



## Legislation Text

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**File #:** 22-0964, **Version:** 1

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Human Resources Department recommending the Board:

- 1) Approve the updated rate schedule, increasing rates 12 to 13 percent, and three-year extension to Agreement 3509 with Weintraub Tobin Chediak Coleman Grodin for personnel investigations and mediation services on an "as requested" basis in an amount not to exceed \$210,000, making the new term expiration of October 6, 2025; and
- 2) Approve and authorize the Purchasing Agent to execute Amendment I to Agreement 3509.

**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.

Human Resources is requesting the Board authorize the Purchasing Agent to execute Amendment I to Agreement 3509 with Weintraub Tobin Chediak Coleman Grodin for personnel investigations and mediation services, updating the rate schedule, increasing rates 12 to 13 percent, and adding a three-year extension, making the new term expiration of October 6, 2025, with no change to the total compensation.

### **ALTERNATIVES**

The Board could choose to not approve this contract amendment 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**

18-1163 - On 8/14/2018, the Board approved agreement with first contractor for personnel investigations and mediation services

19-1291 - On 9/10/2019, the Board approved 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.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts, County Counsel, and Risk Management

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**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**

Good Governance.

**CONTACT**

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