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MEMO

To: Heidi Marston, Executive Director
From: Victor Hinderliter, Interim Director of Access and Engagement
Date: July 13, 2020
CC: Karla Chalif, Nathaniel VerGow, Keshia Douglas, Elizabeth Heger
Re: Request to Terminate – Kristy Lovich

This Memo recommends that probationary employee Kristy Lovich not be selected to continue employment with LAHSA on the basis that she has not performed satisfactorily during her probationary period. Specifically, Ms. Lovich, a Homeless Engagement Team supervisor, failed to demonstrate satisfactory supervision of and communication with her HET members, failed to coordinate services with outside agencies, such as LASAN, failed to follow the directions of her direct supervisor by sending an agency-wide e-mail that violated LAHSA policies and resulted in disruption of LAHSA operations, and failed to comply with LAHSA policies by sending public electronic communications critical of LAHSA's operations and delivery of services.

Section 3.5 of the Employee Handbook (October 2019), entitled "Initial Employment Period/Probationary Period" provides for the discharge and continued employment of probationary employees. Pursuant to Section 3.5, a probationary employee may be discharged at any time during this period if his/her supervisor concludes that he/she is not progressing or performing satisfactorily. Further, at the end of the probationary period and provided that the employee's job performance is satisfactory, the employee may be, but is not required to be, selected to continue in LAHSA employment as an at-will employee. As noted above and as further described herein, Ms. Lovich did not perform satisfactorily during her probationary period and therefore should not be selected to continue employment with LAHSA and be discharged immediately.

Ms. Lovich was hired on July 15, 2019. Within her first month of employment, Ms. Lovich self-identified challenges in effectively communicating with her direct staff. To help her address these challenges, she sought and received support from her direct Manager, her Associate Director, the Associate Director of Training and Operations, and the Manager of Human Resources. On August 12, Ms. Lovich implemented an expectation that her staff communicate all non-urgent communication via email, and subsequently discouraged texts and unscheduled conversations. On September 6, she provided a script for her staff to redirect verbal requests from other service providers/agencies to her email address.

At the time, this was not a major concern. Unfortunately, over the following months there were situations when miscommunications continued among her team, as she attempted to shift the culture from communicating regularly in person or via text, to dense and comprehensive email instructions sent to her entire team. One example was an important CARE training that one of her

HET members missed on September 18 because the HET member did not understand the instructions she received from Ms. Lovich.

In October 2019, a journalist requested to speak with one of Ms. Lovich's HET Members. After reviewing the request, Ms. Lovich requested that LAHSA prevent her HET Member from speaking with the media, stating "as of tomorrow morning he will be on notice about his quality of engagement and relationships with partner providers and how he represents our work in the department. An invitation to speak with or interface with media would potentially undermine the counsel I plan to provide about this and effectually be perceived as a reward at a time that he needs to make serious improvements in his work." Through this response, Ms. Lovich demonstrated that she understood LAHSA's policy regarding communications with the media and who is authorized to speak with media while representing the agency.

In November 2019, the Operations Manager began to report challenges with Ms. Lovich's adherence to established policies, documentation and deadlines. On November 6, the Operations Unit sent a message that Ms. Lovich was late submitting her vehicle and supplies logs. On November 25, the Operations Manager informed Ms. Lovich's Manager that she had not picked up her allotment of water for her teams that month, and the water would be returned if she failed to retrieve it by the following day. On December 5, Ms. Lovich stated that her struggles to meet deadlines resulted from her using a shared cubicle space, and asked for dedicated desk space until she moved into her Hollywood co-location. This request was accommodated, and she was provided dedicated office space. Unfortunately, her vehicle and supplies logs were submitted late again in December.

LAHSA's Fleet Manager also reported several concerns with Ms. Lovich's adherence to protocols and deadlines. In late December, one of Ms. Lovich's teams collided with a pole in a parking lot. This was not reported by Ms. Lovich for several weeks, and when she notified the Fleet Manager of the accident on January 9, she did not follow the established incident report protocols. The reporting protocols were shared with her, and the correct paperwork was completed and submitted on January 14. On January 9, another team was involved in a collision with a stationary object, who reported the collision to Ms. Lovich on January 14. Ms. Lovich did not inform anyone of this collision until February 7, when she submitted an Incident Report and stated that she had declined to report this collision because she did not want to lose the vehicle while it went in for repairs. On February 3, another team was in a vehicle collision, which was reported to HR for Workers Comp purposes. On February 6, HR notified the Fleet Manager of the accident, who then reached out to Kristy for the Incident Report. Kristy responded that she did not complete the Incident Report because her primary concern was making sure staff were able to see a doctor. Ms. Lovich submitted the Incident Report on February 7.

Soon after the October 2019 launch of the closely monitored CARE/CARE+ program, miscommunications occurred between Ms. Lovich and her counterparts at the Bureau of Sanitation, resulting in misunderstandings and tension between her staff and the LASAN employees. She repeatedly asked questions that were reviewed during the initial training and seemed to get into regular disagreements with the Senior Environmental Compliance Inspector supporting her areas, which other CARE supervisors did not experience.

Ms. Lovich also reported various general concerns with LAHSA's participation in CARE operations. She worked closely with her direct Manager Lindsay Saunders, UHRC Manager Enrique Martinez, Associate Director, and other LAHSA leadership to adjust protocols and address concerns. Through these conversations, Ms. Lovich received clear guidance on areas where adjustments could be

made, and contractual expectations that LAHSA had to meet. She often disagreed with LAHSA's position and in some conversations she cited advocacy work of community groups critical of the CARE program. She sent an email to the Department Director on December 18, 2019, with the subject line "Will LAHSA still participate in CARE when/if it becomes an enforcement arm for the White House?" She sent an email to the Interim Executive Director stating, in part, *"LAHSA may not be making the laws that criminalize unhoused people but our silent participation as members of enforcement teams co-signs on their existence... I need LAHSA leadership to concretely address the discrepancies between our Guiding Principles and Practices for Local Responses to Unsheltered Homelessness and the policies of the CARE/CARE+ program; explain to our teams how you understand our involvement to fit into our long-term strategic vision for ending homelessness in Los Angeles. And if you find that you are unable to reconcile those discrepancies, kindly explain the next steps for pulling LAHSA's support from the CARE/CARE+ program."*

In February 2020, given the conflicts Ms. Lovich had experienced with LASAN counterparts, miscommunications with her team resulting in occasional disruptions to CARE activities, and a growing concern that Ms. Lovich could be sharing information about City operations inappropriately, I transitioned her off of all CARE assignments that involved direct collaboration with City counterparts. Ms. Lovich seemed to understand the concerns that led to this transition of work and the expectations moving forward.

In March 2020, with the commencement of the COVID-19 pandemic, Ms. Lovich began telecommuting. With her interim Manager also telecommuting, gaps began to appear in the direct support her team needed, including assistance obtaining outreach supplies, Personal Protective Equipment, and general guidance as our outreach priorities shifted towards our COVID-19 response. We received written concerns from her HET members that they had not received facemasks that had been distributed to all supervisors. In April 2020, one of her teams was the first to have confirmed exposure to a positive COVID-19 case. As we launched our Life Safety Teams, there were miscommunications with her assigned team. When LAHSA is providing required training to HET Members, it is the Supervisor's responsibility to ensure that staff attend the training.

In May 2020, Councilmember Ryu's Chief of Staff contacted me to express concern with the level of storage and supplies we were leaving in shared office space in the co-location they provide to two of Ms. Lovich's teams. They also raised concern that HET members were not wearing masks or practicing social distancing. It took several weeks to clean this cubicle space and resolve the concern, including the interim Manager going to the location personally to remove items the teams were inappropriately storing. It is the Supervisor's responsibility to ensure that HET Members are good stewards of our co-location spaces and abiding by our terms of the co-location MOU.

On Friday, June 5, 2020, Ms. Lovich sent an e-mail to the entire agency, contrary to the direct guidance of her interim Director. The email was sent during work hours from her LAHSA e-mail account and she identified herself as a LAHSA supervisor. She states in the e-mail that the primary nature of the communication was advocating that LAHSA "immediately dissolve its partnership with all law enforcement agencies and redirect the funding...as a principled demonstration of its commitment to racial justice." In the email, she described an interaction she had with a person experiencing homelessness, and concluded that *"had an outreach team accompanied by police met her first it is not only possible but highly likely that she would have ended up further traumatized, ensnared in the grasp of incarceration or worse — shared a fate with Mr. George Floyd. Instead of creating these horrifying outcomes we were able to connect and mutually affirm*

that her life is indeed viable, that her life absolutely matters. I would not have been able to make this kind of connection with police officers at my side."

She ends the e-mail with a link to a public petition she created on change.org, asking all recipients to endorse her demands. The petition is a direct copy of her email, and in it she publicly identifies herself as a LAHSA employee writing the petition "from inside the agency." As of July 15, 2020, it has over 9,000 signatures. This is a clear violation of LAHSA's Engaging in Political Activities Policy. It is also a violation of Section 3.6 Political Activity of the Employee Handbook (October 2019).

One reason Ms. Lovich was told not to send the email is the harm it inevitably caused to the LAHSA employees who are funded through those contracts and have established strong relationships with their partners in law enforcement. Within hours of receiving the e-mail, the Manager over the HOST teams who work with Los Angeles Sheriff's Department reported "my whole team was crying" and urged me to reach out to the LASD Lieutenant who oversaw the HOST Deputies. He expressed that he was very upset with the public petition to end LAHSA's relationship with his team and was unsure before my call if this represented the official position of LAHSA's newly appointed Executive Director.

The HOST and HOST Regional HET Supervisors reached out stating it "hurt a lot to read the email, there's a lot of layers to it that made me upset because I care about LAHSA, upset cus [sic] I care about our valuable great law enforcement that desires to learn and be better, and especially angry for the black lives that continue to be overlooked...I want you to hear from me and I know you heard this from me before we have an OPPORTUNITY to change the narrative working with our law enforcement partners. If we simply walk away from it completely is my main concern. We have to have the stance that we stand with BLM and this is what we are gonna [sic] do to help influence and change police reforms. This can start with our existing teams...I know my team members have a lot they would like to share with you because they see our partnership from a different lens."

The LAHSA HOPE Supervisors who work with HOPE LAPD teams also shared how this impacted them. *"Hi Victor, my team is really disheartened by Kristy's email and are now also stressed about the livelihood of their jobs. They are requesting a meeting ASAP. I've been at LAHSA for almost 10 years now and have been involved with projects involving the partnership with law enforcement my entire career here. I have seen positive change and collaboration of our entities and I have been proud to be a part of the systematic process of changing how law enforcement views and interacts with the unsheltered population. I truly am heartbroken by this petition, I put my heart and soul into my career and my teams and now I feel completely burnt out and defeated. Staff and supervisors will always have disagreements and raise questions, but that's what helps us grow and work together on solutions. She did not give you or any of the supervisors who work on projects with law enforcement the opportunity to even hold a discussion. I worked hard on helping to get the supervisors united for the first time, to write the proposal and include everyone's thoughts and concerns. This just caused a worse division than there was before. It's so disheartening...I've never in my life felt as emotional as I do right now! These are truly traumatic times for all of us! I have had nothing but horrible personal experience with law enforcement my entire life! But working with Ramirez, Paxton and the other HOPE officers I finally realized they are not all cut from the same cloth! The compassion this team brings to the table is unmatched! For that request to be put in the petition by someone who hasn't worked hand in hand with Hope officers was disappointing. Change needs to happen for healing to happen, but to do away with HOPE would be a huge mistake and a step backwards! Maybe this is a time to highlight the great work done with HOPE. A time to ask for HOPE training be done across police departments. I know training won't change the culture but it's a start!"*

On Saturday, June 7, 2020, Ms. Lovich responded to requests from the Executive Director and Director of Equity to share her concerns. She stated *"I do not regret including all staff on my message. That gesture provided exactly what was intended – to offer my clear voice to these concerns within our community so others might feel empowered to use theirs and to inject the kind of urgency that is embedded in this collective moment into our decision making and next steps. I am going to be very honest with you. I do not need space to process right now. Nor do I feel it is useful for anyone to go to their supervisor with these concerns...What concrete and urgent action is LAHSA going to take to protect the people we are committed to serve from the police?"* I responded stating the email was inappropriate and asking to meet with her on Monday. On Sunday, she responded that she would be out sick on Monday, June 8, 2020, and would be going on a 90-day FMLA leave starting Tuesday, June 9, 2020. This leave was approved under FMLA+ regulations relating to COVID-19.

On June 14, 2020, the Los Angeles Times published an article about the public petition, citing an interview with Ms. Lovich, and quoting portions of Ms. Lovich's agency-wide email, as well as my email response to her. Because she identified herself as a LAHSA representative without permission, this interview was in violation of LAHSA's approved "Working with the Press" policy. Leading up to publication, journalists from the newspaper reached out to multiple Access and Engagement staff including myself, soliciting anonymous responses to the email and petition.

Over the course of the following days and weeks, Ms. Lovich engaged in repeated violations of LAHSA's approved "Engaging in Political Activity" policy by posting unauthorized messages identifying herself as a representative of LAHSA over her social media. On June 14, 2020, Ms. Lovich retweeted an LA Times article about unarmed specialists responding to emergency calls commenting *"Maybe these folks can replace the cops that currently accompany LAHSA outreach teams."* Also, on June 16, 2020, Ms. Lovich retweeted Councilmember O'Farrell's statement about taking a fresh look at law enforcement with the comment *"Hey @MitchOFarrell how will this change the Care and Care+ teams you have at your disposal to conduct daily sweeps/displacement of unhoused neighbors?"*

On June 19, 2020, Ms. Lovich retweeted an advocate group's statement about shelter beds not being homes with the comment *"The shelter system is an extension of the prison system. Period."* Also on this same day, she retweeted an advocate's message with the average salary of outreach workers with the comment *"Majority of LAHSA's outreach workers are BIPOC (Black, Indigenous, People of Color) and most have direct lived experience of homelessness, many with histories of incarceration. Supervisors in the field at this time do not receive Premium (hazard) Pay for Covid Response Work."* Ms. Lovich retweeted LAHSA's statement about our relationship with law enforcement with the comment *"I wrote the letter that incited this statement. The only response I have received from LAHSA leadership was a reprimand for writing it on June 5th in which I was told the letter was inappropriate and harmed Black people on staff. I do not feel heard."*

On June 29, 2020, Ms. Lovich retweeted an article about police as first responders to homelessness with the comment *"LAHSA Outreach workers may not be cops but their work within sweeps programs is a tool for strict enforcement measures used by law enforcement and electeds, their presence playing the role of 'political insurance' so critiques can be deflected claiming 'services were offered'"* Also on June 29, 2020, Ms. Lovich retweeted Councilmember O'Farrell's statement about homeless services in his district with the comment *"I supervised outreach in CD 13 including CARE teams that are misrepresented here as 'services.' CARE programs are sweeps programs, their success measured in the number of pounds of garbage (aka people's belongings)*

that are seized. Ask me what this 'service' really looks like." A colleague from the Mayor's Office forwarded us a screenshot of this message wanting us to be aware that this was happening.

On June 30, 2020, Ms. Lovich retweeted Councilmember O'Farrell's recap of the day's Homelessness and Poverty Committee meeting with the comment "A consistent break with reality" and a narrative about what she states was a clean-up operation scheduled in advance of a press conference with the Councilmember. On July 1, 2020, Ms. Lovich retweeted Councilmember O'Farrell's statement about accountability with the comment "Does this include accountability for how Council District reps deploy CARE teams with cops to homeless encampments?"

On July 4, 2020, Ms. Lovich retweeted a candidate for city council's statement in support of the People's Budget with the comment "Thank you @nithyavraman for your leadership. I hope that @MayorOfLA @LAHomeless @heidimarstonLA and all in position of power are taking note and taking action. #DefundThePolice" Also on July 4, Ms. Lovich retweeted a comment about the statement LAHSA's executive director had recently released with the comment "I supervised CARE (sweeps) teams for @LAHomeless. Services offered consist of education about how to comply with LAMC 56.11 and notification that @LACitySAN will be conducting a clean up and clients have 15 minutes to prepare." Also on July 4th, Ms. Lovich posted a blog post from 2018 about how Council Offices scheduled encampment clean-up operations with the comment "I am a supervisor with lahsa and have supervised CARE teams. Ask me about all of the daily-weekly instances of this happening in CD 13. I have so many stories!"

Finally, on July 9, 2020, Ms. Lovich retweeted a community group's statement about an upcoming shelter with the comment "Where is LAHSA in this conversation? What is the agency's position on the special enforcement zone? CARE teams will absolutely be deployed to this zone to enforce LAMC 56.11. @LAHomeless where do you stand?"

These actions are in direct violation of established LAHSA policies, have created a hostile working environment for many of Ms. Lovich's peers and the Homeless Engagement Team Members who feel personally attacked by Ms. Lovich's criticisms, and show a severe lack of appropriate judgment.

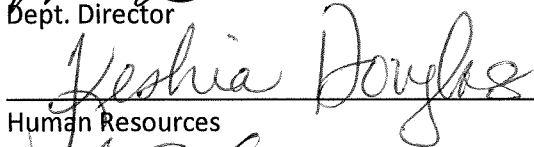
For the above reasons, Ms. Lovich did not perform satisfactorily during her probationary period and is not a good fit for the agency. Therefore, we request that Ms. Lovich not be selected to continue employment with LAHSA and that she be discharge immediately.



Dept. Director

7/24/2020

Date



Human Resources

07/24/2020

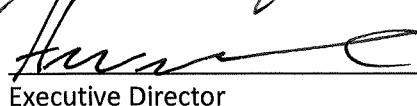
Date



COO

7-24-2020

Date



Executive Director

7-24-2020

Date