



Legislation Details (With Text)

File #: 2021-1258
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 10/26/2021 **In control:** Human Resources
On agenda: 12/14/2021 **Final action:**
Title: Agreement for Labor Relations Legal Services
Sponsors: Human Resources
Indexes:
Attachments: 1. Summary Report, 2. LEGAL SERVICES AGREEMENT - LCW

Date	Ver.	Action By	Action	Result
12/14/2021	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Human Resources
Staff Name and Phone Number: Christina Cramer 565-2988 Janie Carduff 565-3995
Vote Requirement: 4/5th
Supervisory District(s): Countywide

Title:
Agreement for Labor Relations Legal Services

Recommended Action:

Authorize County Counsel to execute an agreement between the County of Sonoma and the law firm Liebert Cassidy Whitmore (LCW) for labor relations consulting, labor contract negotiations, and related employment and labor legal services from January 1, 2022 through December 31, 2024, and authorize County Counsel to renew for up to two additional years.

Executive Summary:

The County of Sonoma recently conducted a Request for Proposal process for labor and employment consulting and legal services. LCW was the successful firm after completing this process. This item provides authorization for the County of Sonoma to execute a new agreement with LCW for employment and labor relations consulting and legal services. The County has historically had an agreement with a firm that specializes in this area.

Discussion:

The 2021 RFP process included a thorough review of the proposals and interviews with the two finalist law firms, which resulted in LCW being selected. LCW has been in the business of practicing public sector employment law for over 35 years, and their attorneys and staff are knowledgeable and experienced in the labor relations legal issues facing the County. In recent years, LCW has provided labor relations services to County of Sonoma and to more than 165 agencies across California, including Marin, Napa, San Joaquin, Riverside, and San Mateo counties. The firm's practice has a deep bench of attorneys experienced in providing

practical solutions to challenges faced by California public agencies, including expertise in retirement benefits for 1937 Act Counties, fact finding, impasse resolution, unfair labor practices, arbitration, and Fair Labor Standards Act issues. The firm's legal costs were found to be competitive in the RFP process.

During the period of the current existing agreement, LCW has provided legal services related to evolving employment law and policies, grievances and arbitration, unfair labor practice charges, and negotiations.

The County has had a longstanding practice of retaining an employment and labor firm. Using external counsel specializing in these areas is a common practice with other agencies. Staff researched our comparable agencies and found they have a similar practice and legal agreements. Counties contacted include Alameda, Contra Costa, Marin, Mendocino, Monterey, Santa Cruz, Sacramento, San Luis Obispo, and San Mateo. Many have used or use LCW.

The County will begin to enter into contract negotiations with the eleven unions/associations in October 2022, as current Memorandums of Understandings with employee organizations expire between March 2023 and July 2023; therefore, the County anticipates being in negotiations well into 2023. While staff will provide substantial support preparing for and during negotiations, and will serve as chief negotiators for some bargaining units, internal resources in Human Resources and County Counsel are not sufficient to meet the demands associated with concurrent contract negotiations, nor do they supply the depth of knowledge and specialized legal expertise to address complex benefit, compensation, pension, and other issues that are likely to arise in bargaining.

For the reasons described above and also for continuity of knowledge and services, Staff recommends continuing to contract with LCW as the best selection for labor relations related legal services.

Cost and Term

The proposed Agreement with LCW is for labor relations consulting and contract negotiation services beginning January 1, 2022 through December 31, 2024. It is a fee for services agreement. The January start date is requested so that Human Resources and County Counsel will have uninterrupted access to these specialized legal resources as there are existing and ongoing legal issues that LCW is assisting the County with, and the County will begin the process of labor strategy development for the upcoming bargaining in the near future.

LCW fees continue to be competitive. Total hours needed for all services under this contract depend in part upon the time it will take to complete negotiation cycle, as well as what other employment and labor related counsel and advice is needed over the course of the agreement.

Strategic Plan:

N/A

Prior Board Actions:

12/13/16 - Authorized agreement with LCW for labor relations consulting for January 1, 2017 to June 30, 2019.

4/30/19 - Authorized agreement with LCW for labor relations consulting for July 1, 2019 to December 31, 2020.

12/8/20 - Authorized agreement with LCW for labor relations consulting from January 1, 2021 to December 31, 2021.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$150,000	\$500,000	\$200,000
Additional Appropriation Requested			
Total Expenditures	\$150,000	\$500,000	\$200,000
Funding Sources			
General Fund/WA GF	\$150,000	\$500,000	\$200,000
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$150,000	\$500,000	\$200,000

Narrative Explanation of Fiscal Impacts:

In December 2020, the Board approved \$120,000 for FY 2021-22 for labor relations consulting services from LCW for July 1, 2021 - December 31, 2021. The total expected expenses for the entirety of FY 2021-22 is \$270,000. The additional funding of \$150,000 for this new contract is requested for the last six months of FY 2021-22. Additional appropriations if needed in FY21-22 will be included during either Q2 or Q3 quarterly consolidated budget adjustments within the Non-Departmental General Fund budget.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment A: Legal Services Agreement for Labor Relations Services with Liebert Cassidy Whitmore, January

1, 2022 to December 31, 2024.

Related Items “On File” with the Clerk of the Board:

N/A