This finding does not specify the criteria being utilized for this conclusion. Unable to agree or disagree because it is unclear in which situations the patients actually received or required ALS services.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. The criteria used to determine medical responses and ALS-level care are not specified.

Finding 3.6: Twenty-one (21) of 42 functioning fire stations in San Francisco are equipped with ALS engines. An ALS engine is one that is staffed with a firefighter/paramedic as well as two firefighters and an officer. The engine is equipped with a locked drug box containing medications that may be needed in providing ALS medical care. Many Bay Area jurisdictions have only ALS engines.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that twenty-one ALS engines is the minimum number of ALS engines that the Department will deploy. However this year, on average, twenty-five ALS engines have been staffed.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Upwards of twenty-six (26) first response vehicles are ALS-delivery capable.

Finding 3.7: In the 7 years since the merger in 1997, SFFD has had three short-term Chiefs. The leadership necessary to successfully accomplish the merger of EMS into the Department was not in place. The Department now has a new leader who should be charged with achieving a successful merger and be supported in those efforts.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree in part and agree in part. The merger has progressed under the administration of three short-term Chiefs and the merger was accomplished, in the view of the Commission, during the tenure of the previous Chief. Agree that the new Chief is charged with further enhancing the Department's provision of Emergency Medical Services. Agree that the new Chief should be, and is, supported in her efforts.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. Chiefs Demmons, Tabacco and Treviño commanded the Department in the years between 1997 to 2003. The Department considers the 'merger' complete.

Finding 3.8: There is a widely held belief that nothing will change in the SFFD, particularly the allocation of more resources to EMS, because Local 798 will oppose it.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. There has been significant change for the better in the Department, particularly as it relates to the provision of EMS services. Local 798 leadership has expressed support for the Department's provision of EMS services. This is consistent with the International Association of Firefighter's endorsement of a Fire-based EMS provider system model. All stakeholders have worked collaboratively during the Department's recent EMS Reconfiguration process.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Chief is the sole arbiter of decisions that affect the operations and administration of the Department and the current leadership has already displayed its willingness to exercise independent authority, often in opposition to the opinion of the union.

Finding 3.9: Local 798 is active and powerful in local politics. Local 798 has the ability to "put the bodies out" in support of politicians and issues, as President John Hanley was quoted by Matier and Ross in the March 26, 2004 San Francisco *Chronicle*. The City needs the cooperation and "give-backs" of Local 798 and other unions in order to balance the budget.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that Local 798 effectively advocates for its membership, which is open to all uniformed members of the Department from the rank of H-2 Firefighter to H-50 Assistant Chief.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

See Findings 2.4, 2.5 and 2.7.

Finding 3.10: Changes to the current system in SFFD or reductions in service, no matter how warranted, are political hot potatoes that bring out predictable, knee-jerk reactions from politicians. For example, the Matier and Ross column cited above also quotes Supervisor Tony Hall as saying he “vowed to fight” the Controller's recommendation for alternate staffing among three underutilized fire stations. This same column stated that representatives from Local 798 would be out in support of Supervisor Hall's re-election campaign kick-off the following Tuesday. Supervisor Hall's quote appears in the April/May issue of “Mainline” and has become the rallying cry of Local 798.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This finding is so replete with argument that it is not capable of response.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department is committed to implementing any change that promotes efficiency without compromise to our operational readiness and ability to deliver service, political sensitivity not withstanding.

Finding 3.11: San Francisco firefighters are paid 8.6% higher salaries and work an average of 7.3% fewer hours than firefighters in comparable fire departments according to the Controller's Report of April 28, 2004.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that this is the conclusion of the Controller's report. However, the volume of calls in the SFFD is far greater than "comparable" departments, resulting in a heavier work load and the exposure of members to greater risk.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

This Administration cannot comment on this finding, as the Civil Grand Jury does not provide any definition or supporting documentation for "comparable jurisdictions". It should be noted that change in the work schedule, slated to go into effect before the end of September, will add thirty-six (36) hours per year per uniformed member in productivity.

Finding 3.12: The same report states that San Francisco has more fire stations per square mile and a higher per capita budget by far than comparable jurisdictions.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. This conclusion of the Controller's Report, however, omits the fact that San Francisco has greater population density and greater housing stock density than the other jurisdictions to which it was compared. Factoring in density, San Francisco has fewer fire stations per structure requiring fire protection than "comparable" United States jurisdictions referenced in the Controller's Report. This comparison also omits other factors, such as: the challenging topography of San Francisco; the limited availability of mutual aid from other jurisdictions due to the fact that the City is on a peninsula; the prevalence of older wood frame structures and the risk of earthquake.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Department cannot respond to this finding, as the Civil Grand Jury does not provide any definition or supporting documentation for "comparable jurisdictions". The Controller's Report underscored the fact that San Francisco is the most densely populated city in the nation, second only to New York City and unlike most West Coast cities, most structures were built prior to 1945.

Recommendation 3a: Allocate Resources According to the Change in Workload From Fire Suppression to EMS.

Resource allocation and staffing should reflect the Department's change in workload from fire suppression to EMS.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. This recommendation has already been implemented and is also undergoing further evaluation through the EMS Configuration process. It should be pointed out that although the medical dispatches amount to approximately 70% of the current dispatch volume, this medical workload has been layered on top of the Department's pre-merger fire and emergency response. These additional calls do not obviate the need to respond to suppression and other emergencies. Given the age and density of San Francisco's predominantly wood frame structures, quick and aggressive response by a sufficient number of personnel and apparatus is necessary to extinguish fires before they spread, which could otherwise result in conflagration. Resources cannot be allocated based solely on the daily series of dispatches, but must also be ready to respond to the regular occurrence of fire and the risk of earthquake, conflagration and other anticipated major events.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department's workload is reflective of the demands that the public places on its resources.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

As noted in the Commission's response, above, the recommendation has already been implemented. Since the response, the EMS Reconfiguration has been approved by the Commission as a means of further enhancing the Department's provision of emergency medical services.

Recommendation 3b: The Fire Chief Should Be Directed to Allocate Resources to Support the EMS Mission

The Mayor, Board of Supervisors and the Fire Commission should direct and support the Chief in making resource allocation changes that properly support the EMS mission.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. This recommendation has already been implemented and is continuing. The Commission has overseen the deployment of Department resources to carry out the EMS mission of the Department since the inception of the merger as noted in the Introduction to this response.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Chief works collaboratively with the Mayor, the Board of Supervisors and the Fire Commission.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

Since the above response, the Fire Commission has approved the EMS Reconfiguration to further enhance the Department's provision of emergency medical services to the public.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Chief Hayes-White continues to work collaboratively with the Mayor, the Board of Supervisors and the Fire Commission in oversight of the Department operations. They have provided the support and counsel necessary to allow the Department to move forward, including implementation of our EMS reconfiguration plan.

Recommendation 3c: The Board of Supervisors Should Direct the Fire Chief to Implement the Recommendations of the Controller's Office

The Board of Supervisors mandated the review of SFFD recently conducted by the Controller's Office. The Board should now act on and direct the Chief to implement the recommendations.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This is a recommendation to the Board of Supervisors. The previous and current Presidents of the Commission have met with the Controller and his staff concerning the Controller's recommendations. The Department has responded in those meetings and during the public meeting conducted by the Finance Committee of the Board of Supervisors. Under the City Charter, it is the Fire Commission that sets objectives, programs and policies and prescribes and enforces rules and regulations for the Fire Department.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Department is committed to implementing any change that promotes efficiency without compromise to operational readiness and ability to deliver service.

The Controller's report, as is any audit or report of an organization, a tool for the management of that agency. The Department is respectful of the recommendations made in that report. Each recommendation was reviewed by the Department for feasibility and to gauge its impact on service. The Department has implemented or is in the process of implementing many of its recommendations.

The Department committed to implementing change that promotes efficiency without impinging its ability to safeguard the health and welfare of the public it serves. The Department has been aggressive in maintaining on-going dialogues with all Supervisors, decision makers and community leaders, in its institution of fiscal policies while mitigating any operational impact.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Portions of the Controller's Office recommendations have been implemented.

The Department continues to use the review conducted by the Controller's Office as a valuable management tool, and has already completed implementation of a number of the recommendations in the report.

The Controller's Report made two important recommendations concerning the delivery of EMS services by the Department. The Controller recommended:

1. The use of peak period staffing³

³ *A Review of the San Francisco Fire-EMS System*, Office of the Controller, April 2004, pg. 12

2. The implementation of alternative staffing and shifts⁴

Both of these recommendations will be implemented as part of the Department's current EMS Reconfiguration plan.

Additionally, after discussions with the Controller's Office, the Department completed its analysis of data on street box alarms in October of 2004. Rather than reconfigure response and jeopardize the health, safety or property of those legitimate requests for service, the Department partnered with the Emergency Communications Department (ECD) and the Department of Telecommunications and Information Service (DTIS) to install Anti-Tamper Devices on Fire Call Boxes. This action has resulted in a 35% reduction in false alarms.

Finding 4: The Fire Department Needs to Address Problems in Recruitment, Retention, Cross-Training, and Staff for EMS

Finding 4.1: Currently, there are not enough firefighter/paramedics in the Department to provide adequate relief for ambulance duty. There are barely enough firefighter/paramedics to staff existing EMS equipment, let alone increased equipment and services.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The Civil Grand Jury has not defined "adequate relief". The current EMS Reconfiguration program has been designed to address that and other issues.

Finding 4.2: In order to be eligible for promotion, firefighter/paramedics (as well as firefighters) must have completed four months of service on both an engine and a truck. The firefighter/paramedic shortage makes it difficult for them to complete such service because they are needed on ambulances or ALS engines.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. Many Firefighter/Paramedics have already completed all required probationary training. The remaining members are in the process of completing their training.

Finding 4.3: The Department has no plans to hire additional firefighter/paramedics in the near future.

⁴ *IBID*, pg. 20

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. The Department does not intend, nor currently plan, to hire cross-trained, dual-response Firefighter/Paramedics from outside the City and County. The Department is currently studying proposals for augmentation of the ALS-provider ranks.

Finding 4.4: In spite of incentives for firefighters to cross-train and become firefighter/paramedics, poor working conditions and heavy workloads have proven to be even stronger disincentives. Although the firefighter/paramedic job classification has only been in existence since 2000, 19 firefighter/paramedics have given up their higher salaries and returned to the firefighter job classification as of December 31, 2003.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. These resignations and position changes occurred prior to the current Administration. It is worth noting, that no Firefighter / Paramedics have separated from the Department since Chief Hayes-White's appointment.

Finding 4.5: The Controller's Office's April 28, 2004 report, states that 16% of firefighter/paramedics hired from fiscal year 1996-97, to date, have separated from the Department. In comparison, the separation rate for firefighters is 7% during the same period of time.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree.

Finding 4.6: Firefighter/paramedics in command positions can help integrate EMS into the Department and change the emphasis of the Department from fire suppression. According to the Controller's report of April 28, 2004, "current SFFD practice does not use firefighter/paramedics who are promoted to command positions for paramedic functions on engines or medic units, despite the fact that the City pays them a premium if they retain their paramedic licenses."

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. Provision of Emergency Medical Services has been an integral part of the Department's Mission for many years before 1997. The emphasis of this Department is providing health and safety service to the members of this City's public. The current administration has an unprecedented number of Firefighter / Paramedics in command positions.

Finding 4.7: There are four EMS Captains supervising firefighter/paramedics who respond to approximately 200 EMS calls per day, for a ratio of one supervisor for every 50 calls. EMS Captains are not part of the staffing on the engine or ambulance; they respond in their own vehicles. In contrast, all fire engines are staffed with one officer and three firefighters, providing a supervision ratio of 1:3. All fire trucks are staffed with 1 officer and 4 firefighters, a 1:4 ratio. Cross-trained officers would provide better supervision of EMS delivery and potentially better patient outcomes.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. There are seven EMS Captains, one Section Chief, one Assistant Deputy Chief and two board-certified physicians who supervise all field care provision and response around the clock.

Finding 4.8: Firefighter/paramedics assigned to ambulances spend more time on EMS calls because they are responsible for transporting patients and for hospital admission procedures. Firefighter/paramedics assigned to ALS engines, on the other hand, provide immediate medical care and return to the station. Transport duties and hospital admission requirements can add an hour or more to a call, resulting in a heavier, inequitable workload.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree in part. While transports often take more time than other responses, it is far from the only cause of heavier workloads.

Finding 4.9: The current shift of 48 hours off after a busy 24 hours on ambulance duty provides insufficient rest for many firefighter/paramedics.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree in part. The work of the current Reconfiguration Task Force and a new direction for EMS provision in the Department are critical for relieving chronic fatigue for Firefighter / Paramedics.

Finding 4.10: Firefighter/paramedics working on ambulance duty get job burnout and leave the Department or return to firefighter status.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The Department cannot comment on individual's reasons for their personal choices. See Finding 4.4.

Finding 4.11: There are many options for alleviating workload. Some options that other jurisdictions have looked into, which the SFFD should explore, include: 1) 12 hours on ambulance, 12 on ALS engine, 2) 24 hours on ambulance duty followed by 72 hours off, and/or 3) using more private ambulance services for transport.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. The EMS reconfiguration project was designed to address workload issues amongst others.

Finding 4.12: The issue of heavy workload for firefighter/paramedics assigned to ambulance duty has been around since at least 1997. The 1997 Phase II planning document recommended that tools be in place to evaluate, in particular, issues of workload and quality of care. The transcript from the Fire Commission sponsored EMS roundtable meeting on June 21, 2001 indicates that ambulance duty workload was still a major issue. In 2004, it continues to be a problem.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

See Finding 4.11

Finding 4.13: The Department has two Heavy Rescue Squads consisting of specially equipped Rescue Trucks staffed by an officer, a driver and two firefighters certified as Emergency Medical Technicians (firefighter-EMTs). Firefighter-EMTs can provide BLS medical services but not ALS. Rescue Squads are not staffed with firefighter/paramedics.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. Neither are Truck companies, mini-pumper vehicles or the fireboats.

Finding 4.14: These two squads respond to the severest rescue conditions, such as extraction of people from car wrecks using the Jaws of Life, hazardous material situations, and the like. The people they rescue should have the highest level of emergency medical service immediately available to them. Firefighter/paramedics are trained in ALS and are able to provide a higher level of medical care than firefighter-EMTs. Given the types of emergencies the Rescue Squads respond to, a higher level of EMS seems appropriate.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. The Department staffs and deploys resources to adequately meet the needs of the public for health and safety issues.

Recommendation 4a: Recruit and Retain Firefighter/Paramedics

Recruitment and retention of firefighter/paramedics is a critical problem that needs immediate attention. The Department should hire additional firefighter/paramedics and/or cross-train more existing personnel to be firefighter/paramedics as soon as possible.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The number of Firefighter/Paramedics will be determined by any changes in deployment and configuration.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation is in process

The Department continues to be committed to recruitment and retention of high quality candidates that reflect the diversity of our City and can serve our community as Firefighters and as Firefighter / Paramedics.

The Department considers possession of a valid paramedic license as important secondary criteria for candidates seeking entry into the H2 Firefighter Academy. Additionally, the Department has secured an MOU with the City College Paramedic program to guarantee or current firefighters an opportunity to train to become Paramedics.

The report of the SFFD EMS Reconfiguration Committee of October 2005 and the subsequent adoption of its recommendations has compelled a change in focus from the recruitment and retention of currently cross trained Firefighter / Paramedics to the recruitment and retention of currently certified and licensed EMTs and Paramedics. Future cross trained Firefighter Paramedics would be drawn from the ranks of Paramedics serving on the transport tier.

The Department anticipates holding the entrance exam for Paramedics in the latter part of this year and the entrance exam for EMTs sometime in early 2006.

Recommendation 4b: Cross-train Both Officers and Firefighters

Officers should be cross-trained as well as rank and file firefighters. Officers who are already cross-trained should continue their paramedic licensure and use their paramedic skills in their command positions.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. Matriculation through the ranks by Firefighter /Paramedics will occur naturally as promotional exams are given. Evidence can be found in all departments (i.e. LA County, San Diego, etc.) where Paramedic level EMS has been a long standing component of operations.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

Diversity in middle-management positions is critical to the long term health of any organization. While the cross-training of officers is a laudable goal, it is somewhat impractical. The Department believes that achieving diversity throughout its ranks is best accomplished by the steady promotion of Firefighter / Paramedics. Departments across the nation that have successfully integrated the EMS component have done so with “bottom-up” promotions and not a “top-down” imposition of policies.

Future promotional examinations conducted by the Department will have significant emphasis on the EMS mission of the Department as well as the traditional fire suppression components.

Recommendation 4c: Reduce Ambulance Workloads

Alleviation of heavy ambulance workloads should be addressed as soon as possible. The necessity for a 24-hour ambulance shift should be reviewed as well as other options for transporting patients.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. Formulating an action plan to address ambulance workload is a main component of the Reconfiguration Task Force.

These issues are not unknown to the Department, and the leadership is committed to addressing the issues of workload on the ambulances and the inevitable attrition of Firefighter / Paramedics. The number of Paramedics has not increased in proportion to call volume that has increased significantly in recent years. This problem has manifested in increases in unusual occurrences (UOs), a frustrated workforce and a non-retirement attrition rate for Firefighter / Paramedics that is higher than their Firefighter colleagues.

The Department is also acutely aware that the problem of high ambulance call volume does not exist independent of greater systemic issues. In order to be successful, any strategy addressing this issue must be part and parcel of an overall direction and vision for the provision of EMS in the Department.

The Department has already taken steps to address the larger system-wide issues it currently faces. It is in the process of reviewing the final report of the recent Reconfiguration Task Force and, in conjunction with the Mayor's Office and Department of Public Health, will select a model for the future. Negotiations with City College of San Francisco have recently been completed that secure spots in the City College Paramedic Training Program for our Firefighters. The current class of forty-eight (48) probationary Firefighter recruits was required to possess current, valid California State Emergency Medical Technician (EMT) certificate as a prerequisite to employment. Twelve (12) members of that class are licensed Paramedics.

The current administration has an unprecedented number of Firefighter / Paramedics among the Command Staff. Two (2) Assistant Deputy Chiefs are cross-trained Firefighter/Paramedics, in addition to several Lieutenants and fourteen (14) Rescue Captains already in command or supervisory positions. The Department is committed to promote and continue the advancement of Firefighter/Paramedics through its ranks.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

The new administration of the Department immediately recognized the critical need to address the heavy workload placed on the transportation arm of the Department. Ambulance workload has been the primary focus of the reconfiguration workgroup and the long term solution to this issue is the sweeping, system wide change of the reconfiguration.

The Department is moving to implement its new EMS reconfiguration with all haste. Once the remaining labor and human resource hurdles are cleared, the Department anticipates that the first dynamically deployed units will be on our streets in the latter half of FY 2005-2006.

In the interim, the Department is considering a number of changes that will provide some relief to our units through the implementation of the new transport tier. The changes being considered include:

- Rotation of unassigned Firefighter / Paramedics
- Selected use of ALS Engine Responses to a subset of Code 2 calls
- Modification of dispatch rules for our units with the highest call volume
- More aggressive use of private ambulance resources

Finding 5: The Fire Department Has Not Dealt With Harassment of Firefighter/Paramedics and Integrated EMS and Fire Suppression in any Meaningful Way.

Finding 5.1: Harassment is a major factor in firefighter/paramedics decision to leave the Department or returning to firefighter status.

Responses to Finding

**Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004**

There have been generalized anecdotal accounts of harassment, such as are contained in the Report itself. Information concerning the date, station, identity of the harasser and/or identity of the victim has not been received by the Commission. Many of the complaints were apparently in reference to incidents that had occurred years previously, but were reported as if they had recently occurred. The Commission has been frustrated by the lack of specifics in these complaints, which reduces the complaints to the status of rumors - that cannot be proved or disproved. The Commission is, therefore, not aware of facts which would either support or refute that this is currently or has recently occurred. The Commission has also been advised that Firefighter/paramedics have given up their H-3 status because of workload, a factor being addressed by the EMS Reconfiguration process. Another factor may have been the long term assignment to an ambulance, addressed in part by the deployment of Firefighter/paramedic-staffed ALS engines.

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree in part. While the Department cannot comment on individual's reasons for their personal choices, exit interviews suggest workload is the most common reason cited for leaving the Department.

Finding 5.2: Firefighter/paramedics are the new "whipping boys," taking the place of women and minorities in many instances as targets for harassment. Women and minorities are in protected Equal Employment Opportunity classes. The EEO complaint process affords them recourse that is not available to firefighter/paramedics. The complaint process available to firefighter/paramedics is ineffective.

Responses to Finding

**Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004**

Disagree for the reasons stated in response to 5.1. Agree that the EEO complaint process does not afford recourse to a complainant who is not in a protected status under anti-discrimination laws. The process available to Firefighter/paramedics who complain of harassment because of their job function or title is through the chain of command. Agree that the chain of command is less

effective currently, given the lack of promotions and the resulting temporary officer assignments. Commissioners have also been advised that conditions for paramedics and Firefighter/paramedics have improved.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department agrees that 'protected status' does not extend to a job classification. Mechanisms, internal to the Department, exist for reporting harassment or inappropriate behavior regardless of the motivation.

Finding 5.3: In some stations firefighter/paramedics have been excluded from meals.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This statement is of the type referred to in response to 5.1. The Commission is not aware of facts to support a statement that this is occurring or has occurred during this or the previous Chief's administration.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

Finding 5.4: Some firefighter/paramedics and women firefighters have been insulted and even shunned while on duty.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree that there have been specific complaints made during the past year through the chain of command concerning incidents of claimed harassment. Members found to have engaged in this conduct have been appropriately disciplined. Two further disciplinary matters are pending and are currently before the Commission for determination.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this Finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

Finding 5.5: Firefighter/paramedics in some stations are routinely referred to as “f---- in' Medics” and “a--wipes.”

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

This statement is of the type referred to in response to 5.1. The Commission is not aware that this is occurring, recently occurred or ever occurred.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this Finding. This Administration has sent an unequivocal message to the members of the Department; harassment of any kind and for any reason **WILL NOT** be tolerated. Any indication or report of harassment is investigated thoroughly and professionally.

Finding 5.6: Harassment is tolerated or even encouraged in certain stations. Firefighters are allowed to select their station assignments and can stay at that station for their entire careers. Fire stations take on the personality of the group that is permanently assigned there, for good or ill. When the personality or culture of a station is one that allows harassment and disrespect of co-workers, the best solution may be to break up the group that perpetuates the behavior and culture.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The first sentence touches upon a matter that is currently before the Commission with respect to one station and cannot be commented upon. Other than that claim, the Commission is not aware of facts to support this statement with respect to other stations. The Commission agrees that removal of a perpetrator of harassment or discrimination from a station may be one of the appropriate methods of correcting the situation.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. The Department and in particular this Administration have sent a clear message to the members of the Department, in both policy and action, that harassment of any kind and for any reason **WILL NOT** be tolerated. Discipline rendered by this Administration for infractions has included suspension and even termination.

Finding 5.7: Article 3953 of the SFFD Rules and Regulations states that assignments can be revoked and reassignments made by the Chief “for the good of the service.”

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The Chief of Department can direct assignment changes to best benefit the Department and its mission.

Finding 5.8: Weak leadership has allowed for a work environment that is hostile to firefighter/paramedics and women firefighters.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree that the Department has weak leadership or that the Department has a hostile work environment. Complaints of harassment that are brought through the chain of command are appropriately handled.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

This Administration cannot speak to, nor comment on, the practices or decisions of prior Chiefs. This Administration, however, will not tolerate harassment in any form and has demonstrated its willingness and obligation to discipline offending members.

Finding 5.9: Ranking officers ignore bad behavior and/or apply inconsistent or no discipline. This dereliction of duty has occurred with no repercussions to themselves or their careers.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. This is a vague and generalized statement that is unsubstantiated and amounts to rumor.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. While the Civil Grand Jury has not provided any evidence or documentation to support this finding, Officers are held accountable for the behavior of themselves and those in their command. The Department and in particular this Administration have sent a clear message to all members of the Department, in both policy and action, that harassment of any kind and for any reason WILL NOT be tolerated.

Finding 5.10: Sec. 4.108 of the City Charter states, "The Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department."

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Agree. This section of the Charter was amended November 2003.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The Fire Commission is authorized through Charter Amendment in November 2003, to prescribe and enforce reasonable rules.

Finding 5.11: Specific examples of mistreatment of EMS personnel have been brought to the attention of the Commission and have been largely ignored. The Fire Commission's response to harassment complaints has consisted of expressions of sympathy for the plight of firefighter/paramedics as opposed to the exercise of their powers to "prescribe and enforce any reasonable rules" that might improve conditions for firefighter/paramedics.

For example, at the 2/27/03 meeting of the Fire Commission, Commissioner Pat Norman expressed concern that the SFFD remain unified and that firefighters and firefighter/paramedics not turn on each other since the function of EMS in the Department is as critical to the people of SF as is fire suppression.

While these comments show concern and sympathy, the Commission has not taken SFFD leadership to task for the ongoing harassment of firefighter/paramedics and the failure to integrate EMS and fire suppression in any meaningful way.

Responses to Finding

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

Disagree. The Commission has appropriately dealt with all claims of harassment or other misconduct that have been brought before it. Where violation of Department rules and regulations has been demonstrated, the Commission has imposed the appropriate discipline, including suspension, fine and termination. The Commission cannot act upon rumor, as the spreaders of such rumors are well aware. The Commission has clearly communicated to the Department that harassment of any kind will not be tolerated. The Chief of Department has demonstrated her own unequivocal determination to effectively deal with any specific claims of harassment. The Commission has directed, encouraged and supported the completion of the merger and the continuing improvement of the quality of service, including EMS service, provided by the Department.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department and this Administration are committed to providing a supportive workplace free from harassment of any kind. No complaint is ignored and any potential infraction of Department rules brought to the attention of this Administration is investigated in a thorough and professional manner.

Recommendation 5a: Identify and Discipline Those Engaging in Harassing Behavior

Department leadership should identify the stations where harassment is occurring. Those engaging in harassing behavior should be appropriately disciplined. The range of discipline should include suspension with or without pay and/or firing, depending on the degree of harassment. Harassers who are not fired should be reassigned to different stations.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The Commission agrees with, and has already implemented and pursued a policy that harassment of any type, including harassment of Firefighter/paramedics, will not be tolerated. The Department should continue to investigate specific claims of harassment and, if verified, impose appropriate discipline, up to and including potential termination. The Department should take steps to eliminate structural impediments that are perceived as preventing enforcement of the Department policy that harassment will not be tolerated. The Commission recently terminated a member it found guilty of harassment.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Should evidence become available, and should this finding be substantiated, this Administration will move swiftly and decisively to address the allegations.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

Since the Commission's response, the Commission has heard additional disciplinary matters concerning incidents predating the Grand Jury Report and has appropriately disciplined those members found guilty of harassment. The Commission also disciplined an officer who did not take appropriate steps to stop harassment. There are currently no complaints of harassment before the Commission. Neither the Fire Commission, nor individual Commissioners, have received any complaints that harassment of Firefighter Paramedics, Paramedics or women members has occurred since the issuance of the Grand Jury Report to the present date.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Harassment of any kind, and for any reason, is not tolerated by this Department. This administration takes our obligation to provide a safe and supportive workplace, free from harassment of any kind very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction.

Recommendation 5b: Hold Officers Accountable for Actions or Inactions Related to Harassment.

Ranking officers should be held accountable for their actions or inaction related to harassment. Officers who participate in or allow those under their supervision to participate in harassment should be disciplined. The range of discipline should include suspension without pay, demotion and/or firing, depending on the severity of the offense.

Responses

**Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004**

The Commission agrees with this recommendation, which has already been implemented.

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

See 5a.

**Paul Conroy
President
San Francisco Fire Commission
July 15, 2005**

Since the Commission's response, the Commission has heard additional disciplinary matters concerning incidents predating the Grand Jury Report and has appropriately disciplined those members found guilty of harassment and an officer who did not take appropriate steps to stop the harassment. There are currently no complaints of harassment before the Commission. Neither the Fire Commission, nor individual Commissioners, have received any complaints that harassment of Firefighter Paramedics, Paramedics or women members has occurred since the issuance of the Grand Jury Report to the present date.

**Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

This administration is keenly sensitive to the issue of harassment, and continues to take its obligation to provide a safe and supportive workplace, free from harassment of any kind very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction. All members, regardless of rank, are held accountable.

Recommendation 5c: Hold Fire Department Leadership Accountable for Eliminating Harassment

The Fire Commission should hold Department leadership accountable for eliminating harassment.

Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

The Commission agrees with this recommendation, which has already been implemented.

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Harassment of any kind, and for any reason is not tolerated by this Department.

This Administration has zero tolerance for harassment of any kind and is obligated to provide a safe and supportive workplace. The current Administration takes the obligation very seriously, and has already demonstrated its commitment in the discipline and termination of members who have committed this infraction. Any member who feels that he or she is being subjected to harassment or unfair treatment is obligated to speak up, loud and clear. Whoever the offender, whatever his or her rank, position or title, if a member of this Department is harassing another, that person can expect a swift and appropriate response from my office.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

The Department leadership continues to be vigilant in eliminating harassment, as demonstrated above.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

The Fire Commission is unwavering in holding Department leadership responsible for providing a safe and supportive work environment, free from harassment of any kind. The current administration welcomes the accountability required from this Fire Commission.

Finding 6: The Fire Department Should Improve the Training of Its Officers

Finding 6.1: Leadership and command training is currently offered every other year .This means that some officers assume command with no training for the role.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Leadership and command training has and will be offered whenever required.

Finding 6.2: According to the schedule for a one-day Company Officer Management Course offered last year, only one half hour was scheduled for “Human Resources.” Course materials indicate that the focus of this module was on EEO complaints. There are no training modules in team building, conflict resolution, professional behavior, responsibility or accountability.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Modern management theory was part of the recent Battalion Chief’s Academy.

Recommendation 6: Provide Comprehensive Leadership and Command Training for All Officers

The Department should provide comprehensive leadership and command training for all officers prior to their assumption of command. Periodic training should emphasize professionalism, responsibility and accountability and be given on a regular, ongoing basis. Training should include conflict resolution and team building.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The roles and responsibilities of the officer-as-supervisor have changed dramatically over the years. At one time, a supervisor just needed to be respected by their peers to perform adequately.

The role of the supervisor has evolved dramatically. Today, a successful supervisor in the Fire Service must not only understand and know operations and tactics about a broad scope of potential challenges, but be well versed in modern management and personnel theory.

Assistant Deputy Chief Tom Siragusa and his training staff are currently researching leadership and command programs for all SFFD Officers. Examples will be drawn from civilian corporations, uniformed public service agencies and even officer training programs from the Armed Forces. In fact, the Department recently completed a comprehensive three-day Battalion Chief Academy training program.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

In the last nine months, management and supervisory classes were held for members accepting provisional promotions into the officer ranks. Curriculum included modules in customer service, professional demeanor, conflict resolution and teambuilding, administrative responsibilities, review of fire tactics, dealing with high risk, low frequency operations such as high-rise fires, BART / MUNI responses, management multi-casualty incidents and disaster operations.

Accountability is a key element to the success of any organization, and is expected from every member of this Department regardless of rank. This administration continues to hold all its members accountable for performance and behavior.

While the administration continues to hold all members accountable for their actions, promotional exams and permanent appointments are crucial to executing this recommendation. The Department looks forward to resolution between the Civil Service Commission and Local 798 regarding the promotional certification rule.

Finding 7: The Fire Department Has Been Slow in Giving Promotional Examinations

Finding 7.1: No promotional examinations may be given until the Chief generates secondary criteria and submits it to the Civil Service Commission for approval. Once approval is obtained, the Department can post vacancies in the officer ranks and give promotional examinations to generate lists of eligible candidates to fill those vacancies. No permanent officer can be appointed until all of these steps are complete.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. The Civil Service Commission, when adopting changes to the Civil Service Commission Rules, required that the Fire Chief submit the secondary criteria to the Civil Service Commission for its approval prior to the issuance of any job announcement. The Commission Rules further state that the secondary criteria will be discussed in open session with all parties interested. The purpose of the Commission's action was to assure that the secondary criteria utilized by the Fire Chief were consistent with the City's merit system and to create a transparent and open process providing for public comment from any interested party.

Finding 7.2: Using March 2004 data from the SFFD, Appendix C shows that temporary appointees hold 170 of 365 or 47% of all officer positions in the SFFD. One hundred and twelve (112) hold acting appointments and 58 are provisional. Captains and lieutenants typically supervise fire station personnel. Thirty-eight (38) of 69 captains or 55% have acting or provisional appointments. Seventy-two (72) of 199 lieutenant positions or 36% have acting or provisional appointments. Twenty-seven (27) of 27 or 100% of EMS-captain appointees are acting or provisional.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. The Civil Service Commission Rules authorize the Human Resources Director to approve provisional appointments when an eligible list is exhausted or expired.

Finding 7.3: The Chief or her designee makes temporary officer appointments using criteria she deems appropriate. While such factors as performance and community service may enter into the appointing decision, there is no substitute for appointment from a list of eligible members who have passed a promotional examination and whose performance is objectively ranked.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. The merit system principles applicable to the Uniformed Ranks of the San Francisco Fire Department are described in Civil Service Commission Rule 301.3 which states:

“The principles of the City and County’s merit system:

“1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,

“2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

“Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.”

Finding 7.4: The MOU provides for the filling of short-term vacancies, 60 days or less, on the basis of seniority. Long term vacancies, more than 60 days, are assigned by the Captain of the company “with due regard for seniority.”

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

The Civil Service Commission does not have jurisdiction on matters that are collectively bargained, such as assignments. The merit system principles address decisions based on merit not longevity.

Finding 7.5: Temporary officers are assigned to various stations *as needed*, as opposed to having a permanent assignment at one station. They may be assigned to a different station every time they are on duty. When presented with a conflict or a problem, they often avoid dealing with it because of the temporary nature of their assignments. “I’m just here for the day,” is the widely used and understood

phrase to describe this behavior. They have not been held accountable by their superior officers for shirking responsibilities.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. Temporary and acting officers of every management rank are placed in permanent, full time assignments at stations whenever possible. Currently, 140 Officers off all ranks are assigned to permanent stations or companies, only three (3) Officers remain as needed. It is this type of assignment that allows all ranks to be held accountable for their actions as well as those in their command.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Evaluation of performance is a matter under the jurisdiction of the appointing officer. As previously stated, the merit system principles contain an expectation of high performance and ethical standards. Employees should be trained on the expectations of the job, even in an acting capacity, and held accountable.

Finding 7.6: The officer ranks of SFFD are severely weakened by having so many long-term temporary officers. SFFD's promotional system is designed to be merit-based, not based on seniority. The lack of promotional examinations is defeating the purpose of a merit-based system.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. While the Department has made every effort to assure that operations, discipline and morale are not compromised by the lack of permanent appointments, there is no complete substitute for tests and permanent appointments in all ranks.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree in part. The merit system in San Francisco was established to assure that the recruitment and retention of a qualified work force and the selection and promotion of employees providing public services are conducted in a fair and impartial manner and in a competitive fashion. The merit system and appointment based on merit provide a visible, objective public personnel

process consistent with the public demand for accountability, high performance and ethical standards. The lack of promotional examinations undermines this process.

Finding 7.7: In addition to the reasons listed for taking the steps necessary to provide the Department with permanent officers, promotional examinations and officer selection would presumably get more firefighter/paramedics into the officer ranks, further integrating them into the Department. The fact that promotional examinations have not been given since the merger of EMS into the Department is more than a little suspicious.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The Department considers promotional exams a high priority and is committed to providing them at the earliest possible opportunity. Serial litigation and the continuing debate over Civil Service Certification Rules, and NOT the merger, have resulted in no promotional exams in the Department.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree in part. As previously stated, a merit system provides a visible, objective public hiring process consistent with the public demand for accountability, high performance and ethical standards. The lack of promotional examinations undermines this process.

Finding 7.8: The most recent promotional examinations given in the SFFD were 7 years ago in 1997, for the rank of firefighter Lieutenant. Examinations for the rank of Bureau of Fire Prevention and Inspection Captain have not been given since 1985. The most populous Captain rank has not had exams since 1994, 10 years ago. (See Appendix D.)

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. It is the understanding of this office that the examination for the Captain rank is ready and available to administer. The Civil Service Commission is required to approve the secondary

criteria prior to the issuance of the examination announcement and to that end held two public hearings on February 2, 2004, and March 15, 2004. The Fire Chief subsequently requested a delay in part to inform the newly-appointed Fire Commissioners of the secondary criteria. As a courtesy, the Civil Service Commission has delayed the subsequent hearings on the secondary criteria.

The Fire Chief has indicated that she may request that the Civil Service Commission consider a different certification rule. The Civil Service Commission recently adopted this certification rule on February 21, 2003 after two years of meet and confer and numerous public meetings. The examination is ready and available to administer.

Finding 7.9: At least once every five years the Civil Service Commission is required to provide for examinations for each promotive rank in SFFD, according to Section 311.3 of Civil Service Commission rules.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. The Civil Service Commission may be able to speak to this issue much more cogently and knowledgably than this Department's Administration.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

In 1994, the voters approved a Charter amendment redefining the Civil Service Commission role from an operational personnel department to a rule and policy making appeals board. The Department of Human Resources was created to carry out and implement the Civil Service Commission Rules, including those covering the administration of examinations. The Human Resources Director is authorized to delegate to the various appointing officers appropriate personnel activities including the administration of examinations.

The Fire Department has a decentralized examination unit which administers examinations for the Uniformed Ranks of the San Francisco Fire Department, including the examination for the rank of Captain. The Civil Service Commission Rules adopted by the Civil Service Commission on March 26, 2001, require promotional examinations to be administered every five years.

Finding 7.10: There are potentially significant financial ramifications to the SFFD retirement budget as provisional officers are able to retire at the temporary higher rank they fill.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree. The financial implications have no material impact on retirement expenditures.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. Although the Civil Service Commission does not have jurisdiction over retirement budgets, the solution is to administer the examination plan in a timely manner.

Finding 7.11: In February 2003, the Civil Service Commission adopted a new certification rule 313.3.4, Statistically Valid Grouping (Sliding Band). Local 798 is appealing this rule in the courts. Current SFFD leadership is also opposed the new rule.

Responses to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Disagree in part. While the Department cannot speak for Local 798, the Administration is committed to working this issue through to successful resolution and is currently analyzing all options presented by the Civil Service Commission.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

The Civil Service Commission has Charter authority to establish Rules affecting the Uniformed Ranks of the San Francisco Fire Department, including the Rules governing promotions to provide the best qualified candidates for selection.

In making the decision to adopt the Statistically Valid Grouping, the Civil Service Commission considered input from the department, the recognized bargaining agent, Local 798, other employee associations, and other interested parties. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws. At times, the Civil Service Commission is required to make decisions that have a broader perspective.

Finding 7.12: Since the “Band” can “Slide” over the entire range of test scores, the new certification rule, in effect, makes everyone who takes the test eligible for promotion, regardless of test score.

Responses to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The new Certification Rule does not make everyone who takes a test eligible for promotion, regardless of test score. The Certification Rule establishes a “band” using legal and valid methods of grouping and identification for qualified candidates and from which selections for hire and promotions can be made.

**Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004**

Disagree. Statistically Valid Grouping (the band) is NOT “Rule-of-the-List.” Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities. The Fire Chief may ONLY consider the scores in the band. Additional eligibles may only be considered when the top score is exhausted. The certification rule also provides that should the “band” include fewer than three scores, the Department of Human Resources is to certify to the Fire Chief, the names of eligibles with the three highest scores. This is to make sure that the Charter requirement of a minimum of Rule-of-Three-Scores certification is met. The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria that are job-related, based on experience, training and employment history, and NOT based on race, religion, national origin, ethnicity, age, disability, gender, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism, or favoritism.

Recommendation 7a: Develop Secondary Promotional Criteria for Submission to the Civil Service Commission

Department leadership should develop and submit secondary promotional criteria to the Civil Service Commission for approval as soon as possible. Although there is a legal appeal in process and the Department will not be able to act until this appeal is resolved, it is imperative that the Department be ready to proceed with examinations and selections after the appeal is adjudicated.

Responses

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The Chief is working closely with the Civil Service Commission and employee groups to develop meaningful and measurable secondary criteria.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Agree. There is no legal reason to delay further. The examination for the Captain's rank is ready to be administered.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation will be implemented in the future or is in process

The Department has worked in partnership with the employee groups to develop meaningful, measurable secondary criteria for promotional examinations and is working to assure that approved criteria will be in place after all legal issues are resolved and promotional exams are scheduled.

Recommendation 7b: The Mayor Should Investigate Why the Fire Department Has Not Given Promotional Examinations

The Mayor should investigate why promotional examinations have not been given in the SFFD and determine what the financial ramifications are.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Chief Hayes-White works collaboratively with the Mayor's Office on all Department related issues.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

Examinations are ready to be administered. The Civil Service Commission is waiting for the Fire Chief to return to the Civil Service Commission with secondary criteria.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Implementation is independent of the Department.

Recommendation 7c: The Mayor Should Investigate Why the Civil Service Commission Implemented a Certification Rule Not Supported by Management and Labor

The Mayor should investigate why the Civil Service Commission implemented a new certification rule that neither management nor labor want.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Department continues to work with the Mayor's Office in an effort to provide updates related to the development of a timeline for administration of promotional examinations.

The Department is eager to hold promotional examinations for all ranks. The appointment of permanent officers is critical to improving accountability and the ability of the Department to move forward at a rapid pace. Serial litigation, lack of funding and protracted development of Civil Service certification rules have delayed the administration of promotional exams for a number of years.

The Department is working diligently with the Department of Human Resources and employee groups to develop secondary criteria, and hopes to resolve this issue in the near future. When funding is allocated for promotional exams, the Department intends to administer them without unnecessary delay. It should be noted that the H-30 Captain's Examination has been developed and will be the first promotional exam to be administered.

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

The Civil Service Commission has Charter authority to establish Rules to administer the merit system, including applications, examinations, eligible lists, and certification rules, specifically, the certification rules for promotions. In doing so, the Civil Service Commission takes into account the input from department heads, employee organizations, other interested persons and members of the public.

Civil Service Commission Rules require for promotions in the Fire Department that qualified firefighters take a test that is job related and valid. Those who pass the test are placed on a list in

order of their scores and only reachable candidates (those in the grouping/band) are referred to the Fire Chief for consideration for selection.

The Commission, in considering various certification rules for promotions in the Fire Department, took into account the more than 20 year history of litigation on San Francisco Fire Department examinations resulting in the Consent Decree. With the termination of the Consent Decree and the subsequent Stipulated Order in 1998, the Civil Service Commission adopted updated Rules applicable to the Uniformed Ranks.

The challenge facing the Civil Service Commission was to establish a fair and defensible certification Rule for promotions that enables the Fire Chief to select the best-qualified candidates and ensures compliance with Federal, State and local anti-discrimination laws.

Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities and that the difference in their scores is not significant and are included in the “grouping” (the band). Those eligibles are referred to the Fire Chief for consideration for selection. The Fire Chief may only consider the scores in the band. Additional eligibles may only be considered when the top score is exhausted.

The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria that are job-related, based on experience, training and employment history, and NOT based on relationship, race, religion, national origin, ethnicity, age, disability, gender, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism, or favoritism.

Certification Rules authorized by the Civil Service Commission are the Rule-of-Three-Scores, Rule-of-Three-or-More-Scores, Rule-of-List and Statistically Valid Grouping.

The *Rule-of-Three-Scores* requires the Department of Human Resources to refer to the department, the names of eligibles with the three highest scores on the list of eligibles for the position available for appointment. When there are two (2) or more approved personnel requisitions on file, the number of scores certified is equal to the number of positions to be filled plus two scores.

The *Rule-of-Three-or-More-Scores* Certification Rule requires the Department of Human Resources to refer the number of scores equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one. Simply stated: If the certification rule is Rule-of-Seven-Scores, and there is one position to be filled, then the names of eligibles with the seven highest scores on the list of eligibles for the position available for appointment are referred to the department. If there are two positions to be filled, then the names of the eligibles with the eight highest scores on the list of eligibles for the position available for appointment are referred to the department.

The *Rule-of-the-List* requires that ALL names on the eligible list that are available for appointment be referred to the department for consideration for selection.

The Certification Rule, *Statistically Valid Grouping (Sliding Band)*, requires that the names of the eligibles that are within a statistically valid grouping/sliding band of scores (“grouping”) be referred to the department for consideration for selection. The grouping is determined through the

standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills and abilities with respect to the areas tested on the examination.

If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within the new grouping shall be certified to available positions. The grouping will also slide if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.

The Certification Rule for entry level positions in the San Francisco Fire Department is Rule-of-the-List.

The Certification Rule for promotions is the Statistically Valid Grouping.

In making the decision to adopt the Statistically Valid Grouping, the Civil Service Commission considered input from the department, the recognized bargaining agent – Local 798, employee association representatives, and other interested parties, including experts in selection procedures. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws.

The adopted Rules for promotions in the San Francisco Fire Department, the Statistically Valid Grouping, and the secondary criteria are selection devices that identify those candidates with comparable knowledge, skills and abilities, ensures compliance with Federal, State and local anti-discrimination laws, and enables the Fire Chief to select from among the best-qualified candidates within the grouping.

In matters related to the merit system, except for matters of inquiry, the Mayor is subject to San Francisco Charter Section 10.102 non-interference provisions, which state: "...Except for the purpose of inquiry, the Mayor shall deal with the administration of the civil service merit system solely through the Human Resources Director and the Civil Service Commission or their designees. The Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter."

Gavin Newsom
Mayor
Office of the Mayor
March 18,2005

The Fire Department is updating its examination components to reflect any recent changes in standard operating procedures. With regard to the method of selecting employees from promotive eligible lists, the Civil Service Commission is currently involved in legal proceedings and settlement discussions with Local 798 to determine a mutually agreed upon certification rule.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

Implementation is independent of the Department / in process.

The Department has worked in partnership with the employee groups to develop meaningful, measurable secondary criteria for promotional examinations and is working to assure that approved criteria will be in place after all legal issues are resolved and promotional exams are scheduled.

Promotional exams and permanent appointments are crucial to executing this recommendation. The Department looks forward to resolution between the Civil Service Commission and Local 798 regarding the promotional certification rule.

Finding 8: The Fire Department Has Not Adequately Dealt With On-Duty Alcohol Drinking and Substance Abuse

Finding 8.1: The Department knows, or should know, it has a problem. Many SFFD personnel interviewed have witnessed on-duty drinking and other types of substance abuse. Many in the rank and file know the stations and officers that tolerate on-duty drinking. Follow up investigations by SFFD on recent tips have shown that on-duty SFFD personnel had alcohol or other substances in their systems.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Department is not immune to problems that face the community at large. This Administration is committed to ensuring the health and safety of our employees and the public we serve.

Finding 8.2: Currently, Department leadership depends on tips, which are then investigated. Leadership also waits for those with alcohol or substance abuse problems to identify themselves and ask for help. The potential danger to SFFD personnel and the citizens of San Francisco is too critical for a wait-and-see approach. Procedures need to be in place to ensure that substance abuse is identified before it causes problems in the field.

Response to Finding

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. Procedures are in place.

Finding 8.3: In addition to being dangerous, maintaining the status quo rather than taking action to resolve the problem further lowers morale for the many members of SFFD who want to see an end to on-duty alcohol consumption and substance abuse.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree.

Finding 8.4: The Substance Abuse Policy in place currently, was generated by Chief Robert L. Demmons in 1996. Under this policy, the Department may test for drugs only when there is “reasonable suspicion” that a person has “used an illegal/controlled substance or consumed alcohol while on duty or prior to duty.”

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree in part. While the boilerplate of the department’s Substance Abuse Policy was generated by Chief Demmons, the current Administration has strengthened and refashioned the policy to be more effective and proactive.

Finding 8.5: The MOU, section 41.1, states, “Mandatory physical examinations shall include the submission of a urine specimen for routine analysis and screening for the presence of drugs and alcohol.” Mandatory physical examinations are conducted under very limited circumstances.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree.

Finding 8.6: This limited scope of testing for public safety personnel is insufficient to prevent dangerous or deadly situations that could endanger both SFFD personnel and the citizenry. The Grand Jury believes that the potential risk outweighs privacy rights in this situation

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. Recent negotiations by the current Administration with Local 798 have resulted in the ability of the Department to begin unprecedented random drug testing as early as October of this year.

Finding 8.7: Identifying members of SFFD who have substance abuse problems allows the Department to refer them for appropriate treatment and potentially to retain individuals who have otherwise honorably served.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. The revised MOU contains language regarding substance abuse issues.

Finding 8.8: Like harassment, on-duty alcohol consumption occurs in certain fire stations. Several interviewees could identify those stations and they indicated that drinking was likely to occur at “cocktail time,” during dinner and at Sunday brunch. Unannounced stations visits made by investigators at appropriate times would likely uncover the problem stations.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

The Civil Grand Jury has not provided any evidence or documentation to support this finding. The Department has NO tolerance for on-duty alcohol consumption and indication or report of an infraction is investigated immediately.

Finding 8.9: The current procedure of supervisors' identifying members they suspect of substance or alcohol abuse is not working. On-duty consumption of alcohol and other drug abuse has been and continues to be tolerated in some stations. Some ranking officers in these stations are part of the problem.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. This Administration continues to hold Officers accountable for their behavior as well as those in their command.

Finding 8.10: In some stations, alcohol consumption and substance abuse are conducted covertly. Investigator access to lockers would eliminate one means of storing alcohol or controlled substances.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. Whenever investigations are conducted at Fire Stations, all relevant lockers are inspected in the presence of the member whose locker is at issue.

Finding 8.11: Article 3946 of the SFFD Rules and Regulations allows for lockers to be opened if the member is present, or in his or her absence, in the presence of the company officer and another member of the company or other officer.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. Article 3946 prevents a locker from being opened **unless** the member and/or company officer are present. Article 3946 exists to protect a member from illegal Search-and-Seizure.

Finding 8.12: When officers were sent to stations to conduct investigations following tips, they were known to look the other way while station members disposed of alcohol. In an organization that identifies its members as “brothers and sisters,” misplaced loyalty can sometimes supersede proper reporting of on-duty alcohol consumption. Officers’ investigations into substance abuse and alcohol consumption lack credibility with SFFD personnel who have witnessed years of on-duty alcohol consumption with no repercussions.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Disagree. The Civil Grand Jury has not provided any evidence or documentation to support this finding. Officers have a responsibility to conduct investigations whenever warranted and they are held accountable to conduct these investigations in a through and professional manner.

Finding 8.13: Substance abuse by members of SFFD is incompatible with the duties and obligations of a firefighter.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree.

Finding 8.14: The Demmons' policy (cited above in number 8.4) is really a statement of procedures. The current Chief has been quoted as favoring a case-by-case policy, with the appropriate discipline to be determined by her. Case-by-case review and disposition can be viewed as unfair. Indeed, that criticism has already been leveled. A policy with a range of options for discipline and a clear statement of the circumstances under which each disciplinary action will be taken offers an alternative to case-by-case evaluation and avoids the potential for favoritism or inequities found in the Chiefs subjective approach.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. As with all investigations, it is imperative that all relevant facts be discovered and placed in the context of a totality of circumstance that include mitigating or aggravating elements.

Finding 8.15: Fire and Police Departments in other jurisdictions are dealing with or have already dealt with these same problems. The SFFD leadership should look to other departments that have been successful in resolving these problems and adopt their methods.

Response to Finding

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree. This Administration has reviewed and studied other public safety substance abuse programs and intends to fashion the random drug testing policy after other urban jurisdictions

Recommendation 8a: Determine the extent of on-duty alcohol consumption and substance abuse.

The Department needs to determine the extent of on-duty alcohol consumption and substance abuse among Department personnel as soon as possible.

Responses

**Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004**

Agree.

**Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005**

STATUS AS OF JUNE 2005:

The recommendation has been implemented

Early in 2004, this administration re-fashioned and developed new policies that allow the Department to effectively address this important issue. This administration has always been unequivocal that there will be no tolerance for substance use while on duty and all members will be held to that unwavering standard. Further, the Department has demonstrated its commitment in its willingness to exercise discipline for, and the termination of, members violating that rule.

The Department is close to implementing a complete substance abuse screening policy including screening prior to hire, promotion, post accident, reasonable suspicion, and on a random basis.

Recommendation 8b: Negotiate for expanded and random drug and alcohol testing.

The Department should negotiate for expanded and random drug and alcohol testing as soon as possible.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The current MOU with IAFF Local 798 provides a provision for random drug testing. The testing program will begin in October of this year.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

This administration, in last year budget negotiations, secured random drug and alcohol testing for members of Firefighter's Union Local 798. The Department and Local 798 are currently finalizing the scope and mechanism of testing, and random testing is anticipated to begin September 2005.

Recommendation 8c: Establish and Internal Investigative Unit

The Department should establish an Internal Investigative Unit that reports directly to the Chief. Investigators trained in identifying people who are under the influence should staff this Unit. The investigators should have complete authority to make unannounced visits to fire stations and to conduct drug and alcohol tests. They should have access to lockers used by firefighters for storage of personal items.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

The Internal Services Bureau of the Department is the primary investigative authority for internal Department matters. This Administration has already displayed its willingness and resolve to take whatever action necessary and appropriate to address these internal issues, including the appointment of a fully cross-trained Firefighter / Paramedic to serve as the primary Investigative Officer.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented

The Investigative Services Bureau (ISB) is the internal investigative unit of the Department. Members assigned to the ISB completed training in the identification of people under the influence of substances.

The members of the ISB have authority to make unannounced visits to fire stations and conduct drug and alcohol tests. During these visits they have access to lockers used by members for storage of personal items.

Recommendation 8d: Implement a Strong and Clear Drug Policy

The Department needs to implement a strong, clear, and effective drug policy.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. A stronger and clearer alcohol and drug policy has already been implemented.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented / in process.

The Department is close to implementing a complete substance abuse screening policy including screening prior to hire, promotion, post accident, reasonable suspicion and on a random basis.

This administration has been working closing with Local 798 to finalize the scope and mechanism of testing. The Random Drug Testing Policy is anticipated to be implemented in September 2005.

Recommendation 8e: Institute and Outreach Program

The Department should institute an outreach program to help identify and refer for treatment those members with alcohol and substance abuse problems.

Responses

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

Agree. Outreach to Department members is a component of the new alcohol and drug policy.

The Fire Department is an organization just like any other, and is comprised of individuals that face the same challenges as all other members of our community. While the Department has had to address substance abuse among a few of its members, it is unfair and misleading to impute the guilt of a few onto the 1,734 dedicated members who serve our community each and every day.

When infractions do occur, the Department is committed to holding its members accountable. Each and every member of the Department took an oath when they accepted the responsibility of serving the City. Any infraction, particularly one that could jeopardize other members and the public we serve, is handled swiftly and decisively.

The Department's Administration has already taken significant steps in addressing this issue. New alcohol and substance abuse policies, including post-accident testing, are in place and being used. This is the first Administration to successfully negotiate random drug and alcohol testing as part of the MOU with the Firefighter's Union Local 798.

The Mayor, the Fire Commission and the Department all recognize and support that alcoholism and chemical dependency are considered disease processes and require the attention that a disease or illness demands. We are committed to supporting Department members in any way possible to reclaim their lives and independence from substance dependency.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

STATUS AS OF JUNE 2005:

The recommendation has been implemented / in process.

An important component of the Department's new and renovated substance abuse policies is an outreach program designed to identify and find treatment programs for members with alcohol and substance abuse problems. Those members coming forth voluntarily will be provided with every resource available.

In addition, the Department intends to provide a training module to raise awareness to its members of alcohol and substance abuse issues.

General Responses

Tania Bauer
Commission Secretary
San Francisco Fire Commission
August 12, 2004

INTRODUCTION

The merger of the Fire and Emergency Medical Services (EMS) functions into one department has been a matter of critical importance to the Fire Commission. The merger process began in 1996, at the time when three of the current commissioners were appointed by Mayor Brown. At the inception of this process, the Fire and Health Commissions met jointly and established that it was the policy of both Commissions that a fire-based EMS delivery system was in the best interest of San Francisco's residents and visitors. The merger of the Advanced Life Support (ALS) capability of the Department of Public Health ambulance system into the Fire Department, which was already providing Basic Life Support (BLS) emergency medical service, was perceived to be a natural and efficient combination of existing resources, while enhancing the quality of pre-hospital medical care. The Fire Commission appreciates the Grand Jury's work on this important issue and herewith responds to the Grand Jury Report on the Merger of Emergency Medical Services and the San Francisco Fire Department (hereinafter referred to as "Report").

Preliminarily, the Fire Commission notes the merger's progress since it was initiated in 1996:

Before the merger, the Public Health ambulance system consisted of an average of fourteen ambulances deployed dynamically, each staffed by two paramedics, providing service to the entire City. There are now twenty ambulances, each staffed by at least one paramedic and one Emergency Medical Technician (EMT), four Rescue Captains in vehicles, and additional H1-paramedic staffed ambulances deployed strategically throughout the City. For the past two and one half years, there have been a minimum of 21 and, during the past year, an average of 25 ALS engines deployed throughout the City, each staffed with one paramedic and one EMT. All Firefighter/paramedics now rotate between assigned ALS engines and ambulances, establishing continuity and rounding out the engine company's provision of services. With four Paramedic Rescue Captains in vehicles, there are, at any given time, more than 45 to 50 ALS-staffed Fire Department units responding to medical emergencies throughout the City. The number of paramedics-staffed units capable of responding at any given time has increased 200% from fourteen to more than forty-five. The number of individual ALS responses that are possible at a given time have increased more than 200% from fourteen to fifty.

Before the merger, the entire paramedic staff was supervised by one field supervisor. There are now four field supervisors, an increase of 300%. The ratio of field supervisors to paramedics has been improved from one to twenty-eight (1:28) to one to eleven (1:11).

Before the merger, the 90th percentile ALS response time⁵ for a paramedic to reach the scene was over nine minutes. The 90th percentile ALS response time for the first paramedic to the scene is now four minutes and forty seconds, cutting the response time in half.

⁵ "90th percentile" means that in nine out of ten responses, the responding vehicle arrives within the required time. This is a national statistical methodology utilized by Emergency Response Agencies to measure and compare emergency response times.

Since the merger, paramedics, firefighters and Firefighters/Paramedics have been quartered together and have worked side by side in the delivery of emergency services to the City. These emergency services consist not only of emergency medical services and fire suppression⁶, but also water, surf and cliff rescue, hazardous materials response and weapons of mass destruction response which are all provided by firefighters and Firefighter/paramedics. During the past two years EMS and suppression administrative staffs have been integrated into the same headquarters. EMS and suppression training now takes place in the same facilities. There are now two California Medical Board Certified Emergency Room physicians who serve as Medical Directors of the Department.

In late 2003, the Commission revised its Annual Statement of Purpose by eliminating the statement that one of the Commission's purposes is to advocate for the realization of the merger. This was done in recognition that, in the Commission's view, the merger has been accomplished. Although the merger is accomplished, the manner and method by which the Department provides emergency medical services is continuing to undergo refinement. One role of the Commission is to provide ongoing support of the administration's efforts to enhance and support the collaborative work of the department membership and public stakeholders in the delivery of (1) fire suppression, (2) fire prevention and (3) emergency medical services with the focus upon the common public good. There is no priority given to one service over another. All are critical and integral components designed to effectively serve the public.

Since Chief Joanne Hayes-White took office in January of this year, she has taken swift and deliberate action to further improve upon the system. The Chief has named a new Director of Training who is the first Director trained as both a paramedic and firefighter. The new EMS Division Chief, appointed by Chief Hayes-White, is the first EMS Chief with extensive experience in the field as both a firefighter and paramedic. There is now a physician assigned to the in-service medical training for EMTs and paramedics. There is now an ongoing Quality Improvement Program designed to enhance the quality of medical care overseen by a physician.

Early this year, Chief Hayes-White convened an EMS configuration study involving all employee and work group organizations, including the Firefighter/paramedic association, the EMS Officers Association, Local 790 (representing the paramedics), the Director of the San Francisco County EMS Agency, Local 798 and other stakeholders in the process in an effort to refine the delivery of EMS services, taking into account quality of service, cost and the retention of Firefighter/Paramedic personnel.

At the same time, Chief Hayes-White announced a goal of deploying each of the Department's 42 engines companies as ALS engines, further reducing response time and further integrating paramedics and firefighters into a unified response to a range of emergencies.

While there have been difficulties encountered along the way, perhaps not surprising given the breadth of the undertaking, the merger has resulted in a far more effective emergency medical services delivery system - to the great benefit of San Francisco's residents and visitors. The San Francisco Fire Department is viewed nationally as a model EMS provider in the areas of medical training, quality improvement and dispatch.

In view of this substantial progress, it is with dismay that we read the Grand Jury Report, with the offensive sub-title Match Made in Heaven or Shotgun Wedding?

⁶ "Suppression" in the SFFD includes all field personnel, including Special Operations, extinguishment of fires, emergency medical response, surf and cliff rescue, Airport operations and arson investigation.

OVERVIEW

The Report states that the majority of the Department Members “are dedicated to protecting the lives and property of the citizens of San Francisco.” It is the Commission’s view, based on its observance of and interaction with the Department’s membership that, with the exception of the few individuals encountered in disciplinary proceedings, all of the members, uniformed and civilian, are dedicated to the Department’s mission.

Contrary to the statements made in the Report, medical oversight of EMS is not weak, but, as pointed out above, it is stronger than ever before. The statement that “No one in authority is watching out for the EMS needs of San Franciscans or the EMS providers” has no support in fact and is contrary to the truth. In fact, the EMS needs of San Franciscans, through the merger and the continuing enhancement of the methods and quality of service, are significantly better provided for than prior to the merger. In fact, the EMS providers are better supported and supervised than prior to the merger. This is due to the efforts of the prior and current Mayoral administrations, the Public Health Commission and Director of Public Health, the Director of the San Francisco County Emergency Medical Services Agency, the Fire Commission, the Chief of the Fire Department and her administration, all of whom are looking out for the well being of the residents and visitors to San Francisco and the firefighters, EMTs, paramedics and Firefighter/Paramedics who help them. The Commission is dedicated to fostering a Department which will continue its progress toward becoming a model fire-based EMS delivery system in all facets of EMS delivery.

The Commission agrees that a very serious problem within the Department is the lack of promotions. This delay is related in part to the circumstances surrounding the Consent Decree and is due in large part to differences over the certification rule for the Captain’s promotional examination. The Department is currently endeavoring to resolve this issue before the Civil Service Commission.

The Commission is responsible for overseeing the Department and working with the Chief, but does not “rubber-stamp” the Chief’s decisions. The Commission independently evaluates recommendations and operates by consensus where appropriate. This Chief has brought a new openness to the deliberative process that fosters open debate during consideration of issues confronting the Department. The Commission does not hesitate to challenge and question the Chief.

The Commission does not tolerate on-duty alcohol or drug ingestion or intoxication. Members who have been found in violation of Department Rules and Regulations regarding drugs and alcohol have been appropriately disciplined by the Commission pursuant to its Charter mandate. The Chief of Department is in the process of initiating a program of random testing for on-duty drugs and alcohol. The random testing should enable further enforcement and provide deterrence.

RESPONSE TO FINDINGS AND RECOMMENDATIONS

The Commission notes that most of the “Findings” contained within Sections I, III and V of the Report, to which it has been asked to respond, are not true factual findings. The Report’s findings are largely references to statements made in the Controller’s April 28, 2004 review of the Fire-EMS System, to which the Department has already responded separately. Additional findings are arguments posited as facts. In addition to the specific responses below, the Commission refers to the other sections of this response in answer to the findings.

CONCLUSION

The Commission views the merger as having accomplished a substantial and dramatic improvement in the quality of emergency medical services provided to the residents and visitors of San Francisco. There have been significant increases in the number of paramedics and in the number of paramedic-staffed units. The response time for medical emergencies is half what the response time was before the merger. There has been an increase in the degree of direct medical oversight and a further integration of EMS and Fire administration and training.

The Commission recognizes and continues to stress the importance and equal role of the EMS component of the Department. Although the Commission views the merger as having been completed, it supports the Chief of Department's continuing efforts to refine a balanced and efficient delivery of EMS, Fire Suppression and other emergency and prevention services in an environment that is free from harassment and discrimination in any respect.

The Commission continues to communicate, consistent with what has been articulated by the Chief of Department, that harassment of any member for any reason will not be tolerated. Members who have committed harassment have been disciplined by the Department administration and the Fire Commission. It appears that the working conditions of Firefighter/paramedics have improved due to the efforts of all members to work together. Many of the complaints which the Commission has heard, which have also been repeated in the Report, concern reports of incidents that occurred years ago. Members of the Department who feel that they have been harassed or discriminated against based upon their Paramedic or Firefighter/paramedic status are encouraged to bring their complaints through the chain of command without fear of retribution.

In conclusion, it is this Commission's strongly held belief that the snapshot presented by the Grand Jury report does not accurately reflect the Department yesterday or today. The Department is more than a fire department. Its members offer the public a diverse set of skills and services and work collaboratively to achieve a selfless mission. The merger has been a broad undertaking in scope and has significantly improved the effective delivery of a full panoply of emergency services to the public.

The path is not always without conflict. The merger brought distinct working cultures together into a new organization that has taken time to mature. The Department consists of different employee groups, which, at times, have competing interests, particularly when there is a diminishing pie and serious financial and budgetary concerns facing the City. Yet, overwhelmingly, the members are united in their dedication to this City and to the delivery of effective suppression, prevention and emergency medical services in an environment that values cultural diversity and is free of harassment and discrimination.

The Department has taken great strides over the past eight years. The merger has been complex, yet, successful. Admittedly, there have been trying times. Admittedly, there is more to do - there will always be more to do. Yet, the Department is committed to excellence and no less a standard. The Members would no doubt agree.

Adopted at the Regular Meeting of the Tania Bauer, Commission Secretary San Francisco Fire Commission on August 12, 2004.

Ayes: Conroy, Nakajo, Roeca, and Clarke
Absent: Fernandez-Pifer

Joanne Hayes-White
Chief of Department
Fire Department
August 23, 2004

For over one-hundred thirty five (135) years the San Francisco Fire Department has proudly provided service to the residents and visitors of our City. From the conflagrations before the turn of the 20th century, to the Great Earthquake of 1906 and the 1989 Loma Prieta Quake, our Department has never failed to respond to needs of our City and its citizens. Each and every member of the Department is part of a long tradition of excellence, and dedicated, selfless service; our members, without a doubt, are our most valuable asset.

Over the past few decades, the challenges faced by our Department and the Fire Service in general have grown geometrically. The Fire Department has assumed primary responsibility for Hazardous Materials response, disaster preparedness, public education, Fire Prevention, technical rescues, the integration of Emergency Medical Services and, most recently, preparation for terrorist events and attacks with Weapons of Mass Destruction.

The Department is committed to providing all of these services, and any others required to ensure the health and safety of our community. We are continually seeking creative and efficient ways to prepare, train and integrate these disciplines into our array of skill sets, and for the most part, have been enormously successful. As with any professional organization, we continually strive to do better, and the integration of EMS into our Department is no exception.

While the ‘merger’ is complete, and the public has benefited from substantially improved service, faster response times and more rapid access to highly skilled Paramedics, further operational changes can still bring more efficiencies. The work of the Reconfiguration Task Force has delivered a number of options that can be incorporated by the Department, and by the end of this year, there will be a clear direction and vision for the delivery of EMS. The Department looks forward to the future with optimism and agrees with the Civil Grand Jury that the “San Francisco Fire Department has the tools, resources and people to be the best Fire Department in the Country.”

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
September 20, 2004

The following is a report on the 2003-2004 Civil Grand Jury Report, The Merger of Emergency Medical Services and the San Francisco Fire Department: Match Made in Heaven or Shotgun Wedding, in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors’ City Services Committee held a hearing on Thursday, September 16, 2004 on the Civil Grand Jury Report. Representatives from the Civil Grand Jury presented their recommendations with a focus on harassment, alcohol and substance abuse.

Fire Chief Joanne Hayes-White discussed the new EMS configuration plan, promotional exams, harassment and random drug testing.

Fire Chief Hayes-White also provided the following target dates:

- EEO training for the Fire Department by end of FY 2004-2005

- Develop random drug testing policy by October 2004
- Promotional exam for H30, Fire Captain Exam, to go before the Civil Service Commission by December 31, 2004

Kate Favetti
Executive Officer
Civil Service Commission
August 23, 2004

The Civil Service Commission is a five member policy/rule making and appeals board charged to oversee, regulate, and serve as final arbiter of the City and County of San Francisco civil service merit system.

The Mission and Vision of the Civil Service Commission is to establish, ensure, and maintain an equitable and credible merit system for public service for the citizens of San Francisco. The Commission seeks to set the standard for excellence in personnel management through an effective, fair, and modern system that recognizes and builds on the diversity, skills, and dedication of public employees. The Commission's goal is to consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.

The Civil Service Commission fulfills its Charter and legal mandates by:

- Establishing Rules, regulations, policies, and procedures that provide the framework for the operation of the City and County personnel system. For example, the Commission approves Rules and procedures governing equal employment opportunity, applications, examinations, eligibility, duration of eligible lists, appointments, promotions, transfers, resignations, and other personnel related matters;
- Hearing of appeals of administrative actions and decisions of the Human Resources Director, the Director of Transportation and its Executive Officer, including discrimination complaints, and rendering final and binding decisions;
- Investigating and resolving charges and complaints of discrimination, sexual harassment, and otherwise prohibited nepotism and favoritism;
- Instituting legal proceedings, if necessary, to abate violations of the civil service merit system provisions of the City and County Charter and Commission regulations;
- Directing the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter;
- Directing the Municipal Transportation Agency Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter applicable to Service-Critical classifications at the Municipal Transportation Agency;
- Providing training and education on the merit system; Monitoring and auditing the operation of the merit system through Inspection services.

Civil Service Commission Rules require for promotions in the Fire Department that qualified firefighters take a test that is job related and valid. Those who pass the test are placed on a list in

order of their scores and only reachable candidates (those in the grouping/band) are referred to the Fire Chief for consideration for selection.

The Commission, in considering various certification rules for promotions in the Fire Department, took into account the more than 20 year history of litigation on San Francisco Fire Department examinations resulting in the Consent Decree. With the termination of the Consent Decree and the subsequent Stipulated Order in 1998, the Civil Service Commission adopted updated Rules applicable to the Uniformed Ranks.

The challenge facing the Civil Service Commission was to establish a fair and defensible certification Rule for promotions that enables the Chief of the Department to select the best-qualified candidates and that ensures compliance with Federal, State and local anti-discrimination laws.

Statistically valid grouping is a concept that has withstood court challenge in many instances and involves a statistical formula to determine that eligibles have comparable knowledge, skills and abilities and that the difference in their scores is not significant. These eligibles are included in the “grouping” (the band) and are referred to the Fire Chief for consideration for selection. The Fire Chief may only consider the scores in the band. Additional eligibles may be considered when the top score is exhausted.

The Civil Service Commission Rules also require the Fire Chief to develop secondary criteria for Commission approval that are job-related, based on experience, training and employment history, and NOT based on race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or otherwise prohibited nepotism or favoritism.

The Civil Service Commission adopted the Statistically Valid Grouping Rule and the Legislative Findings on February 21, 2003, after seven public meetings over a period of over two years, including presentations by experts in the field; more than two years of meet and confer with the recognized bargaining agent, Local 798 Fire Fighters, where mutual agreement was not reached; and considering input from the department, other employee organization representatives, and other interested parties. The Civil Service Commission also considered the history of litigation and the need to ensure compliance with Federal, State and local anti-discrimination laws.

The Civil Service Commission acted (Vote of 4-1, Casper dissents) on February 21, 2003 to:

- 1) adopt Legislative Findings on the proposed amendments to Civil Service Commission Rule 313 – Certification of Eligibles Applicable to the Uniformed Ranks of the Fire Department;
- 2) adopt proposed amendments to Civil Service Commission Rules Applicable to the Uniformed Ranks of the Fire Department, Rule 313 – Certification of Eligibles; and
- 3) adopt for further clarification that prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval and will be discussed in open session with all parties interested.

The adopted Rules for promotions in the San Francisco Fire Department utilize a selection device, Statistically Valid Grouping, that identifies those candidates with comparable knowledge skills and abilities, ensures compliance with Federal, State and local anti-discrimination laws, and enables the Chief of the Department to select the best-qualified candidates.

ATTACHMENTS

I am attaching for the Grand Jury's information, a chronology of events, including the history of litigation and subsequent record of meet and confer, the Statement of Legislative Findings and a copy of Civil Service Commission Rule 313 - Certification of Eligibles for the record and to clarify and to shed light on the action of the Civil Service Commission in adopting the Statistically Valid Grouping as the certification rule applicable to promotions of the Uniformed Ranks of the San Francisco Fire Department. [*The attachments are not included in this report. Please contact the agency for copies.*]

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
June 29, 2005

The Board of Supervisors' City Services Committee held a hearing on Thursday, September 16, 2004. Representatives from the Civil Grand Jury presented their recommendations with a focus on harassment, alcohol and substance abuse. Fire Chief Joanne Hayes-White discussed the new EMS configuration plan, promotional exams, harassment and random drug testing.

Fire Chief Hayes-White also provided the following target dates:

- EEO training for the Fire Department by the end of FY 2004-2005
- Develop random drug testing policy by October 2004
- Promotional exam for H30, Fire Captain Exam, to go before the Civil Service Commission by December 31, 2004

Kate Favetti
Executive Officer
Civil Service Commission
June 30, 2005

The California State Supreme Court has taken under review the decision by the California Court of Appeal, First Appellate District, Division Five, Case No. A 104822 to reverse the decision of the Superior Court on litigation filed by the San Francisco Fire Fighters, Local 798, International Association of Fire Fighters AFLCIO vs. City & County of San Francisco.

Paul Conroy
President
San Francisco Fire Commission
July 15, 2005

Since the June 2004 Grand Jury Report and the Fire Commission's August 2004 response, the Fire Department has moved forward with implementation of the EMS Reconfiguration, approved by the Fire Commission on March 24, 2005. Resolution No. 05-4 is attached as Appendix 1. The EMS Reconfiguration is designed to improve the provision of EMS service to the public, while improving working conditions for Paramedics and EMTs. The Reconfiguration's major changes include the dynamic deployment of ambulances to further improve response time and efficiency; the hiring of additional paramedics and EMTs to staff the dynamically deployed ambulances on ten hour rather than twenty-four hour shifts to reduce fatigue; and the deployment of additional Advanced Life Support (ALS) engines. On July 14, 2005 the Fire Commission further resolved

that the new classes of paramedics and EMTs established by the Reconfiguration will be uniformed members of the Department with the same public safety benefits as other Department members.

CONCLUSION

As noted in the original Response, since its inception in 1996, the merger has accomplished a substantial and dramatic improvement in the quality of emergency medical services. The Department is continuing to enhance its provision of emergency medical services through continuous quality improvement and implementation of the EMS Reconfiguration, with monitoring and oversight by the Fire Commission.

Adopted at the Regular Meeting of the San Francisco Fire Commission on July 14, 2005.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

On behalf of the San Francisco Fire Department, I am submitting the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

Most of us are all too aware that the Fire Department has faced a number of challenges in the last 18 months. In spite of the current landscape, the Department has made significant progress in almost every area identified by the Grand Jury. Zealous media scrutiny, highly publicized medical and fire incidents, and the worst fiscal climate in San Francisco's recent history serve to make our progress all the more significant.

While swift and dramatic change is never easy on an organization or the people in it, the men and women of the San Francisco Fire Department have continued to serve this City with unwavering professionalism and dedication. I am proud to serve with each and every member of this Department; they are our Department's greatest asset.

It is therefore, with great respect and pride that I submit to you the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

TERMS

Ambulance - A vehicle equipped to assess, treat and transport medical patients. Also known as Medic Units, they carry some firefighting equipment to provide medical and rescue support. The SFFD has 19 such units that are staffed by one firefighter/paramedic and one firefighter/EMT . The SFFD also staffs one or two ambulances per day with two paramedics. These ambulances provide ALS treatment and medical transport and carry less fire suppression equipment than Medic Units.

BLS - Basic Life Support. Persons trained in BLS can provide Cardio-Pulmonary Resuscitation (CPR), basic first aid and patient transport, and can use an external defibrillator

DPH - Department of Public Health.

EMS - Emergency Medical Services.

EMT - Emergency Medical Technician. A person trained and certified in BLS. SFFD requires that all new firefighters must have EMT-licensure. Currently, 74% of SFFD firefighters are EMT -1 certified.

Emergency Medical Response Times -The San Francisco Emergency Medical Services Agency of the DPH has performance standards governing the maximum allowable elapsed time, from call to arrival of the first responder to medical emergencies. The SFFD responds to two types of calls, Code 2 and Code 3. Code 2 calls are non-life threatening; Code 3 calls are those that are life threatening. The SFFD measures 3 responses to Code 3 calls:

- Responders capable of performing BLS and defibrillation. Response time is 5 minutes.
- Responders capable of performing ALS. Response time is 10 minutes.
- Responders capable of patient transport. Response time is 12 minutes.

Engine -A fire suppression apparatus staffed by an officer and three firefighters and equipped with a pump, hose and a water supply. Each of the 42 fire stations in San Francisco has an engine.

Firefighter -A member trained in fire suppression.

Firefighter-EMT -A member trained in fire suppression and BLS.

Firefighter-Paramedic -A member trained in fire suppression who is also a licensed paramedic capable of delivering ALS emergency medical care as well as BLS.

Heavy Rescue Squad -Staffed by an officer, a driver (firefighter) and two firefighter EMTs, the Department's two rescue squads are first responders on medical calls. The Rescue Trucks are specially equipped with infrared camera, Jaws of Life and scuba gear, as well as medical equipment and defibrillators. Rescue squad members are trained in scuba, surf, hazardous materials, cliff, tunnel and confined space rescue.

Like Work Like Pay -A short-term acting officer assignment, usually for a day at a time. The pay is at the higher rate for time worked only.

Medic Unit -A staff of either two firefighter/paramedics or one firefighter/paramedic and one firefighter-

TERMS (continued)

EMT: medic units provide ALS treatment and transport of ALS and BLS patients suffering in medical emergencies. Medic units also carry firefighting equipment and can provide medical and rescue support at fires and other emergencies. The SFFD has 19 such units. The term “ambulance” is used in this report to mean Medic Unit.

Member- Officers and other personnel of the SFFD.

MOU -Memorandum of Understanding between the City and County of San Francisco and San Francisco Firefighters Union, Local 1798, IAFF, AFL-CIO.

Provisional Officer -A temporary officer who is a step closer to permanent status than an Acting Officer. The member is appointed by the Chief for up to 3 years or more with approval of the Human Resources Director. A physical examination is required for a provisional officer appointment. Provisional officers are paid at the higher level when on duty and on vacation or sick leave. A provisional officer who retires will receive retirement benefits based on the higher salary.

Truck -Called “hook and ladder” by laymen, trucks are staffed with an officer (lieutenant or captain), one driver firefighter, one tiller firefighter, one firefighter-EMT and one firefighter. Trucks carry ladders and other equipment and are used to provide ladder access, rescue and ventilation.

Technical definitions derived from SFFD data and the City and County of San Francisco Office of the Controller's report, “A Review of the San Francisco Fire-EMS System, April 28, 2004.

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
1a	SFFD and DPH should establish specific criteria for measuring the success of the merger. They should determine the steps necessary to complete the merger. Steps to be taken and the establishment of timelines should be delineated and agreed upon as soon as possible.	Agree	Disagree in Part. As of 6/05, Portions of the recommendations have been implemented.	Agree		Agree
1b	Once criteria and timelines are established, the Chief and the Fire Commission should be held accountable by the Mayor for achieving them.	Agree	Disagree. See Note 1a.	Agree		Agree
1c	The Mayor should appoint a health professional, preferably one with Emergency Medical Services experience, to the Fire Commission.	Not Applicable	Implemented	Not Applicable		Not Applicable
1d	The Fire and Health Commissions should meet jointly at least quarterly for better oversight of SFFD EMS.	Disagrees	Not Applicable	Agree		Agree
1e	Department leadership should define and communicate the values of the department so that EMS IS seen to be at least as important as fire suppression, as stated in the SFFD's mission statement. The Fire Commission, the Chief and Department leadership should promote and support EMS by communicating the value of its mission throughout the Department.	Agree/ Implemented	Agree/ Implemented	Not Applicable		Not Applicable
1f	Given that most alarms are false and those that are not are medical in nature, SFFD should respond with appropriate staff and equipment.	Implemented	Disagree	Not Applicable		Not Applicable
2	Department leadership should confront the commonly held perception that Local 798, rather than the Chief, is "running the department."		Disagree			
3a	Resource allocation and staffing should reflect the Department's change in workload from fire suppression to EMS.	Agree	Disagree			
3b	The Mayor, Board of Supervisors and the Fire Commission should direct and support the Chief in making resource allocation changes that properly support the EMS mission.	Agree	Agree			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
3c	The Board of Supervisors mandated the review of SFFD recently conducted by the Controller's Office. The Board should now act on and direct the Chief to implement the recommendations.	Not Applicable	Partially Implemented			
4a	Recruitment and retention of firefighter/paramedics is a critical problem that needs immediate attention. The Department should hire additional firefighter/paramedics and/or cross-train more existing personnel to be firefighter/paramedics as soon as possible.		Agree/In Process			
4b	Officers should be cross-trained as well as rank and file firefighters. Officers who are already cross-trained should continue their paramedic licensure and use their paramedic skills in their command positions.		Agree/In Process			
4c	Alleviation of heavy ambulance workloads should be addressed as soon as possible. The necessity for a 24-hour ambulance shift should be reviewed as well as other options for transporting patients.		Agree/In Process			
5a	Department leadership should identify the stations where harassment is occurring. Those engaging in harassing behavior should be appropriately disciplined. The range of discipline should include suspension with or without pay and/or firing, depending on the degree of harassment. Harassers who are not fired should be reassigned to different stations.	Agree/Implemented	Implemented			
5b	Ranking officers should be held accountable for their actions or inaction related to harassment. Officers who participate in or allow those under their supervision to participate in harassment should be disciplined. The range of discipline should include suspension without pay, demotion and/or firing, depending on the severity of the offense.	Agree/Implemented	Implemented			
5c	The Fire Commission should hold Department leadership accountable for eliminating harassment.	Agree	Implemented			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
6	The Department should provide comprehensive leadership and command training for all officers prior to their assumption of command. Periodic training should emphasize professionalism, responsibility and accountability and be given on a regular, ongoing basis. Training should include conflict resolution and team building.		Implemented			
7a	Department leadership should develop and submit secondary promotional criteria to the Civil Service Commission for approval as soon as possible. Although there is a legal appeal in process and the Department will not be able to act until this appeal is resolved, it is imperative that the Department be ready to proceed with examinations and selections after the appeal is adjudicated.		Will be Implemented		Agree	
7b	The Mayor should investigate why promotional examinations have not been given in the SFFD and determine what the financial ramifications are.		Not Applicable		Exams ready, waiting for Chief w/ secondary criteria	
7c	The Mayor should investigate why the Civil Service Commission implemented a new certification rule that neither management nor labor want.		Not Applicable		CSC has the authority	
8a	The Department needs to determine the extent of on-duty alcohol consumption and substance abuse among Department personnel as soon as possible.		Agree/ Implemented			
8b	The Department should negotiate for expanded and random drug and alcohol testing as soon as possible.		Implemented			
8c	The Department should establish an Internal Investigative Unit that reports directly to the Chief. Investigators trained in identifying people who are under the influence should staff this Unit. The investigators should have complete authority to make unannounced visits to fire stations and to conduct drug and alcohol tests. They should have access to lockers used by firefighters for storage of personal items.		Implemented			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
8d	The Department needs to implement a strong, clear, and effective drug policy.		Agree/ Implemented			
8e	The Department should institute an outreach program to help identify and refer for treatment those members with alcohol and substance abuse problems.		Agree /Implemented			

For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.

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CHAPTER 2

ON-TIME PERFORMANCE AND SERVICE GOALS REMAIN A FICTION: MUNI'S MISMANAGEMENT AND WORKER PROBLEM

BACKGROUND

The 2003-04 Civil Grand Jury investigated the operations of the Municipal Railway (MUNI) with respect to progress in meeting the goals mandated in Proposition E.⁷ This year, the MUNI administration will not meet on time performance and service delivery goals as set out in Proposition E. The Civil Grand Jury was unable to obtain from MUNI a timeframe in which they plan to achieve the original goals.

The Civil Grand Jury concluded that these failings result from management's lack of effective leadership--by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so.

The Civil Grand Jury also looked into the administration's control over the light-duty and battery-pay plans, training program and effectiveness of overall management. It was determined that light-duty and battery-pay plans are not effectively managed and are subject to abuse. Management is aware of the situation but has done nothing to eliminate infractions. The Civil Grand Jury also questioned the effectiveness of the existing training program, in light of the significant number and costs of claims that have occurred over the years.

RESULTS

The Civil Grand Jury made 13 recommendations and required responses from the following:

Board of Supervisors
Office of the Controller
San Francisco Municipal Transportation Agency Board of Directors
San Francisco Municipal Railway

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

⁷ The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

Finding 1: The Municipal Railway Will Not Meet On-Time Performance and Service Delivery Goals

Finding 1.1: Proposition E (1999) specifies that MUNI must achieve an on-time performance of 85% and service delivery of 98.5% by July 2004. MUNI management acknowledged that they will not achieve these standards for 2004, and they were unable to demonstrate a plan that would ultimately achieve these goals.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today, an increase of 67%. For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. Muni does have a plan for improving on-time performance.

Reference: Service Standards FY04 Third Quarter Report

Finding 1.2: A strong leadership presence is non-existent. Some employees do not take the Executive Director's and General Manager's policies and statements seriously. Some individuals do not respect the Executive Director and General Manager.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

The performance of Muni over the last several years confirms the existence of strong leadership. The subjective opinion of a few employees is not representative of all employees. This finding is also inconsistent with official employee surveys. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”
- “Majority of Muni employees (61%) feels that their work is appreciated by management”.

Reference: 2003 Employee Survey

Finding 1.3: Employees' disrespect of MUNI management has led to morale problems.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

A vast majority of Muni employees respect their co-workers. Over 1,500 employees participated in crafting Muni’s Mission, Vision and Values statement, which emphasizes that employees treat each other with respect, trust, mutual understanding and value diversity. This finding is also inconsistent with official employee surveys conducted over the past four years. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”.
- “Majority of Muni employees (61%) feel that their work is appreciated by management”.
- “The vast majority of Muni employees value their job”.

There are issues that pose a challenge to employee morale. They include significant budget shortfalls for the past two years; employees contributing 7.5% of their paycheck to their retirement fund resulting in a smaller paycheck and layoffs. These issues can affect morale and are impacting employees throughout the City and County of San Francisco.

Reference: Mission Vision Values Statement, 2003 Employee Survey

Finding 1.4: Management has failed to enforce its policies. As a result, many of management's instructions are disregarded.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

This is a subjective comment. More information is needed to provide a more in-depth response to this statement.

Finding 1.5: MUNI does not compare the cost/benefits of its light-duty and battery pay plans and workers' compensation benefits with those of other major metropolitan transit agencies.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi-modal transit property. Preliminary information indicates that Muni compares favorably with the only other multi-modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

Finding 1.6: MUNI employees have stated that management is ignoring or not taking into consideration employee comments about safety, working conditions, and on-time efficiency.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

In an audit performed in 2002, the California Public Utilities Commission found that “the Employee Safety Program at Muni is pro-active and addresses safety hazards that are reported by its employees or generated as a result of regularly scheduled facility inspections”. The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Muni has a comprehensive safety program that involves employee-based division safety committees at each operating division and for each work group. Comments, complaints and suggestions from those committees are evaluated by the staff of the Health and Safety section for potential safety hazards. Those that are found to have merit are provided to senior management for corrective action. In addition we regularly audit all areas of Muni operation and administration to insure compliance with appropriate state and federal regulations as well as the standards established by the American Public Transportation Association.

Reference: CPUC 2002 Audit

Recommendation 1a: Prepare Detailed Plans to Meet Performance Goals

MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

The on time performance goal of 85% is not being met, however, Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today. Steps are being taken to improve on-time performance, including:

- New technology initiatives (e.g. Nextbus)
- Street Management initiatives
- Further Muni/DPT coordination efforts
- Schedule review to determine feasibility of current schedules

For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. The missing .37 of 1 percent represents 4 missed runs out of 1254 runs per weekday 843 and 788 runs on Saturday and Sunday. New technology initiatives should make this goal achievable.

While an on-time performance of 85% may not be achievable, it should be noted that an independent audit concluded that Muni is making excellent progress toward the achievement of Proposition E goals.

Reference: FY2003 Third Quarter Service Standards and Proposition E Municipal Transportation Quality Review Final Report

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

During Fiscal Year 2005 MUNI's System Wide Schedule Adherence or On Time Performance (OTP) continued in the 70% range, which is short of the Proposition E required goal of 85%. For the first three quarters of FY 05 OTP was 70.9%, 72.8% and 69.6% respectively. In FY 05 MUNI's efforts to improve OTP were significantly limited by budget constraints.

MUNI Management remains committed to improving On Time Performance. Efforts currently underway to accomplish this are: 1) Developing and publishing new schedules which better match the budgeted number of operators with the number of runs being scheduled; 2) Increasing the utilization of GPS Technology to better monitor, control and coordinate service on the street and in the subway; 3) Filling street supervisory vacancies; and 4) Continue cooperative efforts between Management, Supervisors and Union Officials.

Recommendation 1b: Adopt Proactive and Highly Visible Leadership Roles

The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Below are examples of how this has already been implemented:

- Yearly employee surveys
- Annual establishment of MTA-wide and division goals for senior managers
- Monthly letters from the Executive Director attached to each employees paycheck encouraging open communication.
- Posters placed at all work locations about MTA-wide goals, Muni's Mission, Vision and Values Statement and congratulating employees on strong rider survey results.
- Monthly, Quarterly and Annual Employee Recognition Program at all operating divisions
- Monthly Special Recognition Award Program at MTA Board meetings
- Annual Safe Driver Award Program
- Executive Director and GM regularly visit all divisions (most recently to discuss the current FY budget)
- Establishment of an "intra web" for the dissemination of information to employees.
- Provide a wide variety of training programs including: new operator training, accident retraining, refresher courses, passenger relations and conflict training, Violence in the Workplace, Maintenance Training (including new revenue vehicle training), Ambassador Training, Supervisory Skills Training, Management Skills Training, Theories of Discrimination and the ADA, Preventing and Responding to Workplace Harassment, Preventing Violence in the Transit Workplace, Valuing and Managing Workplace Diversity, Rapport Building, Prohibited Employment Practices Under the Immigration Reform Control Act of 1986, Equal Employment Opportunity Programs After Prop 209 and New Employee Orientation to MUNI's EEO Programs and Services.
- Annual Retiree lunch
- Personal Bereavement letters sent to the family of employees who have passed.
- Bulletins issued to Muni Operations Professionals to inform them about safety regulations, "sign-ups", special event route changes and compliance with traffic laws.
- Biannual MTA Senior Management meetings to discuss plans to achieve MTA-wide goals; provide status updates on significant initiatives and projects; engage in team building exercises; and discuss how to improve communication within the organization.

In 2000 and 2001, Muni partnered with TWU, Local 250-A in hosting a Muni-wide "Family Day and Health Fair". Muni also published monthly newsletters for all employees that highlighted internal activities and accomplishments. Due to budgetary constraints, these activities have been temporarily halted.

Over the past four years, Muni has been involved in a cultural change initiative designed to improve customer service, enhance communications, improve labor-management relations, and

strengthen the overall quality and character of management throughout the organization. A key element of this initiative was the crafting and distribution of a new Mission Statement in 2002.

This Mission Statement represents the collective input of over 1,500 employees who directly participated in a series of 23 “interactive” workshops around the organization, and reflects a broad consensus of employee ideas and opinions about Muni’s mission, vision and values. This “mission” initiative continues today and is coordinated by a joint union-management committee - the Mission Action Center (MAC). MAC’s primary goal is to develop, promote, and coordinate implementation of programs that encourage a common understanding of Muni’s mission, and to ensure the daily practice of the values embodied in the Mission Statement. MAC looks for ways to empower employees in living our mission daily, and works directly with division managers, unions and employees in identifying current practices inconsistent with “living-the-mission,” and uses collaborative efforts to find solutions to these roadblocks.

The General Manager, along with the Assistant General Managers for Human Resources and Transportation and the Division Superintendents formally meet once a month with the Executive Officers of Local 250A and Chairperson of all seven of MUNI's operating divisions. The meetings usually last two to three hours. They are not grievance handling meetings but cover topics of concern to any participant. Issues such as operator comfort, uniforms, operator performance, safety, system performance and others are routinely discussed. These meetings have consistently occurred for the past 18 months.

The General Manager holds a monthly Communication Meeting with 40 to 60 mid level managers. The expressed purpose of these meetings is networking among various departments in MUNI operations. Guest speakers are usually featured and have ranged from the FTA Administrator, to Southwest Airlines Customer Service Representatives. An ongoing emphasis of the meetings is emergency preparedness.

In addition to meetings and site visits within the organization, the Executive Director of Transportation and senior staff participate in community meetings in all San Francisco neighborhoods, regularly attends meetings of and represents Muni’s interests to the Board of Supervisors and Transportation Authority. The Executive Director and senior management serve in a leadership capacity in a number of regional forums including serving with the Metropolitan Transportation Commission’s Partnership Board; Chairman of a regional subcommittee to implement Translink; serving on the CalTrain Joint Powers Board and the Transbay Terminal Joint Powers Board. At the regional and State level meetings include the Bay Area Air Quality Management District and California Air Resources Board, serving on the California Transit Association Executive Committee. At the federal level, the Executive Director serves on the ENO Transportation Foundation Board and, along with the Chairman of the MTA Board of Directors, also serves on the American Public Transportation Association Board of Directors.

Reference: Mission, Vision, Values Statement, MTA Goals, paycheck letters, Operator Bulletins, Employee Surveys.

Recommendation 1c: Compare the Costs and Benefits of Its Light-Duty and Battery-Pay Plans and Workers’ Compensation Benefits to Other Agencies

Management should determine where MUNI ranks, *vis-a-vis* other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.

Responses

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Not Yet Implemented. It will be complete by December 2004.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi modal transit property. Preliminary information indicates that Muni compares favorably with the only other large multi- modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

San Francisco MTA's Workers' Compensation costs; battery and assault pay and light duty programs are comparable to those of similar transit agencies. We continue to monitor both the light duty and battery/assault pay issues on a quarterly and annual basis.

Recommendation 1d: Ensure That Its Training and Accident Prevention Programs are Consistent With Industry Standards

Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

Muni's new operator training program is based on the Federal Transit Administration's Bus Operator Training program and the our accident prevention training is based on the Smith System's Five Keys To Space Cushion Driving which is the recognized industry standard in both the transit and trucking industries.

Recommendation 1e: Consider Employee Comments and Recommendations

Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

Muni has actively sought input from every employee and considers all comments and recommendations. Not all suggestions can be implemented for a variety of reasons including budget, labor agreements or other physical constraints.

In the monthly letter sent to all employees, Muni asks for and encourages employee input. The MTA will continue to work to improve communications with employees.

Reference: Paycheck Letters

Finding 2: Muni’s Light-Duty and Battery Pay Plans, and Workers’ Compensation Benefits Are Being Abused

Finding 2.1: The light-duty program at MUNI allows an employee to be on this status for up to 180 days at full pay--regardless of hours actually worked. After an elapsed period of one year, some employees apply again for light-duty. According to *Sec. 1.04 of the Transitional Work Program Manual*: “Transitional Work assignments will not adversely affect the employee's normal bi-weekly gross wages or retirement benefits.”

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

The following statement is incorrect “employees get 180 days at full pay, regardless of hours worked”. When the department has knowledge of an employee missing time from Transitional Work due to illness, vacation, medical appointments or unscheduled absences, his/her timecard is adjusted appropriately.

Section 1.04 of the Transitional Work Program Manual was intended to address employee concerns that they would be paid less and their benefits would be impacted, while working transitional work. It is not a guarantee of full wages and benefits as interpreted by the Grand Jury. It is in fact a verification that employees will be paid appropriately.

Finding 2.2: Some MUNI employees have been known to be on light duty in excess of 90 days. This is contrary to MUNI's policy as stated in the “*Transitional Work Personnel Procedures Guide*, “*Sec. 1.02 (1)*: “Transitional Work assignments will terminate on the date the employee is released for full duty. Under no circumstances will Transitional Work assignments exceed 90 days per injury.”

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

As noted in section 2.1 above, the current policy is that employees can work Transitional Work for up to 180 days. The 90-day limit was part of the original program construction as implemented in 1999, however, in early 2003, due to the state-mandated increases in Temporary Disability rates, it was decided to add the “up to 180 days” policy to offset the increases in benefits. The policy and procedure manual is being updated to reflect this change.

NOTE: for the recently completed fiscal year, ending 6/30/2004, the average number of days worked in Transitional Work by Muni employees is 52.

Finding 2.3: A comparison of MUNI to other major transit agencies in the San Francisco Bay Area shows a higher percentage of MUNI workers are on light duty; the following table was prepared with information acquired from Human Resource Departments.

	MUNI	AC Transit	VTA No Such Plan	Sam Trans No Such Plan
Employees on Light- Duty	145	18		
Percentage of total workers	3.3% 4,400	0.8% 2,200		
Percentage of Operators	6% 2,400	1% 1,300		
Approximate Cost	\$10 million	\$800,000		
Time Limit	180 days Every other year	30 days Per year		

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

There are no other major transit agencies in the San Francisco Bay area that can reasonably be compared to Muni due to the size of the agency, the number of modes of transportation it provides and San Francisco’s unique geographic configuration.

AC Transit, while close, is still 50% smaller, and has fewer transportation modes, serves a lower population density, and operates in a different geography and traffic density. It would be more appropriate to compare Muni to transit agencies in Los Angeles, Chicago, New York, Atlanta, etc. to obtain a more legitimate assessment. Muni is undertaking that analysis.

Finally, the chart appended to section 2.3 assumes that all transitional work employees are transit operators, which is not the case.

Finding 2.4: Representatives from VTA stated that they have no immediate plan to institute such a program. Officials at Sam Trans have expressed views that such a program is subject to abuse if not properly managed, and they also stated that they have no immediate plan to create a light-duty program.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni agrees that programs of this type are open to abuse if not properly managed. Muni has managed the program properly and has continued to adjust the program as weaknesses have been identified.

Finding 2.5: MUNI management officials are aware that some employees have filed questionable battery pay claims. These employees, who make fictional claims, do so in order to collect compensation under the battery pay plan.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni management is aware that some employees have filed questionable battery pay claims. Over three years ago, Muni assigned a full time staff investigator to the Workers' Compensation section to investigate all claims for battery pay. As a result, claims for battery pay have decreased dramatically, from a high of 163 in FY 1996, to a low of 43 for FY 2004. Currently four people are receiving battery pay. Muni is confident that we are effectively managing this program.

The chart below illustrates the costs and claims trends for the past three fiscal years.

Fiscal Year	Number of Battery Claims	Battery Pay Paid
FY 2002	52	\$446,788.96
FY 2003	58	\$324,108.03
FY 2004	45	\$305,585.00*

Source: MTA Payroll, (As of 6/18/2004) and Muni Workers' Comp Section

Finding 2.6: AC Transit is the only transit agency other than MUNI to have a battery pay plan in the San Francisco Bay Area. AC Transit's program is limited to a maximum of three days. After the third day, a worker may be eligible for workers' compensation.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Pursuant to City Administrative Code Section 16.170, all City and County employees who are battered in the course of their employment are eligible to receive battery pay. As part of the City and County of San Francisco, Muni is required to adhere to the city's established policies and programs.

Public transit operation by its very nature requires a high degree of physical exposure to the public. For this reason, Muni experiences a higher degree of physical attacks than other CCSF departments. As mentioned in the previous section, Muni aggressively investigates all claims for battery to insure that there are as few abuses of the system as possible. Currently, four employees are receiving battery pay.

Reference: Administrative Code Section 16.170

Finding 2.7: Currently, the individuals who are responsible for verifying that light-duty personnel are present and performing their assigned duties are themselves, on light-duty; this monitoring process gives rise to a possible conflict of interest.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

A small percent of the employees in the Transitional Work program have their timesheets delivered to their work location by another person in the Transitional Work program. This has been done as a logistical solution to the reality that certain positions are geographically dispersed throughout the City. Once returned, the Program Coordinator for the Transitional Work Program carefully reviews the timesheets.

Employees on other transitional work jobs are assigned to individual locations throughout Muni. The requesting supervisor of these specific locations is responsible for and in fact does monitor employees assigned to them.

Finding 2.8: Some department managers of employees on light-duty have not supervised employees on light-duty assignments, and they do nothing about light-duty workers who are absent and not performing assigned tasks.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

Our time card records reflect that adjustments to timecards are routinely made for sick leave, vacation, medical appointments and time without pay.

When an employee is assigned to a Transitional Work job, they sign an agreement regarding their duties and responsibilities, which includes information on their Transitional Work hours, location, supervisor, work restrictions, job duties etc. This agreement is then signed by the requesting supervisor and returned to the Transitional Work Program Coordinator and made part of the permanent record.

Finding 2.9: MUNI management agrees that the current light-duty procedures can lead to various forms of abuse.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

Muni has appropriate controls in place to monitor and correct potential abuses of the light duty program. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Random spot checks are conducted by Worker's Compensation Staff. In the event that a potential abuse is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

Finding 2.10: Neither the Office of the Controller nor the Budget Analyst's Office has ever conducted any audits of MUNI's light-duty and battery pay plans and/or workers' compensation program.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Muni welcomes additional audits at any time.

Finding 2.11: MUNI employees who are on light-duty, battery pay, absent without leave, or on sick leave are, for payroll purposes, categorized as being assigned to the "Geary Division," (a paper designation that is relatively unknown inside or outside of the MUNI organization).

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

During the interview process, department representatives repeatedly explained to Grand Jury representatives that the Geary Division had been eliminated.

Muni currently uses an “In and Out” process, initiated in August 2003. This electronic database allows us to monitor the work status and location of all employees from the first day of hire to retirement.

Finding 2.12: The payroll cost of the “Geary Division” is unknown; this information, though specifically requested, could not be provided to the Grand Jury. It was stated that such information has never been compiled, and doing so could involve considerable time and effort.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

As stated in our response to Section 2.11, the Geary Division no longer exists. Additionally, the Grand Jury report assumes that all employees tracked in the Geary Division were due to workers’ compensation claims. This is not the case. The Geary Division consisted of operations personnel who missed more than 30 days from work. The list of reasons that a person would have been placed in the Geary Division included:

- Occupational Injury/Illness
- Non-occupational injury/illness
- Sick Leave with pay
- Sick Leave without pay
- Personal Leave
- Suspension

- ADA accommodation
- Labor related assignments (Union Chairman, Vice President, etc.)
- Transitional/Light duty
- Administrative reasons (license suspension, etc.)
- Retirement
- FMLA (Family Medical Leave Act)
- Educational Leave
- Maternity Leave
- Catastrophic Illness
- Compulsory Sick Leave

The information requested by the CGJ could not be provided because it doesn't exist. As explained to the CGJ, providing information about the former Geary Division payroll costs would have required significant time and effort by staff, as they would have had to reinvent a division that no longer exists.

Finding 2.13: Approximately 12% percent of all MUNI employees are under the “Geary Division” designation.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

The Geary Division does not exist. Also, Geary Division only represented absences incurred by operations personnel and did not account for non-operations personnel. Muni has an electronic database that tracks the status of all employees.

Currently less than 8% percent of all Muni employees are on leave due to the reasons listed in 2.12

Finding 2.14: AN employee who suffers a temporary and partial disability due to an industrial or non-industrial injury or illness can be placed on light-duty. The employee must get a written medical diagnosis stating that s/he is only able to work in a reduced capacity. It is management's position that some employees have been able to obtain a medical professional's release form, certifying that the employee can work only with restrictions, over the phone and without the employee ever being examined by a medical professional.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

A physician must diagnose all industrially injured employees in writing, before they are eligible for Workers' Compensation benefits or Transitional Work. The guidelines established by the State of California for Workers' Compensation requires physicians to personally examine the patient. Although there have always been rumors of this type of activity, Muni has never been able to prove that a physician provided disability verification without first examining the employee.

There are instances however, where subsequent to the initial office visit, an employee will contact the doctor by phone and ask to have their disability extended due to ongoing pain. Workers' Comp doctors routinely do this type of medical certification, but it is only subsequent to the initial physical evaluation.

Under the Workers' Compensation reform legislation enacted on April 19, 2004, physicians will have less discretion to make arbitrary decisions due to the establishment of guidelines for disability determinations.

Finding 2.15: The cost to MUNI of employees on light-duty or battery pay is greater than if these individuals were placed on workers' compensation. In the state of California, benefits under workers' compensation plans are generally designed to replace two-thirds of lost wages, up to the current maximum of \$728 per week.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

The cost of the Transitional Work program is approximately \$6 million annually. The cost of workers' compensation and battery pay benefits for the same period is approximately \$5 million

annually. Employees in the Transitional Work program are performing useful tasks in exchange for a paycheck. It should be noted that the majority of employees participating in the Transitional Work program would receive worker's compensation benefits if the Transitional Work program were eliminated

Earlier this year, management undertook a holistic review of the Transitional Work program and is examining both the direct cost of the program and other potential tangible benefits. This review is comparing the differences between the light duty program, worker's compensation, ADA and FMLA, the civil service system, requirements of the City's Administrative Code and various employee bargaining unit memorandums of understanding. When this review is complete, management expects to implement any recommended changes to these programs (as allowed by the law) Management also wishes to implement a program that protects the best interests of Muni and its employees.

Finding 2.16: The following table compares the battery pay plans of the following transit agencies in the San Francisco Bay Area.

	MUNI (Average of two years)	AC Transit (As of 3/26/04)	VT A No Such Plan	SamTrans No Such Plan
Approximate percentage of employees	3.3%	Less than half of 1%		
Number of employees	56	2		
Length of Program	365 days	3 days		
Approximate cost of program as stated by their respective Human Resources Department	\$ 1 to \$2 million	Not known		

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

We disagree about the information presented about Muni. The table indicates that the approximate costs of the battery pay program for San Francisco Muni is \$1 to \$2 million dollars annually. As indicated in Section 2.5 above, Muni has averaged \$357,795.00 per year in battery pay over the past 3 years.

Fifty-six battery claims only represents 1.2% of all employees.

We question the usefulness of comparing Muni's battery pay plan with two agencies that have no plan and one where the costs are unknown.

The number of employees who currently receive battery pay is four.

Finding 2.17: The table below compares workers' compensation costs of the major local transit agencies in the San Francisco Bay Area for fiscal year 2003.

	MUNI	SamTrans	VTA	AC Transit
Approximate Incurred Cost	\$20 million	\$1 million	\$4 million	\$9 million
Open Claims	2,167	115	1,269	1,070
Total Drivers	2,400	500	1,400	1,345
Total Employees	4,400	800	2,275	2,262

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Workers' Compensation benefits have been on the increase statewide for the past 5 years. Based on statistics provided by the Workers' Compensation Insurance Rating Bureau of California, medical costs over the past 5 years have increased an average of 17.2%, while indemnity costs have increased an average of 15% during the same period for employers.

By comparison, during the same time frame, Muni's costs have increased an average of 6.3% combined. This is a result of the strict oversight of Muni's Workers' Compensation programs.

For the past 3 fiscal years, Muni workers' compensation expenditures were \$19.4 million for FY02, \$20.7 million for FY03 and \$21.2 million for FY04. Costs increased from FY02 to FY03 by 6.5%, while costs increased only 2.7% from FY03 to FY04. It should be noted that the costs identified for the Worker's Compensation program include: benefit costs, medical costs, legal fees, and costs associated with a fraud reduction program.

Additionally, claims for Workers Compensation over the past four years are on a steep decline. The table below shows the number of new claims reported.

Fiscal Year	Number of New Claims	Difference (reduction)	Percent Change (reduction)
FY 2001	1,140	N/A	N/A
FY 2002	1,083	(57)	(5.0%)
FY 2003	960	(123)	(11%)
FY 2004	845	(115)	(12%)

Source: MTA Workers' Compensation Section

Lost days from work associated with Workers' Compensation claims over the past few fiscal years have seen a similar decline.

Fiscal Year	Number of Lost Days	Difference (reduction)	Percent Change (reduction)
FY 2001	96,102	N/A	N/A
FY 2002	89,857	(6,245)	(6%)
FY 2003	74,144	(15,713)	(17%)
FY2004	68,000	(6,144)	(8%)

It is Muni management's position that recent changes to the Workers' Compensation law will only improve these numbers.

Recommendation 2a: Determine and Control the Cost of Its Benefits Plans and Prevent Abuses

Management should determine and control the cost of its benefit plans and act to prevent abuses.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni is controlling the costs of benefit plans and is actively routing out and eliminating abuse. The Municipal Railway is part of the City and County of San Francisco and strictly adheres to its established policies and procedures.

The three benefit plans mentioned in the Grand Jury report: Battery Pay, Transitional Work and Workers' Compensation, each have specific components for preventing abuse.

All claims for battery pay are investigated by a full-time staff investigator who reviews the incident report and the video tape on-board the vehicle, interviews witnesses, takes a recorded statements from battery pay applicants, reviews all medical evidence and reviews the appropriate City and County laws prior to accepting or denying a claim. As mentioned in section 2.5, there are currently 4 employees who are receiving battery pay at this time

A Transitional Work Program Coordinator as well as supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Workers' Compensation staff conducts random spot checks. In the event that an abuse of the program is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

Benefit rates and increases for the Workers' Compensation program are set by the State of California. Muni's role is to monitor acceptance and denial of claims, ensure appropriate benefit distribution and insure contract compliance by our Third Party Administrator (TPA). All claims for Workers' Compensation are investigated to determine the validity of the claim. Once the validity has been established, the TPA is contractually required to review each claim every 14, 30, 60 and 90 days, depending on the type of benefit paid or the seriousness of the claim. Workers' Compensation staff reviews claims-related issues with the TPA on a daily basis.

Muni investigates allegations of fraud or abuse in cooperation with other city or regional agencies such as the San Francisco Police Department, BART, and the District Attorney. Muni also has a telephone "tip hotline" to encourage the reporting of any abuse.

Recommendation 2b: Base Pay for the Light-Duty Plan on Hours Actually Worked

Management should consider basing pay under the light-duty plan on hours actually worked.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni employees in the Transitional Work Program are paid based on hours worked. In 1996, pursuant to Proposition J, the Budget Analyst performed a full management audit of the Public Transportation Department. One of his recommendations was to "discontinue the practice of paying overtime to Special Duty Operators in MUNI Headquarters, for time not actually worked". A review of the Action Plan prepared by Muni in response to the Audit shows that a policy was established in September 1996, and continues today, that Operators in the Transitional Work Program would be paid on an hourly basis and that staff would monitor compliance with this policy on an ongoing basis.

(In 1996, the terms “Special Duty” and “Light Duty” were used interchangeably. Today, the program is called the Transitional Work Program.)

Recommendation 2c: Ensure Employees Are Eligible for Light-Duty and That They Actually Perform Assigned Tasks.

Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

A physician must diagnose all industrially injured employees in writing, before they are eligible for transitional work. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. In addition, Workers’ Compensation staff conducts random spot checks. Employees assigned to the Transitional Work program are performing their assigned tasks.

Recommendation 2d: Managers Should Be Responsible for Employees’ Performance of Light-Duty Assignments.

The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

Muni agrees with this recommendation and is confident that all transitional work employees are under supervisory control. A Transitional Work Program Coordinator as well as the supervisors

and superintendents to whom transitional work employees are assigned monitors the work performed. Worker's Compensation staff also performs random checks.

Recommendation 2e: The Controller and Budget Analyst Should Audit the Light-Duty and Battery Pay Plans and the Workers' Compensation Benefit Program.

The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.

Responses

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Not yet Implemented

The MTA welcomes audits by any agency.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

We continue to welcome audits by any agency.

Ed Harrington
Controller
Office of the Controller
July 29, 2005

The recommendation has not yet been implemented, but will be implemented in the City Services Auditor Division's audit plan for fiscal year 2005-06. The City Services Auditor Division will work with Muni to determine the priority for conducting audits of the light-duty and battery pay plans and workers' compensation benefit programs.

Recommendation 2f: Examine Plans to Ensure They Do Not Duplicate Benefits.

Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni has examined their plans and we are not aware of any compensatory plans that duplicate benefits to injured employees. Some employees may have obtained individual long-term or short-term disability policies that may be used to supplement Workers' Compensation benefits. Those plans are entirely outside of Muni's control.

Finding 3: The Municipal Railway Needs to Improve Its Training and Safety Programs

Finding 3.1: MUNI eliminated the position of statistician in 2003.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

This position was redundant and unnecessary. Muni personnel in the following classifications possess the skills, education, and professional experience in statistical analysis, hazard analysis, and accident investigation:

6130 Safety Analysts
6137 Industrial Hygienist
6138 Assistant Industrial Hygienist
9173 System Safety Inspector
6141 Manager of Health and Safety

Finding 3.2: MUNI has a problem with multiple accident entries or accident duplication in its current method of tracking accidents.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Agree.

While Muni did have a problem in the past, in April 2004, the Health and Safety Unit took over entry of accident/incident data into the TransitSafe computer system. Health and Safety personnel determined that misuse of the software was creating duplicate entries unintentionally. The problem no longer exists.

Finding 3.3: MUNI does not have a computer-based program to categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and to establish whether incidents/accidents were avoidable or unavoidable.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree

This is not true. In 2002, Muni installed TransitSafe, an oracle-based, relational database system, categorizes each accident by type, operator, line, division, and avoidability. The City Attorney's Office uses the system to enter claims data. Health and Safety reviews each and every accident report and records data concerning cause and categorization in the system.

Finding 3.4: In the MUNI program, bus drivers receive 6 weeks training. Sam Trans, VTA and AC Transit bus drivers receive 8 weeks training.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree

Muni's Training Program is a minimum of 8 weeks. The Training Program is consistent with other transit properties and exceeds most in Northern California. Our most recent operator training was completed in 42 business days, which equals 8 weeks of training. Additional training is also provided depending upon the division (mode) to which the operator is assigned.

Finding 3.5: MUNI employees claim that the current training is inadequate. An improved training program could lead to a reduction of incidents/accidents.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Partially Disagree

Muni's New Operator Training Program follows industry best practices as well as state and federal guidelines. The Training Managers and staff consistently review, and when appropriate, improve and update the training program. The Deputy General Manager of Transportation, and the Training and Safety Managers work jointly to develop approaches that will improve safety and reduce accidents on an ongoing basis.

Under Proposition E service standards, the training goal set for FY03 was to provide 50,000 hours of operator training. Muni provided a total of 82,099 training hours, including new operator training, accident retraining, refresher courses, passenger relations and conflict training.

In addition, Muni conducts accident retraining, annual Verification of Transit Training, and recertification programs for its operators. Muni operational and safety managers regard training as only one avenue to reduction of accidents. They improve safety through reengineering of unsafe conditions, changes in policy, and discipline of unsafe employees in addition to training.

Finding 3.6: MUNI employees claim that safety standards have been relaxed in order to meet operating schedules.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree

Muni has not relaxed its safety standards and has never trained operators to sacrifice safety to meet the schedules. Our goal/motto has always been “Safety First”.

The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Reference: Operator Bulletins

Recommendation 3a: Establish a Program to Record and Analyze All Incidents and Accidents

MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni has already done so.

Recommendation 3b: Evaluate the Effectiveness of Its Training Program.

MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

This is done on an ongoing basis. The Executive Director of the MTA reviews all accidents/incidents daily and meets weekly to review employee accident records and retraining steps taken.

General Responses

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
August 12, 2004

The following is a report on the 2003-2004 Civil Grand Jury Report regarding the Municipal Transportation Agency in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee held a hearing today on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency
August 23, 2004

On behalf of the Municipal Transportation Agency Board of Directors, I am responding to a Civil Grand Jury report released in June 2004. We fully concur with the response to the recommendations and findings as provided to you by the Executive Director of Transportation.

While the report appears to have taken a superficial look at three areas, we wish to focus on comments made by the Civil Grand Jury relative to management performance, in particular, the claim that the organization lacks leadership.

We take exception to the claim that a strong leadership presence is non-existent. The remarkable turn around of this Agency over the past five years is proof positive of the strong leadership provided by Mr. Burns and his leadership team.

Prior to Mr. Burns' arrival, Muni was in a serious condition, having experienced over a decade of systematic defunding, a demoralized staff and factions throughout the organization who were working contrary to the best interests of the organization. Since his arrival in 1999:

- Muni has had five consecutive years of balanced budgets.
- Muni has initiated major construction projects, such as the Third Street Light Rail Project and the Ocean Avenue Reconstruction Project.
- Muni has completed many projects on time and within budget, such as the Ocean Avenue Reconstruction project.
- There has been continuous improvement in service, from 48% on-time performance to 71.5% today.
- Muni has received public acknowledgement, on many occasions, for providing reliable service to major events. Most notably the opening of SBC Park and the World Series.
- Muni has passed every California Highway Patrol inspection and has had positive audits by the California Public Utilities Commission, Federal Transit Administration, and the Metropolitan Transportation Commission.

- Muni has a Mission, Vision, Values statement that reflects the deep commitment of its employees to provide a transit agency that is internationally recognized for excellence.

Mr. Burns has had to make many difficult decisions over the past few years but none so difficult as raising Muni fares for the first time in eleven years and in light of a continued economic downturn, the unpleasant task of laying off employees. Mr. Burns has earned national recognition and many accolades from the public sector and has received numerous national, regional and state awards including: The Metropolitan Transportation Commission Grand Award in 2002; California Transportation Foundation “Tranny” Award for Top Manager in 2003 and the Clean Air Champion Award from the Bay Area Air Quality Management District in 2002.

The report also alleges that Mr. Burns and his staff have no plans to achieve an 85% on-time performance delivery. Mr. Burns and the MTA Board have had numerous discussions regarding staff's efforts and strategic plans to attain the goal of 85% on-time performance. Those plans have been presented and discussed with the MTA Board of Directors at meetings, which are open to the public. We are disappointed that the Civil Grand Jury concluded that no plans exist when a quick review of our meeting minutes, readily available on Muni's website, provides evidence to the contrary.

The MTA Board of Directors and the City and County of San Francisco are proud to have an experienced, effective, and nationally recognized leader at the helm of the Municipal Transportation Agency. We find that this report is in no way an accurate reflection of the Agency nor its leadership.

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Attached are the responses to the June 2004 Civil Grand Jury Report as required by California Penal Code Sections 933 and 933.05. In addition to my responses to their recommendations and findings, I have also included the response of the Agency's governing body, the Municipal Transportation Agency Board of Directors.

While the MTA appreciates the effort by the volunteers serving on the Civil Grand Jury, we are dismayed with their apparent lack of in-depth research and review of the numerous documents that detail our plans and efforts to improve the service we provide to the public. We are concerned about the inaccuracies contained in the report and have attached additional reports for your information and review. Please note that most of this information is publicly and readily available on our website, www.sfmuni.com.

We take exception to conclusions about “management's lack of effective leadership-by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so”. Muni's on-time performance has improved from a low of 48% in 1999 to 71.5% as of March 31, 2004, representing a 23.5% increase. This achievement is the direct result of careful planning and hard work and is a clear indication of effective and proactive leadership.

Muni is an organization that is going through a difficult change process. The goal of this process is to bring our employees together to make Muni more responsive to our customers, provide better service and improve overall effectiveness. This has not been an easy process and has been

made more difficult due to significant budget deficits; layoffs and a 7.5% reduction in take home pay for many employees. As with any organization in the midst of change, we have encountered resistance from certain segments within the organization. Many of the statements made in the report are the same, almost verbatim, to those we have heard from individuals who are opposed to the changes.

Muni staff spent countless hours in interviews, preparing and providing information to the Civil Grand Jury. It is unfortunate that the Civil Grand Jury chose to disregard factual information and based their report on hearsay and opinion. We question how any professional review of Muni's operation could determine that the subjective and biased opinion of a handful of individuals interviewed could result in a broad-based finding that seems to indicate concurrence by all 4,300 employees of the Municipal Railway.

Muni employees work hard to provide quality transit service to our customers. While we face many challenges within the organization, we remain committed to continuing the pattern of improvement that has been established over the past several years.

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
June 29, 2005

The Board of Supervisors' City Services Committee held a hearing on August 12, 2004 on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

TERMS

AC Transit -Alameda-Contra Costa Transit District that serves most of the East Bay communities in Alameda and Contra Costa County.

Accident -Usually an unexpected undesirable event or collision resulting in damage to person(s) or property.

Battery pay -San Francisco Civil Service Commission Rule 20.15 and Administrative Code Section 16.170 provide that an employee injured as the result of a criminal act of violence while on duty is eligible to receive full pay for a period of up to twelve months.

Incident -An event which is considered a minor occurrence or disruption.

Light-duty -Also known as Transitional Work or Transitional Work Program. A work plan that allows employees injured on the job to work reduced hours and/or in assignments requiring reduced physical activity while still receiving full pay for a period of up to 180 days. An employee can be on light duty as often as every other year. AC Transit has a similar program (limited to three days); it is referred to as the modified work program.

Light-duty job assignments -Tasks that can be performed by light-duty workers include: “reduced hours driving, loader, receiver, passenger service clerk, service quality teams, training department clerk, central control clerk, yard starter, expediter, finance department assistant, auto attendant, station operations assistant, discount I.D clerk, Pac Bell (sic) park revenue collection and cable car turn-table assistant.”

MUNI CAC -Citizens' Advisory Council formed by Proposition E.

Municipal Railway (MUNI) -The San Francisco public transportation system.

Municipal Transportation Agency (MTA) -The governing body responsible for the management of Municipal Railway (MUNI) and the Department of Parking and Traffic (DPT).

Proposition E -Passed by San Francisco voters in 1999 to incorporate MUNI and DPT into the MTA [Proposition E, Section 8A.1 03(c)] and to establish the following service standards:

1. On-time performance: of at least 85% of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and
2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

In this report the above referred to as “on-time performance” and “service delivery”

Sam Trans -Part of the San Mateo Transit Authority that serves all of San Mateo County.

Statistician -A mathematician specializing in data analysis.

Third Party Administrator (TPA) -A person who processes claims and provides administrative services.

Valley Transit Authority (VTA) -VTA serves all of Santa Clara County.

Civil Grand Jury Recommendations and Department Reponses		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
1a	MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.	Implemented		
1b	The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.	Implemented		
1c	Management should determine where MUNI ranks, <i>vis-a-vis</i> other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.	Implemented		
1d	Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.	Implemented		
1e	Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.	Implemented		
2a	Management should determine and control the cost of its benefit plans and act to prevent abuses.	Implemented		
2b	Management should consider basing pay under the light-duty plan on hours actually worked.	Implemented		
2c	Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.	Implemented		
2d	The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.	Implemented		

Civil Grand Jury Recommendations and Department Responses		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
2e	The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.	Not Yet Implemented		Not Yet Implemented
2f	Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.	Implemented		
3a	MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.	Implemented		
3b	MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.	Implemented		

For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.

CHAPTER 3

THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME: THE CITY AND COUNTY OF SAN FRANCISCO AND THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT ARE FAILING TO ADDRESS THE EDUCATIONAL NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY

BACKGROUND

The 2003-04 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district (BVHP).⁸ The mission of the San Francisco Unified School District (SFUSD) is to provide each student with an equal opportunity to succeed by promoting intellectual growth, creativity, self-discipline, cultural and linguistic sensitivity, democratic responsibility, economic competence, and physical and mental health so that each student can achieve his or her maximum potential.

The Civil Grand Jury found that SFUSD and the City of San Francisco do not “provide each student with an equal opportunity” in Bayview Hunters Point, largely due to the lack of basic educational infrastructure in this community.

Historically, BVHP has been the largest African-American neighborhood in San Francisco; its children have been subjected to busing in order to achieve educational diversity in city schools. In 1954, the Supreme Court ruled unanimously, in *Brown vs. Board of Education*, that the doctrine of "separate but equal" education for blacks and whites was unconstitutional. The decision triggered much resistance in the South but marked the beginning of a civil rights movement that led to racial protections in public schools, accommodations, voting rights, housing, and employment.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Board of Education
San Francisco Redevelopment Agency
San Francisco Unified School District

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

⁸ The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

Finding 1: The San Francisco Unified School District and the City and County of San Francisco Do Not Provide Educational Resources and Opportunities for Bayview Hunters Point Students

Finding 1.1: At present there is only one high school, Thurgood Marshall, in BVHP, and it is designated as an open-enrollment school available to students from all city districts. Of the 1005 seats available in Thurgood Marshall, 335 students are from BVHP.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Agree that Thurgood Marshall is currently the only high school located in the BVHP area. However, beginning in fall 2004, Gloria R. Davis College Preparatory High School will begin operation as the Dream School Initiative's Secondary Collegiate Academic campus for grades 7-12. In 2004-2005, Gloria R. Davis will begin serving seventh and eighth graders, and will add a grade each year until it is serving grades seven through twelve.

The District's current student assignment system is mandated by the federal Consent Decree issued in the cases cited above. This assignment system permits each student to select any school(s) within the District as their school of choice. Each student is permitted to select several school options, in order of preference. Students are assigned to schools according to their choices, based on space available and the diversity added to the requested site. The Diversity Index is the measure used to calculate the diversity that each student adds to a particular site, and considers factors such as socioeconomic status, the student's academic achievement status, mother's educational background, the child's language status, the language spoken in the child's home, and the academic performance of the student's sending school.

In order to promote diversity and student choice, students who live in the BVHP area (or anywhere else in the city) may select any high school within the District, and are not limited to selecting Thurgood Marshall Academic High School.

The general education instructional capacity for Thurgood Marshall is 1050 seats, and 385 of these seats are occupied by students that reside within the 94124 zip code. The remaining students are from other neighborhoods within San Francisco. Based on the 2003 CBEDS count, there are a total of 1486 comprehensive high school students that reside in 94124. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

Finding 1.2: As of September 2003, 1523, or 79.8%, of high school students in this neighborhood travel to get an education; 34% travel more than 2 to 3 hours. This community is unique in that almost its entire high school population must leave the neighborhood to attend school, with the result that travel times compromise students' ability to participate in after-school activities, reduce time for sleep and homework, and limit parent involvement in their children's schools.

An April 2003 Harris Poll indicates that a great number of high school students already suffer from poor grades due to lack of sleep. Adding a long commute to a student's day only serves to exacerbate the problem. According to the Harris poll:

Most high school students get less than eight hours of sleep on school nights, and one-third get less than seven. Those who get enough sleep do better in school, and vice-versa. Students who get less sleep are not only much more likely to fall asleep or daydream in class and to have difficulty paying attention, they are also much more likely to get poor grades and to consider dropping out of school.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree that students “must” leave their neighborhood in order to attend school. As described above, the student assignment process mandated by Consent Decree permits students to select the school(s) that they would like to attend. Therefore, students from the BVHP area have the right to select and attend a school outside of their neighborhood. This student assignment process encourages student and family choice, and was designed to promote diversity within the District. Students from the BVHP area who wish to attend high school within the BVHP area have the option to do so.

District-wide, many SFUSD students choose to attend schools other than their attendance area school. For 2004-2005, only about 28% of SFUSD students listed their attendance area schools as their first choice. At the kindergarten level, only 22% of students listed their attendance area school as their first choice. Forty percent of kindergarten students instead chose another attendance area school as their first choice, and another 38% listed an alternative magnet school as their first choice.

A similar pattern exists at the middle and high school levels. Only 32% of sixth graders listed their attendance area school as their first choice, whereas 68% selected another school. Likewise, among ninth graders only 26% chose their attendance area school as their first choice. The exceptions to this overall pattern are Lincoln and Washington High Schools. These schools are very popular and draw about 70% and 45% of their respective enrollments from their attendance areas.

Seventy-eight percent of students from the 94124 zip code area received their first or second choice school through the student assignment process, and 84% received one of their choices. Based on the 2003 CBEDS count, 74% of comprehensive high school students that reside in the 94124 zip code area attend high school in a school located in a different zip code area. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

It is unclear how the grand jury concluded that 34% of students from 94124 travel more than 2-3 hours each day. In order to analyze this conclusion, the District obtained data from 511.org “Trip Planner” and assumed the following parameters: quickest route, excluding BART transfers, a maximum of a 1/8 mile walking distance, and destination arrival by 8 a.m. The two 94124 start points assumed were the Palou and Keith intersection and the 3rd Street and Innes intersection.

The travel times from Palou and Keith to each high school in SFUSD ranged from 18 minutes (to Thurgood Marshall) to 68 minutes (to Washington High School). The estimated travel times from 3rd Street and Innes and each high school in SFUSD ranged from 23 minutes (to Thurgood Marshall) to 65 minutes (to Raul Wallenberg High School).

The Harris poll quotation discusses a correlation between poor grades and lack of sleep. However, the quotation does not draw any connection between student commute times and poor grades or lack of sleep. Moreover, there are multiple factors other than lack of sleep that affect student grades. As noted above, students have the right to select and attend a school in another neighborhood under the District's student assignment process. Students who do not wish to attend high school in another neighborhood have the option to attend high school within BVHP.

Finding 1.3: 38% of high school students in BVHP drop out of school before senior year.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Clarity is needed to determine how the grand jury defined "high school students in BVHP," how they defined "before senior year," and the relevant subject time period.

The data used for the SFUSD End of Year Dropout Report, 8/15/03 to 6/9/04 was disaggregated by the 94124 zip code. Of the 1,710 students residing in this zip code at the time of this report, 333 students withdrew. Of the 333 withdrawn, 46 (2.3%) were identified as dropouts. A dropout is defined as a student who has withdrawn and has been classified in one of the following categories: (1) moved, district tried to find; (2) the student left for pregnancy, (3) runaway student; (4) transitional status; (5) confirmed dropout, (6) no show in September. The remaining withdrawn students do so through legitimate transfers to other schools outside our District. The District-wide high school dropout rate is 1.6%, 328 dropouts of 2,522 withdrawn with 18,404 total enrollment, and the county community dropout rate is 11.4%, 215 dropouts out of 538 withdrawn with 1,348 total enrollment. The formula used to calculate the dropout percent is dropout total divided by total enrollment plus total withdrawn.

If the "high school students in BVHP" is defined by the Grand Jury as being students enrolled at Thurgood Marshall High School, then their total dropouts for the 2003-2004 school year was 0.2%, 2 students out of 82 withdrawn with total enrolment of 973.

Finding 1.4: The Bayview Hunters Point region has the lowest ratio of school seats to student population of any San Francisco school district.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. This statement does not acknowledge that pursuant to the student assignment process mandated by Consent Decree, students in the BVHP region (as well as students in the rest of the city) have access to seats in any school within the District through the student assignment process. Students are not limited to the available school seats within their own neighborhood or "region."

Finding 1.5: Of the total 2004 K-12 population of BVHP, which amounts to 6116 students, 75%, or 4570 children, commute to school in another neighborhood. In no other District are so many K-8 grade children are required to travel as far for a quality education. The foregoing is based on May 2004 statistics provided by SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. SFUSD students are not required to attend school outside of their own neighborhood. Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the Consent Decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

SFUSD also provides transportation from other areas to schools in Bayview/Hunters Point to accommodate parental choice in student assignment. For example, during the 2003-2004 school year, the District provided transportation to Bayview/Hunters Point schools for students from 12 different areas of SFUSD, and it will continue to provide those transportation services in the 2004-2005 school year.

Finding 1.6: Within the boundaries of Bayview Hunters Point there are 4080 children in K-8, but only 1,124 attend schools in the district. In other words, 2956, or 72%, are bused to schools outside their neighborhood. The foregoing is based on May 2004 statistics provided by SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the consent decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

Finding 1.7: African-American students account for 14.7% of the SFUSD population, but they make up 38.9% of enrollment in the County Schools, the placement for SFUSD's most troubled and difficult students.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

The California Basic Educational Data System (CBEDS) 2003 report shows that on the CBEDS information day, October 1, 2003, African American students represented 14.5 % of the total District school site enrollment. Also, African American students represented 38.9 % of the total enrollment for the County Schools.

County community schools serve students that have not been successful in the traditional school setting, and provide an alternative nontraditional format that offers flexible scheduling, alternative programming, more individualized instruction, and more collaboration with outside agencies. Students are placed in county community schools through the SFUSD Dropout Prevention Office to address truancy issues; through the Student Placement Committee to address disciplinary issues; to allow students to pick up credits for high school; or to provide a more flexible schedule for working students.

Finding 1.8: Bayview Hunters Point high school students' average GPA of 1.84 is the lowest of any group in the SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Clarity is needed about the definition of “BVHP high school students,” the manner in which the GPA is calculated, the time period used, and the source of the information. The Fall semester 2003 Grade Point Average (GPA) with Physical Education (PE) and Spring semester 2004 GPA with PE for high school students who reside in the 94124 zip code is the same, 2.1GPA.

Finding 1.9: The 1988 National Education Longitudinal Study found that middle-income parents were four times more likely than low-income parents to belong to the PTA and twice as likely to contact their children's schools on academic matters.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

This is a description of a conclusion made in a study, and not a factual finding that can be confirmed or denied by SFUSD. The District does not have knowledge regarding the accuracy of this study.

Recommendation 1: Provide the Bayview Hunters Point District With Neighborhood Schools

SFUSD should provide the Bayview Hunters Point district with neighborhood schools commensurate to its population of eligible local students.

Response

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

This recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools.

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district’s goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: “The 10-year enrollment projections, in

conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan.”

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

However, in order to maximize the quality of the schools located within the BVHP area, SFUSD has initiated the Dream Schools Initiative, and has participated in the STAR Intervention Program and the Secondary School Redesign Initiative.

Dream Schools

The first three Dream Schools are all located in Bayview/Hunters Point. These schools will provide a pre-kindergarten to grade 12 continuum housed on three campuses: Charles Drew, Twenty-First Century, and Gloria R. Davis. The pre-kindergarten to third grade campus at Charles Drew will be focused on early learning and literacy. The fourth to sixth grade campus at Twenty-first Century will focus on academic development in the upper elementary and middle grades, and the seventh to 12th grade campus at Gloria R. Davis will be focused on academic attainment and college and career preparation.

These Dream Schools will be based in part on the Frederick Douglass Academy in Central Harlem, New York started by Dr. Lorraine Monroe. Each of the Dream Schools will incorporate seven core components:

- (1) Academic Achievement,
- (2) Varied Learning Opportunities,
- (3) Parent Empowerment and Support,
- (4) Alternate Learning Models,
- (5) College Connections,
- (6) Career Preparation, and
- (7) Safe and Friendly Learning Environments.

In particular, each of these Dream Schools will provide additional assistance and resources to students and parents to improve academic achievement and transform previously under-performing schools into models for other schools in the District. For example, these Dream Schools will use a longer school day, which will run approximately from 8 a.m. to 5 p.m., and will incorporate after-school tutoring and enrichment programs to help students who need mentoring in particular areas and to provide different kinds of learning experiences to students and families who might not otherwise have them.

A wide range of extracurricular activities – including several kinds of dance, drama, employment development, chorus, and sports – will be offered to students attending these Dream Schools at all grade levels. In addition, these Dream Schools will offer various personal development programs, including through partnerships with community organizations such as the Career Resource Development Center, Enterprise for High School Students, Job Corps, and others, to assist students with career and college planning. These Dream Schools will provide students experiential learning opportunities as well – such as internships, job shadowing, and other off-site programs.

Each of these Dream Schools also will provide additional resources and activities to encourage parental involvement and build parents' capacity to support student learning. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group

meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

Faculty members and other administrators at these Dream Schools will be held to the highest standards. For example, all faculty members will be required to participate in designated development activities, including the "Dream School Institute" and an intensive academic professional development training program. Each faculty member also will be expected to sponsor or supervise an after-school activity, communicate with parents extensively, including through at least two parent conferences per year, and participate in schoolwide and community activities.

STAR Intervention Program

The central goal of the STAR Intervention Program is to increase student achievement at currently underperforming schools. SFUSD provides three categories of targeted interventions – site personnel, District support, and additional resources – to improve student achievement. Each school in the STAR program receives additional site personnel, including an instructional reform facilitator, parent liaison, and volunteer tutors/mentors, to support instructional improvement. In addition, the STAR program provides additional resources to establish new parent centers at each school, transportation services to increase the accessibility of after-school programs, and extended learning packets for distribution to parents and families. Several BVHP schools have participated in the STAR Initiative, including schools such as Charles Drew Elementary, 21st Century Elementary, Hillcrest Elementary, Malcolm X Elementary, Gloria R. Davis Middle School, Martin Luther King Middle School, and Thurgood Marshall Academic High School.

Secondary School Resdesign Initiative

Finally, Gloria R. Davis has been selected to be part of the Secondary School Redesign Initiative next year, which utilizes funding from the Bill and Melinda Gates Foundation in order to provide small, personalized learning communities, rigorous academic curriculum, opportunities for applied learning, and access to qualified teachers.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District's original response, the recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools. The District continues to be subject to the Consent Decree.

The District continues to provide additional support and resources to the Bayview Hunters Point community through the provision of Dream Schools, the STAR Initiative and the Secondary

School Redesign Initiative, as described in the original response. Despite severe budget limitations, the District has offered summer school for all elementary students in BVHP Dream Schools, while elementary schools in the rest of the city only had the option to provide summer school for the 5th grade.

Finding 2: The Bayview Hunters Point Has the Lowest Ratio of School Seats to Student Population of Any San Francisco School District

The Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district and found that BVHP has lowest ratio of school seats to student population of any San Francisco school district. Additionally, the need for schools in this region is increasing, especially with the upcoming housing development being planned for an area that was the Hunters Point Shipyard.

Finding 2.1: The Development of Parcel A of Hunters Point Shipyard should commence in the Fall of 2004. The developer, Lennar/BVHP, plans to build 1600 housing units.

Responses to Finding

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
August 25, 2004

Agency Update and Clarifications to Findings 2.1 and 2.2

Hunters Point Shipyard (“Shipyard”) is currently owned by the federal government. The bulk of the Shipyard remains on the National Priorities List and is undergoing environmental remediation by the Navy. Delays in the Navy’s cleanup and transfer process have caused the Agency and Lennar/BVHP, the Shipyard’s primary developer, to revise the redevelopment project schedule several times over the past years. The Navy and the Agency recently entered into an agreement that establishes the mechanism for the Navy to offer remediated parcels of the Shipyard (which has been divided into six parcels designated A through F) to the Agency. Because it is anticipated that the Navy will tender an offer for Parcel A of the Shipyard to the Agency sometime in October or November 2004, the development schedule will likely be amended to show commencement of infrastructure construction in early 2005, land sales to developers beginning in the fall of 2006, construction of residential units and other structures beginning in mid-2007 and occupancy of housing units in 2008.

One additional clarification to the findings in the Report relates to the number of residential units projected to be constructed on Parcel A. While the first phase of development at the Shipyard is projected to contain approximately 1,600 residential units, development of these units is configured to cover portions of both Parcel A and Parcel B. It is not anticipated that Parcel B will be offered to the Agency until sometime in 2007, at the earliest, with actual occupancy of those units some years after that. The total number of residential units planned for Parcel A is projected to be 1,238. The remaining 362 residential units are planned for Parcel B.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

SFUSD does not have direct knowledge about the start date or scope of the work described above. However, it is SFUSD's understanding that this project has been delayed and therefore construction will not commence in Fall 2004. Additionally, it is SFUSD's understanding that there will be 1,238 residential units in Parcel A, and not 1,600.

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
June 22, 2005

On December 4, 2004, the Navy transferred Parcel A, an approximately 75 acre parcel of land at the Hunters Point Shipyard (the "Shipyard"), to the Agency. Subsequently, on April 5, 2005, the Agency transferred approximately 38 acres of that land to Lennar/BVHP ("Lennar"), the Shipyard's primary developer, for the development of approximately 1,238 residential units. According to the current development schedule, commencement of infrastructure construction is slated for late 2005, land sales to developers in spring 2006, construction of residential units and other structures in mid-2007 and occupancy of housing units in 2008. The approximately 37 acres of land retained by the Agency will consist of existing streets, infrastructure and industrial buildings and future open space. We are also engaged in a community planning process for the development of 6 acres of community facilities during this first phase.

Finding 2.2: Housing units are scheduled to open in 2006. These additional units will house families with children. The CGJ could not find that SFUSD and the Redevelopment Agency currently has plans to address an increased demand for schools in this district.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

SFUSD does not have direct knowledge about the opening date for the housing units described above. However, it is SFUSD's understanding that the housing units will not be open in 2006.

Finding 2.3: According to the 2002 report, "Demographic Analyses and Enrollment Forecasts for SFUSD," an additional 1,037 students will come to reside in BVHP between 2006-2010, yet no recommendation for additional local schools has been made, and it appears that these additional children will also be bused to existing out-of- area facilities.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

Recommendation 2: Build Additional Schools in the Bayview Hunters Point District.

SFUSD and the Redevelopment Agency should forge a plan to build additional schools in the Bayview Hunters Point region in order to address projected needs arising from development of new housing.

Responses

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
August 25, 2004

The Agency acknowledges that a key point being made in Recommendation 2 of the Report is the need for the Agency to work more closely with the SFUSD as the implementation of the Hunters Point Shipyard Redevelopment Plan moves closer to realization. The Agency, however, does not believe additional schools will be required as a result of housing to be developed on Parcel A and Parcel B of the Shipyard.

The Agency has recently commissioned a fiscal and economic impact analysis with San Francisco-based Seifel Consulting Inc. ("SCI") for Phase I of the Shipyard. The report is currently in draft form and is being reviewed by Agency staff. The study includes an analysis of the SFUSD's June 2003 Facilities Master Plan. The SFUSD projections assume that new housing will be built at Hunters Point Shipyard, including 360 affordable housing units. As the proposed number of affordable housing units is different than projected in 2002 by SFUSD, SCI consulted with SFUSD regarding how to project student enrollment from the Shipyard based on the latest Phase I development projections.

At the direction of Myong Leigh, Chief of Policy and Planning for SFUSD, SCI utilized the same methodology described in the 2002 SFUSD demographic forecast to project SFUSD student enrollment from Phase I. Based on this methodology, the SFUSD student generation is projected to be greater from the affordable, non-age restricted, housing units than the market rate housing units. Approximately 288 students are projected to be generated by the 411 affordable housing units that are not restricted to occupancy by age, based on the SFUSD forecast of 0.7 students per

affordable housing unit. No SFUSD students are projected from the 102 age-restricted, senior affordable housing units.

SFUSD does not make a separate effort to estimate the student generation from market rate housing, since a regular level of enrollment growth from new housing is already included in the historical student grade progression. To account for the total impact from Phase I, the student yield from market rate housing units is projected based on the citywide student yield rate of 0.19 students per housing unit according to SFUSD forecasts. Thus, approximately 206 SFUSD students are projected from the 1087 market rate units. At the build-out of Phase I, 494 SFUSD students are projected from Phase I, or an average yield of 0.31 students per housing unit. The Agency relies on SFUSD's experience and expertise in assessing the capacity of its facilities and notes that the draft SCI report also states:

San Francisco public school enrollment has been steady over the past two decades, but declines in the elementary level have been observed during the past few years and are anticipated to continue as the number of births continues to drop in the city. By 2011, total public school enrollment is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900. Thus, the anticipated 494 students from Phase I development at the Shipyard will not trigger a need for new school facilities.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." SFUSD will cooperate with the Redevelopment Agency in order to remain informed about its plans for development and its impact on District schools.

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
June 22, 2005

In 2004, the Agency hired Seifel Consulting Inc. ("SCI") to conduct a fiscal and economic impact analysis for Phase I of the Shipyard. Included in the study is an analysis of the SFUSD's June 2003 Facilities Master Plan. Additionally, SCI consulted with SFUSD regarding how to project student enrollment for the Phase I development at the Shipyard. Based upon SCI's analysis, approximately 494 SFUSD students are projected from Phase I. Additionally, by the year 2011, total public school enrollment in the SFUSD is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900.

Based on the aforementioned facts and data, SFUSD has not determined that additional schools will be required as a result of housing to be developed during Phase I of the Shipyard. If in the future, SFUSD determines that additional schools are necessary in the Bayview Hunters Point region as a result of future development at the Shipyard, the Agency will cooperate with the school district to address the need for additional educational facilities.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District's original response, the Master Facilities Plan did not identify a short-term need to develop new schools. Moreover, the Redevelopment Agency's economic impact analysis similarly did not project a short term need for new schools based on the development of the Hunters Point Shipyard. Finally, the Consent Decree includes a plan for Bayview Hunters Point, and therefore the issue of opening new schools would have to be vetted with the parties to the lawsuit and be approved by the federal Court.

However, the District will cooperate with the Redevelopment Agency in order to remain informed about its mid and long term plans for development and the impact on District schools, and will continually re-evaluate the need for new schools based on changing circumstances in the District.

Finding 3: The School District's New Educational Program for Bayview Hunters Point May Not Include the Most Challenged Students

SFUSD has implemented a new educational program, Dream Schools, modeled after the successful Harlem, New York, plan. The District will implement this program in three poorly performing schools in BVHP-the first school to open in Fall 2004. These new schools have hand-picked, motivated teachers and principals; and students who attend them must have signed parental-support contracts, guaranteeing parental involvement. Many children in BVHP do not have traditional parental support.

Finding 3.1: The 2003- 2004 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district. Over the course of eight months, the CGJ visited over 20 SFUSD schools and facilities, interviewing SFUSD staff as well as teachers and students from BVHP.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The District does not have knowledge about the scope of activities of the Civil Grand Jury.

Finding 3.2: In January 2004, SFUSD announced a new program to improve academic achievement in three poorly performing BVHP schools; the new program, named Dream Schools, is described on the SFUSD website as (emphasis added):

Three Bayview-Hunter's Point schools--Dr. Charles R. Drew, Gloria R. Davis and Twenty-First Century Academy--will mark the first of several sites for cutting-edge learning meant to boost students' academic potential.

Dubbed "Dream Schools," the rigorous, pre-school to college program is meant to accelerate the academic growth of students with high expectations, individualized academic plans, staff development and meaningful parental and community involvement.

The high-achieving schools are built around comprehensive instruction tied to standards and safe, structured learning environments, uniforms and nightly homework. The schools are modeled on the successful Frederick Douglass Academy created by Dr. Lorraine Monroe and featured on CBS's *60 Minutes*. Monroe took a Harlem, N. Y. school infamous for violence, low achievement and poor attendance and turned it into a scholastic powerhouse.

The San Francisco Dream Schools are rooted in the district's strategic plan, "Excellence for All," which is focused on creating excellent and equitable opportunities for all students throughout the city. The first three schools are expected to open in August 2004.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Agree that the SFUSD website provides this description of Dream Schools. However, the Dream School Initiative is only partially modeled on the Frederick Douglas Academy created by Dr. Lorraine Monroe.

Finding 3.3: The CGJ found that in BVHP's existing elementary and middle schools, as many as 80% of the children qualified for free or reduced-cost lunch programs. For example 86.8% at Gloria R. Davis qualify, but staff has identified that as many as 20-30% of their eligible students (equally true for other BVHP schools) do not return appropriate documentation and, therefore, are denied free or reduced-cost lunches, lack of parental support being cited in most cases. These students also are most likely to be low-performing students.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. The District also does not agree with the generalization that students who do not return the free and reduced lunch documentation are the lowest performing students.

Finding 3.4: Children in these target Dream Schools have to have a "signed parental participation contract" in order to attend the converted Dream Schools next fall.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. Children are not required to have a signed parental participation contract as a prerequisite to enroll in a Dream School. However, parent or guardian participation is a required component of the Dream Schools model, because it encourages and supports student academic success. The parent participation contract is a tool that will be used to educate parents about their responsibilities to support their child's success, and to encourage their participation in their child's education.⁹ On August 21, 2004, SFUSD held parent orientation meetings at the three Dream Schools, each of which had a standing room only crowd of parents in attendance. The orientation meetings included signing ceremonies where parents signed and returned their parent participation contract. SFUSD will continue to conduct outreach to any parents that did not attend and take part in this ceremony. Students will not be excluded from enrollment or attendance due to their parent's failure to sign the contract.

The Dream Schools Initiative provides parents with support that will build their capacity to participate in their child's education. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

Finding 3.5: CGJ interviews with staff in these schools produced information that the same 20-30% of the children who's parents aren't signing up for free/reduced cost lunches are also not doing the paperwork necessary to enroll their children in the new Dream Schools. These are the children who will be left behind-the ones who most need a Dream School.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

⁹ The types of participation listed on the contract include: attending parent meetings; providing a quiet study place; reducing the number of hours the child watches television; checking the child's homework; sending their child to the Dream School's after-school program daily; and assisting their child's efforts to attend college by filing the necessary college forms in a timely fashion, paying application fees or applying for waivers, and checking over college applications.

Finding 3.6: According to staff interviews, this 20-30% of BVHP students often come from the most troubled and dysfunctional families. A number of parents are incarcerated or are drug users. These children do not have the family support structure that allows for "a signed parental participation contract". Hence, most of these children will not be attending the newly converted Dream School but will, in fact, be assigned or reassigned to other unenriched schools. The CGJ could find no specific plan for relocation of these children.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

The District disagrees with the statement that the 20-30% of BVHP students who allegedly do not return paperwork come from troubled and dysfunctional families, have parents that are incarcerated or drug users, and do not have a family support structure. These assumptions are purportedly based on "staff interviews," and could be interpreted to be stereotypical generalizations about an entire neighborhood. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

Finding 3.7: While the CGJ finds that Dream Schools offer a marked improvement over existing programs in present BVHP schools, the CGJ has great concern about the estimated 20-30% of children that will not be able to attend even their current schools. The CGJ realizes that it is most likely that test scores for these schools will greatly improve, but accomplishing improvement by replacing lower performing students only improves the SFUSD's overall test scores and fails to address the needs of children most in want.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

Finding 3.8: Staff interviews in BVHP schools found that there is little outreach, via mail, telephone or home visits, to insure that students' caretakers understand Dream Schools and can make enlightened decisions as to whether or not to enroll their children. Being transferred out of their schools due to a lack of custodial response is hardly fair to the children.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. In order to inform parents, guardians and community members about the Dream School Initiative, SFUSD did the following outreach:

- The Educational Placement Center mailed home letters to students who attended the schools that would be converted into Dream Schools. These letters described the Dream School Initiative, and permitted parents to opt out of assignment to a Dream School. If the District did not receive any response to the letter, the student was assigned to the Dream School;
- Teachers in the schools that would be converted into Dream Schools wrote and called the students in their classrooms to discuss Dream Schools;
- Parent liaisons went out on home visits to inform parents and guardians about the Dream Schools;
- Each reorganized school held an assembly that provided information about Dream Schools;
- Between January 2004 and May 2004, SFUSD held 10 parent and community meetings and fairs in BVHP schools and locations (such as Bayview Opera House) to publicize the Dream School Initiative, with an estimated attendance of 400 people;
- SFUSD held parent orientation meetings on August 21, 2004;
- SFUSD created an Advisory Board with BVHP community members to discuss the Dream Schools Initiative. Between 12/03 and 7/04, SFUSD held 9 Community Advisory meetings with a total attendance of 70 people.
- Between December 2003 & June 2004, 8-12 letters and flyers were mailed to parents and the community regarding Dream School meetings & events.
- In February and March 2004, over 100 parents & community members attended biweekly SFUSD board meetings to publicly speak in favor of the Dream Schools initiative.

As noted above, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

Finding 3.9: The CGJ holds the opinion that repurposing an existing BVHP school into a Dream School has little effect on the lack of educational resources in the BVHP region. The Dream Schools plan does not change the fact that Bayview Hunters Point will continue to have the lowest ratio of school seats to student population of any San Francisco school district.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. The Dream Schools Initiative will bring a wealth of new resources to improve the quality of education provided in BVHP, as described on pages 6-7 above. Moreover, this statement does not acknowledge that pursuant to the SFUSD Consent Decree, students in the BVHP region (as well as students in the rest of the city) have access to seats in any school within

the District through the student assignment process. Students are not limited to the available school seats within their own neighborhood or “region.” Therefore, the number of “seats” available in BVHP is not relevant in determining the quality of education that is accessible to students in BVHP.

Recommendation 3: Undertake Greater Outreach to Ensure Eligible Students Are Enrolled in Dream Schools.

SFUSD should undertake greater outreach in order to insure that eligible students get enrolled in Dream Schools and that students not eligible are given every opportunity to attend their current school next year with equal or improved resources.

Responses

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

This recommendation has already been implemented, as described in Section 3.8, above. Over 280 new students have been assigned to the Dream Schools, and there is a wait list for the entering kindergarten class. The District will continue its efforts to inform families and students about the Dream Schools Initiative.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District’s original response, the District took detailed and thorough action to ensure that students were aware of their opportunities and choices within the District, including the opportunity to attend a Dream School. Students who were attending a school that was converted to a Dream School were assigned to remain at that site unless they affirmatively chose to transfer to another school. There were no eligibility requirements to enroll in a Dream School.

Finding 4: Many Students in the Bayview Hunters Point Schools Do Not Receive Available Free or Low-Cost Lunches

BVHP schools have the highest percentage of children who qualify for free or reduced-fee lunch programs. A large portion of these children-- SFUSD staff estimate up to 30%--do not return the required paperwork, and there is very little outreach to assist them and their families.

[The Civil Grand Jury Report did not list a finding numbered 4.1]

Finding 4.2: In BVHP's existing elementary and middle schools, as many as 80% of the children qualify for free or reduced-cost lunch programs. For example, 86.8% at Gloria R. Davis qualify, but staff has identified that as many as 20-30% of the eligible students do not return appropriate documentation and, therefore, are denied free or reduced-cost lunches. In most cases, lack of parental support is cited as the root of the problem. These students also are most likely to be low- performing students.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. The District is unable to agree or disagree with the statement that 20-30% of eligible students do not return appropriate documentation. The report provides no basis for this conclusion that is drawn by an unidentified staff person. The District also does not agree with the generalization that students who do not return the free and reduced lunch documentation are the lowest performing students. The grand jury report provides no basis for this conclusion.

Finding 4.3: Staff interviews gave the impression that there is little outreach, via mail, telephone or home visits, to insure that students' caretakers or guardians are returning the very simple forms requesting free or reduced lunches.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. SFUSD has undertaken the following steps to encourage parents to return free and reduced price forms:

- SFUSD established a Meal Application Sub-Committee in June that includes the Department of Public Health, SFUSD Student Nutrition, and parent organizations to advocate for the meal application process.
- The Educational Placement Center now hands out these forms when parents come in to enroll their children in the District.
- Parents for Public Schools are partnering with the District to hold fairs and talk to parents about the importance of filling out the forms.
- The Housing Authority is partnering with the District to encourage residents to fill out the forms.
- SFUSD Student Nutrition has presented information about the importance of filling out the meals forms in schools, parent groups, and for all administrators at the Superintendent's Institute.
- Development of a parent letter and FAQ (frequently asked questions) that has been translated into three languages.
- Beginning in November 2004, Student Nutrition will send each school a monthly "no meal application on file" report so that Student Nutrition may conduct a second wave of outreach for these families.
- The Meal Application Sub-Committee has targeted 10 schools for focused outreach to increase the school meal application return rate.

- SFUSD Student Nutrition teamed up with SF Health Plan District Medical Revenue Unit and Bringing Up Healthy Kids Organization to conduct outreach to families regarding health coverage, and have included meal applications with the health coverage forms.
- All students were provided with postage paid envelopes to allow families to return forms directly to Student Nutrition if they were concerned about protecting their privacy.
- Meal forms and the SFUSD nutrition policy are now accessible by website (www.sfusd_foods.tripod.com).

Moreover, SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student.

Recommendation 4: Undertake Greater Outreach to Ensure Eligible Students Receive Free or Low-Cost Lunches.

SFUSD should undertake greater outreach in order to insure that students who are eligible for free or low-cost lunches are receiving them.

Responses

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

This recommendation has already been implemented, as described in Section 4.3, above.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District's original response, the District took detailed and thorough action to ensure that parents and guardians filled out free and reduced lunch applications. Additionally, the District explained that SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. In the fall, the free and reduced cost lunch program application will be included in the August welcome packet sent home to all students. The forms in this packet all must be filled out and returned at the beginning of the school year, and are stapled together to ensure that parents understand that all of the enclosed forms must be filled out and returned.