



Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 11/16/2022 **In control:** Board of Supervisors

On agenda: 12/13/2022 **Final action:** 12/13/2022

Title: Human Resources Department recommending the Board consider the following:
1) Approve and authorize the Chair to execute Amendment I to Agreement 4663 with Kramer Workplace Investigations to increase the not-to-exceed amount by \$24,787 for a new not-to-exceed amount of \$97,000 with no change to the term or hourly rate for services provided; and
2) Authorize the Director of Human Resources to execute any necessary amendments relating to Agreement 4663, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

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

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - 22-2189 Amd I C# 4663 Final Draft Agreement, 2. B - 22-2189 C# 4663 FE Agreement, 3. C - 22-2189 Amd I C# 4663 Approved Blue Route, 4. Executed Agreement for Services 4663

Date	Ver.	Action By	Action	Result
12/13/2022	1	Board of Supervisors	Approved	Pass

Human Resources Department recommending the Board consider the following:
1) Approve and authorize the Chair to execute Amendment I to Agreement 4663 with Kramer Workplace Investigations to increase the not-to-exceed amount by \$24,787 for a new not-to-exceed amount of \$97,000 with no change to the term or hourly rate for services provided; and
2) Authorize the Director of Human Resources to execute any necessary amendments relating to Agreement 4663, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

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 existing contracts with several vendors to provide these services and has contracted with Kramer Workplace Investigations since 2017. Amendment I will allow the department to continue to utilize Kramer Workplace Investigations to provide investigative services and other specialized personnel services on an as-needed basis.

ALTERNATIVES

The Board could choose not to approve Amendment I to Agreement 4663 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

N/A

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 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 2022-23 Budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Clerk of the Board to obtain the Chair's signature on Amendment I and forward to CAO Fiscal, attention Kelley Lawrie.

STRATEGIC PLAN COMPONENT

Good Governance.

CONTACT

Joseph Carruesco, Director of Human Resources.