



Legislation Text

File #: 2019-0506, **Version:** 1

To: Board of Supervisors of the County of Sonoma

Department or Agency Name(s): Human Resources

Staff Name and Phone Number: Janie Carduff 707-565-3995, Christina Rivera 707-565-2048

Vote Requirement: Majority

Supervisorial District(s): All

Title:

Labor Relations Consulting Services Agreement

Recommended Actions:

Authorize the Sonoma County Board of Supervisors to extend the agreement between the County of Sonoma and the law firm Liebert Cassidy Whitmore for labor relations consulting, labor contract negotiations, and related legal services from May 1, 2019 through December 31, 2020.

Executive Summary:

This item requests the Board execute an extension to the agreement with Leibert Cassidy Whitmore (LCW) for employment and labor relations consulting, labor contract negotiations, and related legal services from May 1, 2019 through December 31, 2020. The area of employment and labor law in the public sector is very complex. The County has historically had an agreement with a reputable firm that specializes in this area. After the completion of a Request for Proposal, the County selected LCW and entered into an agreement for services in 2015. The Board approved an amended agreement in 2017 through June 30, 2019. LCW has provided experienced negotiating and labor relations legal services during the period of this agreement.

Discussion:

In 2014, the RFP process resulted in three finalists being considered and after interviews, references, and after a thorough evaluation of the proposals, LCW was selected. LCW has been in the business of practicing public sector employment and labor law for 35 years, and their staff is knowledgeable and experienced in the issues facing our County. In recent years, LCW has provided labor relations services to Sonoma County 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 very competitive during the RFP process.

During the period of the existing agreement, LCW has provided legal services related to evolving employment law and employment policies, grievances and arbitration, unfair labor practice charges, strike injunctions, complex employment issues, and negotiations in 2016, 2018, and current negotiations.

The County's long-standing approach of contracting with an outside firm to assist with employment and labor related legal services and negotiations is a common practice with other agencies; staff researched our

comparable agencies and found all 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 use/have used LCW.

The County is currently in contract negotiations with the eleven bargaining organizations with contracts either currently expired or set to expire in the coming months. LCW has successfully negotiated with three of the eleven organizations to tentative agreement thus far; these organizations are currently conducting membership voting at the time of this writing. However, five of the eight remaining bargaining organization are still actively negotiating and the three organizations will begin negotiations May 2019; therefore, the County anticipates being in negotiations for much of 2019. While County staff will provide substantial support preparing for and during negotiations, and will serve as chief negotiators for some of the bargaining, internal resources in Human Resources and County Counsel are not sufficient to meet the demands associated with concurrent contract negotiations. Additionally, the County has other and ongoing needs for legal expertise in the area of employment and labor law such as arbitrations, guidance on labor and meet and confer issues, benefits, compensation, pension, interpretation of existing and new employment and labor laws, etc. The County Counsel's Office has limited capacity given they serve the entire County organization, and their attorneys have other practice areas they must know. LCW provides focused, in-depth depth knowledge and specialized legal expertise. Finally, continuity of knowledge and understanding of the County is an important factor to retaining LCWs services.

For the reasons described above, Staff recommends amending and continuing the agreement with LCW.

Cost and Term

The proposed Agreement with LCW is for labor relations consulting and contract negotiation services beginning May 1, 2019 through December 31, 2020. It is a fee for services agreement. The May 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 labor negotiations and legal issues that LCW is assisting the County with. It is anticipated that bargaining will be completed by the fall of 2019; however, we have provided additional time and expenses in the contract period to allow for continued consultation for all labor relations services.

LCW fees continue to be competitive. The new rates reflects a 5% increase, effective July 1, 2019, from the current contract. This is a reasonable increase given the rates have not changed since 2016. Total hours needed for all services under this contract depend upon the number of and the complexity of issues that arise and the progress of good faith negotiations. As in the last round of negotiations, it is projected that Employee Relations staff will handle some negotiations internally. Additionally, staff will continue to provide the majority of negotiations support and research, thereby reducing the need for resources from LCW in these areas

Prior Board Actions:

2/10/15 - Authorized agreement for labor relations consulting and related legal services for February 10, 2015 through December 31, 2016.

12/13/16 - Authorized agreement for labor relations consulting and related legal services for January 1, 2017 - June 30, 2019.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses	240,000	360,000	120,000
Additional Appropriation Requested			
Total Expenditures	240,000	360,000	120,000
Funding Sources			
General Fund/WA GF	240,000	360,000	120,000
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	240,000	360,000	120,000

Narrative Explanation of Fiscal Impacts:

The request for \$240,000 for FY 2018/19 is due to a need for additional capacity for the current contract. The County has been in continuous negotiations since the beginning of 2018 - after the Sonoma County Complex Fires, when the County negotiated one-year extensions with all bargaining units, and then immediately started the current round of negotiations. The costs incurred under this contract for fiscal year 2018/2019 will be paid out of the current non-departmental budget. The estimate includes costs from March 2019 through June 2019.

Staff estimates costs will be approximately \$360,000 for FY 2019-20. Estimated costs for FY 2020-21 are approximately \$120,000. Additional funding for fiscal years 2019-20 and 2020-21 will be included in their respective budget processes.

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment A: Contract Amendment - Labor Relations Services with Liebert Cassidy Whitmore, May 1, 2019 through December 31, 2020.

Attachment B: Contract- Labor Relations Services with Liebert Cassidy Whitmore, January 1, 2017 through June 30, 2019

Related Items "On File" with the Clerk of the Board:

NA