



## Legislation Details (With Text)

**File #:** 21-0931 **Version:** 1

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

**File created:** 5/28/2021 **In control:** Board of Supervisors

**On agenda:** 6/29/2021 **Final action:** 6/29/2021

**Title:** Human Resources recommending the Board consider the following:  
1) Make findings that a contract for professional employee investigations and mediation is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective in accordance with Ordinance 3.13.030;  
2) Approve and Authorize the Chair to sign Agreement 5532 with Municipal Resource Group, LLC to provide professional employee investigations and mediation, for the period of August 17, 2021 through August 16, 2024 for a total not-to-exceed amount of \$210,000;  
3) Authorize the Purchasing Agent to execute Amendments that do not increase the maximum obligation or term of the Agreement.

**FUNDING:** Countywide, General Fund and non-general fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 5532 Agmt PE, 2. B - 5532 Counsel Approval, 3. Executed Agreement 5532

Date	Ver.	Action By	Action	Result
6/29/2021	1	Board of Supervisors	Approved	Pass

Human Resources recommending the Board consider the following:  
1) Make findings that a contract for professional employee investigations and mediation is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective in accordance with Ordinance 3.13.030;  
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3) Authorize the Purchasing Agent to execute Amendments that do not increase the maximum obligation or term of the Agreement.

**FUNDING:** Countywide, 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 309.3 of the County Personnel Rules, Code of Ethics, Commitment to County Public Service, and Respectful Workplace, Human Resources may conduct investigations of these complaints as it deems necessary. 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. The County has previously contracted with MRG since 2014 for personnel investigation services.

## **ALTERNATIVES**

The Board could choose not to approve this contract and instead allocate additional personnel and funding for the hiring and development of additional workplace investigators and mediators. Given the sporadic nature of complaints, however, 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**

18-1163 - 08/14/2018 - Approval of Agreement 3198

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurements and Contracts, CAO Fiscal, County Counsel, and Risk Management

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

Human Resources is reimbursed for costs associated with investigations from the department in which the complaint is filed. This results in the agreement being funded from a variety of departments from within their allocated resources. Departments also reimburse Human Resources for direct costs borne by 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. There is no change in Net County Cost, as funding for these as-needed services has been included in Human Resources' FY 2021-22 Budget. The current agreement with this vendor, which expires August 16, 2021, also has a not-to-exceed (NTE) amount of \$210,000.

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

Return a certified copy of the executed agreement to the Chief Administrative Office, Central Fiscal Services, Attention: Gina De Martini-Kuhns for further processing.

## **STRATEGIC PLAN COMPONENT**

Good Governance

## **CONTACT**

Joseph Carruesco, Director of Human Resources