

CONTRACT ROUTING SHEET

Date Prepared: 8/13/14

Need Date: 9/13/14

PROCESSING DEPARTMENT:

Department: Sheriff's Office
 Dept. Contact: Tania Donnelly *T.D.*
 Phone #: 621-6636
 Department Head Signature: *John DeVill* 8-20-14

CONTRACTOR:

Name: Madeira Group International
 Address: 1140 Kennedy Lane
Walnut Grove, CA 95690
 Phone: _____

CONTRACTING DEPARTMENT: Sheriff

Service Requested: Pre-employment background investigations
 Contract Term: 8/4/14 - 8/3/17 Contract \$245,000
 Compliance with Human Resources requirements? Yes: X No: _____
 Compliance verified by: Judie Engel

COUNTY COUNSEL: (Must approve all contracts and MOU's)

Approved: as to form Disapproved: _____ Date: 9/24/14 By: Justella Ken
 Approved: _____ Disapproved: _____ Date: _____ By: _____

Agreement that you had "personal interview" made to the wife of the defendant in the services of T.D. to T. Donnelly re scope of services re sworn personnel "personal interview" at their residence" etc. See attached e mail of 9/24

EL DORADO COUNTY COUNSEL

RISK MANAGEMENT: (All contracts and MOU's except boilerplate grant funding agreements)

Approved: conditional Disapproved: _____ Date: 9/25/14 By: Czy
 Approved: conditional Disapproved: _____ Date: 9/29/14 By: Czy

- ① update cert of Ins Certificate holder to read "The County of El Dorado" (remove Sheriff) Done *T.D. 9/26/14*
 - ② provide evidence that insurance is primary. - Please see e-mail *T.D. 9/26/14*
- ok waive primary*

OTHER APPROVAL: (Specify department(s) participating or directly affected by this contract)

Departments: Probation
 Approved: D.P. Disapproved: _____ Date: 10/17/14 By: D. P.
 Approved: _____ Disapproved: _____ Date: _____ By: _____

EL DORADO COUNTY COUNSEL



Madeira Group International contract

Judith Kerr <judith.kerr@edcgov.us>

Wed, Sep 24, 2014 at 1:45 PM

To: Judie Engel <judie.engel@edcgov.us>

Cc: Pamela Knorr <pamela.knorr@edcgov.us>, Bobbi Bennett <bobbi.bennett@edcgov.us>, Bryan Golmitz <golmitzb@edso.org>, Robert Ashworth <ashworthr@edso.org>

I am reviewing this contract for the S.O. and you have verified contract compliance for HR. I understand that you have contacted a union to address potential meet and confer issues since this contract involves work that is also performed by bargaining unit employees. I understand that the S.O. is currently performing background checks in regard to employees and sending some of this work to the Madeira Group. I also understand that this contractor was used and dropped by prior administrations. The latest contract adds the Probation Department I do not know who has historically been performing background work for the Probation Department.

I have seen your 8/13/14 e-mail to T Donnelly and it is not clear whether you have contacted all affected bargaining units. I will be approving the contract as to form with the understanding that you have contacted all affected bargaining units. If you do not receive confirmation written confirmation of the union's position, I recommend that you send a confirming e-mail back to them with your understanding of their position to avoid any misunderstandings in the future.

In addition, I would like to raise another potential concern with the contract that may not have been raised in the past. The contract does not identify what level of background check is to be performed for the different classifications. While we know that a background check for sworn law enforcement employees is extensive and is authorized by state (11 USC section 525(b) statutes and judicial decisions, the hiring criteria for non sworn employees is less stringent and there are limitations to what hiring criteria may be used.

Hiring criteria and background checks must correlate to actual job duties in order to ensure that the criteria is non discriminatory. The contract states in the scope of services in Exhibit A,

"All applicant documents, such as birth certificate, high school and college transcripts, marriage certificates and divorce decrees, auto insurance certificate, any available traffic accident and police reports, selective service registration and/or military Form DD214, civil judgments, DMV printout, as well as two color photos of the applicant will be collected from the applicant and provided to the El Dorado County sheriff's Office upon completion."

It is not clear that all of these documents are being collected from every applicant but as you know, it would not be appropriate for all job applicants in the departments to provide this information. For example, it is not clear why all applicants would be required to give a copy of a birth certificate or divorce papers or civil judgments or a DMV printout. In addition, fveteran status may be used in the selection process but you are not allowed to inquire if the applicant received an honorable or dishonorable discharge. (See Govt. Code sections 12940(a)(4), 5008, and 18973.) You are also not allowed to discriminate against employees who have filed for bankruptcy and had debts discharged. (See 11 USC section 525(b)) As a result, it is important that the SO and Probation Department work with HR to confirm and ensure that the appropriate hiring criteria is being used for the non sworn classifications.

Thank you
Judith Kerr
Principal Assistant County Counsel
(530) 621-5770

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