



## Legislation Details (With Text)

**File #:** 19-1291      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/20/2019      **In control:** Board of Supervisors

**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Title:** Human Resources Department recommending the Board:  
1) Make findings that it is more feasible and economical to engage an outside contractor for the provision of specialized personnel services in accordance with Ordinance 3.13.040;  
2) Approve and authorize the Purchasing Agent to execute Agreement 3509 with Weintraub Tobin Chediak Coleman Grodin Law Corporation for personnel investigations and mediation services on an "as requested" basis for a total amount not-to-exceed \$210,000 and for a term of three (3) years from the date of final execution; and  
3) Authorize the Purchasing Agent to execute Amendments which do not increase the maximum obligation or term of the Agreement.

**FUNDING:** General Fund and non-General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Partially Executed Agreement 3509 Weintraub

Date	Ver.	Action By	Action	Result
9/10/2019	1	Board of Supervisors	Approved	Pass

Human Resources Department recommending the Board:

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- 3) Authorize the Purchasing Agent to execute Amendments which do not increase the maximum obligation or term of the Agreement.

**FUNDING:** General Fund and non-General Fund.

### DISCUSSION / BACKGROUND

Human Resources receives complaints of alleged misconduct in the workplace, including discrimination, harassment, and retaliation by County employees. Pursuant to Section 111.2 of the County Personnel Rules, Code of Ethics, Commitment to County Public Service, and Respectful Workplace, Human Resources receives and provides for investigations of these complaints. The department has contracted with outside vendors when special skills and qualifications are involved in the performance of the work, when it is necessary to protect against a conflict of interest and obtain an outside perspective to make independent and unbiased findings, or when it is otherwise necessary to ensure a prompt and thorough investigation and resolution of the complaints filed. The nature of the work involves temporary, occasional, and urgent services.

Currently, the County has only one contract for as-needed investigation and mediation services.

### Selection Process

In April 2018, at the request of Human Resources, the Procurement and Contracts Division of the Chief Administrative Office issued a Request for Qualifications (RFQ) with rates for Investigation and Mediation Services. Ten (10) responses were received and considered qualified. Human Resources evaluated the responses and selected six (6) respondents to be placed on a short list. One of the six respondents placed on the list is Weintraub Tobin Chediak Coleman Grodin Law Corporation. The RFQ process was conducted in accordance with County Policy C-17.

The agreement with Weintraub Tobin Chediak Coleman Grodin Law Corporation is the second of these agreements to come before the Board. In order to ensure that Human Resources has a wide variety of vendors with different areas of specialty, the department will be bringing forward contracts with the remaining four (4) selected respondents for Board review and approval.

### **ALTERNATIVES**

The Board could choose to not approve this contract and instead allocate additional personnel and funding for the hiring and development of additional internal workplace investigators and mediators. However, given the sporadic nature of complaints and the need for sufficient availability of external investigators and mediators when subject matter expertise, conflicts of interest, or potential litigation issues arise, this alternative is not recommended.

### **PRIOR BOARD ACTION**

8/14/2018 18-1163 - Approved agreement with first contractor for personnel investigations and mediation services

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts, County Counsel, and Risk Management

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

Pursuant to prior approval by the Board of Supervisors, Human Resources is continuing the practice of obtaining reimbursement for costs associated with investigations from the department in which the complaint is filed; the respective department(s) reimburse Human Resources from within their allocated resources. Departments also reimburse Human Resources for direct costs borne by Human Resources for mediation services procured for the resolution of associated workplace complaints. Departments from which multiple complaints are filed, or for which complaints are more extensive or complex, will be financially impacted more than others given the increased cost to investigate and resolve such complaints.

For all other specialized personnel services rendered under this agreement, as requested by or for Human Resources, funding for this Agreement is available in the Human Resources budget.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

### **STRATEGIC PLAN COMPONENT**

This action would contribute to the County's Good Governance Goal, making and implementing decisions in accordance with the County's core values (specifically Accountability, Integrity, and Service Excellence), legal requirements and industry best practices.

**CONTACT**

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