COUNCIL AGENDA: 3/9/21

FILE: 21-420 ITEM: 4.2



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Robert Sapien, Jr.

SUBJECT: SEE BELOW DATE: February 25, 2021

Approved Date 02/26/21

SUBJECT: RESPONSE TO THE SANTA CLARA COUNTY CIVIL GRAND JURY REPORT ENTITLED "WHY AREN'T THERE MORE FEMALE

FIREFIGHTERS IN SANTA CLARA COUNTY?"

RECOMMENDATION

Approve the San José Fire Department's response to the December 17, 2020 Santa Clara County Civil Grand Jury report entitled, "Why Aren't There More Female Firefighters in Santa Clara County?"

OUTCOME

Approval of this report will satisfy the requirement of Penal Code Section 933(c), which requires the City Council to respond to the Santa Clara County Civil Grand Jury report and the City's response to the presiding judge no later than 90 days after the Grand Jury submits its final report to the presiding judge of the Santa Clara County Superior Court. The Grand Jury transmitted its final report to the City of San José on December 17, 2020 with an accompanying letter indicating that the City's response would be due by Wednesday, March 17, 2021. Once approved by City Council, the City Attorney will transmit the City's response to the Honorable Theodore C. Zayner, Presiding Judge, Santa Clara County Superior Court.

BACKGROUND

On December 17, 2020 the Santa Clara County Civil Grand Jury released its report entitled, "Why Aren't There More Female Firefighters in Santa Clara County?" which contained findings and recommendations related to recruitment and career advancement, fire station privacy, and uniforms and personal protective equipment. The report requires responses from four agencies in the county including City of Palo Alto, City of Mountain View, Santa Clara County Central Fire Protection District, and the City of San José.

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The San José Fire Department (SJFD) Fiscal Year (FY) 2020-2021 Adopted Operating Budget supports 707 sworn positions in 10 rank classifications. Employees in these classifications provide essential emergency services, such as fire suppression, rescue, and emergency medical services to the community.

As of February 24, 2021, 667 of the 707 total sworn positions were filled. 21 sworn employees identify as female and 646 identify as male. SJFD's first female firefighter was hired in 1981 and the number of sworn female employees peaked at 43 in FY 2009-2010 and dipped to 17 in FY 2019-2020. Given that fire service careers span approximately 25 years, growth in the number of female firefighters began to stall in the mid-1990s and ultimately trended downward to only 17.

Three significant changes have occurred that have impacted Firefighter Recruit hiring since the mid-1990s: (1) the department began recruiting for licensed paramedics in addition to Emergency Medical Technicians (EMTs), (2) possession of an EMT certification became a minimum qualification, and (3) the number of EMT only positions in the department decreased.

In 1994, the Department began recruiting licensed paramedics as it started providing advanced life support (ALS) services. Prior to that change, no emergency medical certifications or licenses were required at the time someone applied. The paramedic applicant pool was significantly smaller than the entry level applicant pool. As the City began hiring licensed paramedics, Firefighter-Paramedics displaced one Firefighter-EMT position on each fire company and subsequent recruitments have focused on hiring licensed paramedics instead of EMTs since.

Possession of an EMT certification was added as a minimum qualification requirement for Firefighter Recruit applicants as ALS services began and EMT training ceased to be a part of the Firefighter Recruit Academy. Increasing firefighter job complexity demanded more Firefighter Recruit Academy training time. The elimination of full EMT curriculum allowed the Department to adjust to expanding firefighter training requirements without extending academy length. In FY 2011-2012, minimum staffing of truck companies was reduced from 5 to 4 resulting in the elimination of 28 Firefighter (EMT) positions.

Paramedic recruitment and the EMT minimum qualification requirement significantly reduced the number of eligible applicants. Prior to these changes, any adult with a driver's license and high school diploma or general education development (GED) equivalent could apply. From this point forward, applicants were likely already in the fire service or emergency medical services fields, or already in pursuit of a fire service career. The reduction in the number of EMT only positions resulted in fewer opportunities for non-paramedic applicants.

It is important to note that the Department is currently advancing its "Vision 2023" Strategic Business Plan which was approved by Council on June 7, 2016. Each of the findings and

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recommendations provided in the Civil Grand Jury report align with goals and objectives contained in the approved "Vision 2023" plan. The Department accepts the Civil Grand Jury report as an opportunity to focus and accelerate progress on existing Strategic Business Plan goals and objectives.

Recruitment and Career Advancement

Recruitment

The Department's "Vision 2023" Strategic Business Plan includes within the Sustainable Workforce strategic focus area, the goal to "actively recruit a talented and diverse workforce consistent with the Organizational Values Statement." On May 11, 2019, the Department convened various stakeholders to accelerate advancement of this goal. Some of the recommendations from the stakeholder meeting were implemented in the 2020 Firefighter Recruit recruitment process; however, many others could not be implemented due to COVID-19 restrictions.

The Department establishes Firefighter Recruit eligibility lists at roughly two-year intervals. The current eligibility list was established on October 8, 2020 with an application period that began on July 6, 2020 through September 6, 2020. Application periods are open for approximately 30 to 60 days and are advertised through multiple venues including the National Testing Network (NTN), City Careers recruitment page, SJFD email distribution, EMT/Paramedic schools, Facebook, Twitter, NextDoor, and fire station banners. Additional recruitment outreach efforts leverage workforce networks through shared social media posts and through International Association of Fire Fighters (IAFF) Local 230 and other affinity groups. Assistance from City Council offices is also solicited to leverage their community reach. Each applicant is asked how they learned of the recruitment and outreach efforts are refined based upon their responses.

The minimum qualifications (MQs) for the Firefighter Recruit classification include a minimum age of 18, a valid driver's license, high school diploma or equivalent, current Candidate Physical Agility Test (CPAT) card, and EMT certification. In 2020, applications were accepted without requirement of CPAT, EMT certification or paramedic license to allow newly interested applicants time to meet minimum qualifications for placement. This change derived from the Recruitment Stakeholder meeting held in May 2019 and was particularly helpful because of access limitations to courses and CPAT resulting from the COVID-19 pandemic.

While the California Constitution prohibits the City of San Jose from granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, the City conducts various outreach efforts to attract a diverse pool of applicants. For example, to inspire more women to pursue fire service careers, the Department conducted Women's Boot Camp events on May 18, 2019 and March 7, 2020. These events invited interested women to hear about fire service career opportunities directly

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from professional female firefighters, participate in exercises emulating the physical demands of firefighting, and to establish professional networks and mentoring relationships.

51 females submitted applications for the 2018 Firefighter Recruit recruitment cycle. After conducting Women's Boot Camp events in 2019 and 2020, that number increased by almost 60%, to 80 applicants. In the 2020 recruitment process, 1,135 applicants met MQs and were invited to complete personal history questionnaires (PHQ). 1,021 applicants completed PHQ, 75 or 7.3% of whom identified as female applicants.

The Department will continue to advance its Sustainable Workforce program goals.

Career Advancement

The Department's "Vision 2023" Strategic Business Plan includes within the Sustainable Workforce strategic focus area, the goal to "Ensure that all personnel have the requisite knowledge, skills, and abilities to excel within their role in the organization."

Department sworn ranks include Firefighter, Fire Engineer, Fire Prevention Inspector, Arson Investigator, Fire Captain, Battalion Chief, Deputy Fire Chief, Assistant Fire Chief, and Fire Chief. Firefighter Recruit is a non-sworn classification held until successful completion of the Firefighter Recruit Academy. The highest rank achieved by a female firefighter in the Department's history is Assistant Fire Chief. Table 1 below provides current numbers of sworn female employees by rank (non-sworn Firefighter Recruit classification included).

Table 1: Current 21 sworn female employees by rank

		<u></u>	
Supervisory Ranks (positions)	#	Non-Supervisory Ranks (positions)	#
Fire Chief (1)	0	Arson Investigator (3)	1
Assistant Fire Chief (1)	0	Fire Prevention Inspector (13)	0
Deputy Fire Chief (4)	0	Fire Engineer (230)	5
Battalion Chief (22)	1	Firefighter (261)	8
Fire Captain (172)	5	Firefighter Recruit (1)	1

The Department promotional process for Fire Captain and Battalion Chief ranks include MQ requirements, written tests and panel assessments. MQs include minimum combinations of experience and education, and specific State Fire Marshal certifications or course equivalents. State Fire Marshal courses and certification task books are supported by the Department. The promotional process for Department senior management positions including Deputy Fire Chief, Assistant Fire Chief and Fire Chief consist of minimum combinations of experience and education, panel interviews, and may include writing submittals.

Beyond participating promotional processes, employees are encouraged to participate in the City Mentoring Program, attend trade career development courses and seminars, and develop internal mentor/coach relationships with peers and/or supervisors. The Fire Chief accepts all employee requests for career development engagement.

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Fire Station Privacy, Uniforms and Personal Protective Equipment

Firefighter work shifts are 48 hours long and on duty personnel are required to remain with their respective crews and to be ready to respond to emergencies at all times. Fire stations are configured to support response readiness, providing the necessary accommodations for conducting administrative functions and training, emergency vehicle and equipment maintenance, personal protective equipment (PPE) and supply storage, and to support personnel needs including: kitchen/dining, sleep, decontamination and hygiene, personal storage (lockers), and physical training facilities. All sworn personnel are required to wear and appropriately utilize specified uniforms and PPE.

To understand current conditions, feelings and concerns regarding fire station privacy and uniforms and PPE amongst female sworn personnel, the Department conducted a survey of all sworn female personnel in February 2021. Respondents answered 36 questions regarding fire station privacy, uniforms and PPE, and other specific areas. 15 of 20 sworn employees identifying as female responded to the survey.

Fire Station Privacy

The Department's "Vision 2023" Strategic Business Plan includes within the Infrastructure and Support strategic focus area, the goal to "Provide and maintain facilities that fully support operations, and that maximize administrative efficiency, deployment options and technological advancement." Objectives within this goal include "Develop and implement a Facilities Master Plan that addresses fire station locations, standard for conditions, capability, efficiency, technology, and staffing and budget impacts."

The Department presently operates from 33 fire stations. The newest fire stations provide single person privacy accommodations including sleeping quarters, bathrooms, and locker access. The oldest fire stations were built with common space dormitories, bathrooms, and locker rooms. Modifications intended to provide for greater privacy have been completed at all older fire stations. The extent of modifications in some cases was limited by building design, available space, and cost. Specific fire station privacy policies are contained in each Fire Station Procedures Manual.

Table 2 below describes privacy arrangements at each fire station. Exclusive male/female areas are those that are not shared by both sexes. Lock-out privacy indicates areas that are shared by males and females and can be locked when in use. Common areas include dormitories that only provide partial wall (often office cubicle wall) separation between individual sleeping areas. Table 3 provides survey results to questions regarding adequacy of Department privacy provisions at fire stations.

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Table 2: SJFD fire station privacy arrangements

Fire Stations	Bathrooms	Locker/Dressing Room	Sleeping Quarters
2, 3, 7, 12, 17, 18, 19,	Exclusive male/female	Exclusive male/female	Exclusive male/female
20, 21, 22, 24, 25, 29,	areas	areas	areas
31, 33*, 34			
11, 23**, 27, 28	Lock-out privacy	Exclusive male/female	Exclusive male/female
		areas	areas
1, 4, 5, 6, 9, 10, 13, 14,	Exclusive male/female	Exclusive male/female	Common area
15, 16, 26,	areas	areas	
8**	Lock-out privacy	Exclusive male/female	Common area
		areas	
30	Lock-out privacy	Lock-out privacy	Common area

^{*}Fire Station 33 is currently closed.

Table 3: Female employee survey results to questions regarding adequacy of Department

privacy provisions at fire stations.

Adequate Privacy?	Locker Rooms	Restrooms	Dorms/Sleeping Quarters
Yes	60%	60%	66.7%
No	40%	40%	33.3%

Uniforms and Personal Protective Equipment

The Department's "Vision 2023" Strategic Business Plan includes within the Sustainable Workforce strategic focus area, the goal to "Provide and promote a culture of safety, health, and wellness." Objectives within this goal include "Continuously evaluate Personal Protective Equipment (PPE), apparatus, and communication devices to ensure NFPA compliance and employee safety."

The Department specifies uniform and PPE standards. Some components of uniforms are provided by the Department and others must be purchased by the employee with a provided uniform allowance. Class A uniforms are wool dress uniforms for ceremonies, presentations or other special occasions. Class B uniforms are fire resistive "Nomex" garments worn daily while personnel are on duty. Physical training wear is required for personnel when they participate in daily mandatory physical fitness activities. PPE includes structure firefighting turnout ensembles, wildland firefighting ensembles, EMS jackets, helmets, gloves, footwear, and flash hoods. The Department provides custom tailored turnout ensembles and offers vendor available ranges of sizes for other items. Employees reporting fit issues are assisted directly by staff. The February 2021 survey inquired about proper fit of 17 different worn items. Table 4 provides results for three uniforms and multiple PPE items.

^{**}Fire Stations 8 and 23 are programmed for relocation and replacement under Measure T Disaster Preparedness, Public Safety and Infrastructure Bond.

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Table 4: Female employee survey results to questions regarding proper fit of various worn uniforms and PPE.

Proper Fit?	Class A Uniform	Class B Uniform	Physical Training Uniform	Personal Protective Equipment
Yes	40%	53.3%	53.3	53.3%
No	60%	46.7%	46.7	46.7%

ANALYSIS

The Civil Grand Jury report contained six (6) findings and five (5) associated recommendations which require responses from the City. California Penal Code Section 933.05 states that the responding person or entity shall provide certain basic information in the response to each finding and recommendation. Regarding the findings, respondent(s) must indicate whether they agree, disagree partially, or disagree wholly. When disagreeing, respondent(s) must state which portion is disputed and why. Regarding recommendations, respondent(s) must state whether recommendation(s) has been implemented, will be implemented (with a timeframe), requires further analysis (with an explanation), or will not be implemented (with an explanation). Following are Civil Grand Jury findings, recommendations and the respective San José Fire Department responses.

FINDING 1a: Recruiting

A lack of effort to recruit female firefighter candidates to apply for positions in Palo Alto, Santa Clara County, and San Jose Fire Department's has resulted in very few female firefighters being hired.

Disagree partially. Numbers of San José Fire Department (SJFD) female firefighters trended downward from the peak high of 43 in 2010 to 17 in 2020. While neither number is an acceptable representation of the greater community that SJFD serves, recent recruitment efforts have yielded positive results and the Department is committed to maintaining and expanding those efforts. SJFD supports Explorer Post 888, a Learning for Life Corporation Exploring program that introduces the fire service to male and female youth from sixth grade to age 20. Explorer Post 888 provides didactic and manipulative curricula introducing Explorers to all aspects of the fire service. In 2017, the Department hosted FireOps 101 to increase public awareness of fire services and career opportunities. FireOps 101 provided participants with the opportunity to work alongside professional firefighters in simulated emergency mitigation scenarios. SJFD hosted Women's Boot Camp events in 2019 and 2020 specifically focused on encouraging and inspiring women to pursue careers in the fire service. The Department has also increased its presence on social media platforms to increase community engagement, highlighting Department activities, providing fire safety and health information, and introducing SJFD personnel through video presentations. In addition to

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maintaining current efforts, the Department will continue to pursue opportunities to increase recruitment reach and effectiveness.

RECOMMENDATION 1

Palo Alto, Santa Clara County Central Fire Protection District, and San Jose Fire Department should develop, fund, and implement a plan to increase recruiting efforts to grow their number of female firefighters. Individual plans should be developed by June 2021.

Requires further analysis. San José Fire Department (SJFD) is currently drawing from a newly established Firefighter Recruit eligibility list. It is anticipated that the next list will be established for use in 2023. SJFD has already initiated efforts to increase outreach, provide in person learning and mentoring, and to broaden applicant pool diversity. SJFD will continue to support current effective recruitment programs including Explorer Post 888, annual Women's Boot Camps, and community outreach efforts; however, new recruitment strategies and initiatives will require further evaluation to address broader diversity hiring challenges and to identify timing and funding needs. Further, opportunities for regional collaboration amongst fire agencies, educational institutions, affinity groups and other stakeholders will require time to assess and develop.

FINDING 2: Mentoring

Talent and knowledge are lost or wasted in organizations that do not create a mentoring program. Mentoring potential recruits and firefighters currently is voluntary, loosely defined, and unpaid, which hampers recruiting efforts in the SCC Region.

Disagree partially. Welcoming, coaching and mentoring prospective Firefighter Recruit candidates is a longstanding tradition in the San José Fire Department (SJFD). Candidates are encouraged to visit fire stations and firefighters are encouraged to accommodate meetings while on duty. Successful candidates often comment on how they benefitted from the coaching and mentoring that resulted from fire station visits. For example, one of the objectives of the annual Women's Boot Camp is to connect SJFD female firefighters with prospective female applicants. Promotional processes for supervisory ranks of Fire Captain and Battalion Chief are clearly defined and include State Fire Marshal Fire Officer courses covering multiple aspects of job elements and are taught by fire service professionals. These courses are offered on a recurring basis by the Department and employees are eligible for education reimbursement benefits. Employees interested in senior management positions may participate in the City's Mentorship Program, develop mentor-mentee relationship with peers and/or supervisors, and the Fire Chief accepts all employee requests for career development engagement. The Department agrees that mentoring is an important aspect of career development and will continue to evaluate and strengthen existing mentoring pathways and pursue other viable opportunities.

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RECOMMENDATION 2

Fire departments in the SCC Region should develop, fund, and implement mentoring programs. Mentors should advise and guide potential recruits, new recruits, and current firefighters. Mentoring programs should include visits to local schools and organizations to demonstrate encouragement of female candidates. Individual plans should be developed by June 2021 by Mountain View, Palo Alto, Santa Clara County Central Fire Protection District, and San José Fire Departments.

Will be implemented. In 2019, the San José Fire Department (SJFD) convened a recruitment stakeholder meeting to advance diversity recruitment Strategic Business Plan goals. A clear outcome of this meeting was to increase outreach by recruiting and building relationships at educational institutions and other organizations. Unfortunately, the 2020 recruitment cycle coincided with the early months of the COVID-19 pandemic. As a result, efforts were focused on conducting outreach through social media and other platforms that did not require in-person visits. The Department will resume these efforts when safe to do so.

FINDING 3: Opportunity for Promotion

Although there is an insufficient pool of women firefighters, the SCC Region fire departments are promoting women to management positions.

Disagree partially. Currently the number of female firefighters in the San José Fire Department (SJFD) is less than half of what it was at its peak in 2010. While numbers are presently trending upwards, only six female firefighters currently hold ranks that would enable them to compete for senior management positions. While the Department works to increase a diverse pool of applicants, it may take some time before outcomes are reflected in senior management ranks.

FINDING 4a: Accommodations

There is a lack of gender-separate accommodations for bathing, sleeping, and dressing in fire stations in the Mountain View Fire Department, Santa Clara County Central Fire Protection District, and San José Fire Department, which can cause privacy concerns for all firefighters.

Disagree partially. The Department presently operates from 33 fire stations. Specific provisions to ensure that gender privacy is addressed are contained in each Fire Station Procedures Manual. The newest fire stations provide single person privacy accommodations including sleeping quarters, bathrooms, and locker access. The oldest fire stations were built with common space dormitories, bathrooms, and locker rooms. Modifications intended to provide for greater privacy have been completed at all older fire stations. The extent of modifications in some cases was limited by building design, available space, and cost.

RECOMMENDATION 4d

Because San Jose Fire Department has four stations with no separate locker rooms for women, 14 stations with no separate dorms for women, and four stations with no separate

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restrooms with showers for women, the City of San José should develop a plan to create better privacy for all firefighters. The plan should be developed by June 2021.

Will be implemented. The Department will gather employee concerns, reassess all fire station conditions, and develop a revised workplan. The Fire Chief will receive a proposed workplan by May 2021. Employee concerns and a proposed work plan will be presented to the City Manager.

FINDING 5: Work Environment

Although every SCC Region entity has a non-discrimination policy, the unique work setting of a fire department coupled with the low number of women in fire service presents out-of-the-ordinary workplace challenges because they live together and rely on each other during life-or-death situations. These unique features of this workplace make it more challenging for women to report discrimination and/or harassment.

Disagree wholly. Annually, each employee is required to review the City's Discrimination and Harassment Policy which includes both direct and confidential options for reporting discrimination and/or harassment both within and outside of the City organization. The policy also affirms intolerance for retaliation or reprisals against witnesses or employees who in good faith file harassment or discrimination complaints or provide information in an investigation. Additionally, all employees receive recurring sexual harassment training as required by California law and, the City offers several avenues for any employee, including sworn female fire personnel, to report concerns including to the City's Office of Employee Relations and/or to raise anonymous concerns via the City's Whistleblower Hotline.

The Department recognizes the unique nature of the fire service organization and the challenges that firefighters confront in the course of their daily work but does not believe that this makes it more challenging for a female in the fire service to report alleged violations of the City's Discrimination and Harassment Policy.

RECOMMENDATION 5

To address the unique challenges of promoting a gender-inclusive work culture for women in the setting of a fire department, each fire department in the SCC Region should develop city-or county-approved plans that focus on the remedies to the challenges of the fire service workplace for women. These plans should be developed by the Mountain View Fire Department, Palo Alto Fire Department, Santa County Central Fire Protection District, and San José Fire Department by June 2021.

Will be implemented. The San José Fire Department will convene an employee group to identify workplace challenges for female firefighters, develop a workplan, monitor workplan progress, and revise on an annual basis. An initial report from this group will be provided to the Fire Chief in May 2021. Findings and a proposed work plan will be presented to the City Manager.

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FINDING 6: Gear

Due to ill-fitting uniforms and gear, women are not on a similar footing as their male counterparts. Women should feel secure in their everyday uniforms and formal wear and, for safety reasons, have properly fitting gear when engaged in firefighting.

Agree. While the Department has no evidence that this circumstance has resulted in compromises firefighter safety, the Department has confirmed that employees would like more sizing and style options for uniforms and other worn personal protective garments.

RECOMMENDATION 6

All fire departments in the SCC Region should make correctly fitting uniforms for women available and ensure that a sufficient supply of firefighting and specialty gear is available in women's sizes and the time they begin work. This plan for procurement should be implemented by June 2021 by Mountain View Fire Department, Palo Alto Fire Department, Santa Clara County Central Fire Protection District, and San José Fire Department.

Requires further analysis. To determine available options for uniform styles and gear sizes, the San José Fire Department will seek feedback from vendors and manufacturers. The Department will convene an employee group to take on this task and an initial report will be due to the Fire Chief in May 2021. Findings and a proposed work plan will be presented to the City Manager.

CONCLUSION

The Department appreciates the opportunity to respond to the Grand Jury's findings and recommendations. While findings and recommendations were not precisely reflective of current workplace condition and efforts already in progress, the Department is committed to pursuing progress in all areas of concern raised by the Grand Jury and each of the findings and recommendations align with goals and objectives contained in the Department's "Vision 2023" Strategic Business Plan which was approved by Council on June 7, 2016.

EVALUATION AND FOLLOW-UP

The Department will maintain a workplan to address the five recommendations above. An annual report will be presented to the City Manager in August.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

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PUBLIC OUTREACH

To understand current conditions, feelings and concerns regarding fire station privacy amongst female sworn personnel, the Department conducted a survey of all sworn female personnel in February 2021. Respondents answered 36 questions regarding fire station privacy, uniforms and personal protective equipment (PPE), and other specific areas. 15 of 20 employees responded to the survey.

This memorandum will be posted on the City's Council Agenda website for the March 9, 2021 Council Meeting.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Office of Employee Relations.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

/S/ ROBERT SAPIEN, JR. Fire Chief, Fire Department

For questions, please contact Robert Sapien, Jr., Fire Chief, at (408) 794-6952.

Attachments:

Attachment A – December 17, 2020 Santa Clara County Civil Grand Jury report: "Why Aren't There More Female Firefighters in Santa Clara County?"