



## Legislation Text

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**File #:** 2021-0521, **Version:** 1

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**To:** Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency Board of Commissioners of the Community Development Commission, and Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

**Department or Agency Name(s):** Human Resources Department

**Staff Name and Phone Number:** Lynne Durrell 707-565-6089 Christina Cramer 707-565-2098

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

Agreement with Futures Rehab, Inc. to provide Functional Employment Testing and Test Development Services

**Recommended Action:**

Authorize the Director of Human Resources to:

- A) Execute an amendment to the current agreement with Futures Rehab, Inc. expiring June 30, 2021, to increase the contract limit for pre-employment services from \$500,000 to \$535,000; and
- B) Execute a new agreement with Futures Rehab, Inc. for pre-employment services for a three year term from July 1, 2021 through June 30, 2024, with an administrative provisions to extend for up to two additional years (though June 30, 2026), with total expenditures not to exceed \$525,000 over five years.

**Executive Summary:**

Human Resources Risk Management Division is responsible for the County's occupational health program. A key injury prevention component of this program is reducing workers' compensation costs by ensuring that job candidates can safely meet the physical requirements of strenuous positions. To this end, the County analyzes job classifications to identify jobs with high level of physical demands, and works with a vendor who administers post-offer, pre-employment physical abilities/work simulation testing. Candidates for these positions complete tasks that simulate the actual physical job duties, providing an objective assessment of the candidate's ability to safely perform the essential physical demands of the position.

Pre-employment testing for physically demanding jobs is an industry best practice for reducing Workers' Compensation costs and lost productivity in the workforce. Examinations are established and administered by a qualified third party administrator based on a study of job demands, site visits/observation, and employee and department input.

The County occasionally uses physical testing services to assist with retuning employees to work following and injury, when there is conflicting information regarding the employee's ability to perform essential, physical tasks. Outcomes assist the County and the employee with the interactive process for determining reasonable accommodation needs.

Human Resources recommends that the Board authorize the Human Resources Director to execute an agreement with Futures Rehab to provide Functional Employment Testing and Test Development Services in order to continue this program, and to authorized an increase in funding for the current contract in order to continue pre-employment testing through June 30, 2021, not to exceed \$35,000.

**Discussion:**

The County initially began conducting functional employment testing in 2003 as part of a comprehensive workers' compensation cost reduction strategy. The County entered into an agreement with Futures Rehab to perform test development and examination services. Futures Rehab has successfully bid and been awarded subsequent contracts by the County through the County's RFP process, with the most recent contract expiring on June 30, 2021.

In 2016, a comprehensive review and update of our pre-employment screening practices was conducted, with the following objectives: identify efficiencies in the hiring process; align the County with current best practices and legal standards; ensure the appropriate level of pre-employment screening based on the specific requirements of each classification or assignment; and develop current job demand analyses documentation outlining essential job functions and working conditions.

As part of the project, the County reviewed job classifications to assess and identify physical demand levels, based on Department of Labor standards of Sedentary, Light, Medium, Heavy, and Very Heavy. For reviewed positions, a Job Demands Analyses (JDA) was conducted, and the results were documented in a standard format for departments to use in hiring and in evaluating employees for return to work. Positions meeting the standards for the Heavy and Very Heavy ratings were determined to require a Physical Demands Test prior to hire. Physical testing analysis and development of valid testing criteria was completed by our vendor, Futures Rehab. Review of positions is an on-going project, and we continue to partner with our vendor for test development, as needed.

For fiscal year FY 2018/2019, staff assigned to the project were no longer funded due to necessary County-wide cost saving measures, and momentum on the project stalled. At the time of the funding reduction, new physical testing requirements had been developed for approximately 25% of the County's most strenuous positions. The new contract will allow Human Resources to steadily resume test development for the remaining 75% of strenuous classifications.

The current contract to provide physical demands examinations and test development expires on June 30, 2021. The County issued a Request for Proposal (RFP) for Functional Employment Testing and Test Development Services, on February 18, 2021. Two proposals were received. The evaluative process of these RFPs included review of the written proposals, and interviews of each vendor to assess their experience and expertise providing the proposed scope of work, professional qualifications, acceptance of the contract terms, pricing, and other factors. Additional consideration was given for the Living Wage self-certification and locality of the Proposer. The evaluations of these proposals was conducted by Human Resources staff and representatives from the Sheriff's Office and Transportation and Public Works. These departments were asked to participate due to the significant physical abilities testing requirements for many of their positions.

Based on these evaluations, the panel selected Futures Rehab, Inc. (Futures). They are a local firm, and have a successful track record of providing these services to the County since 2003. The results of the written evaluation and the interviews support the selection of Futures to continue providing these services.

A summary of Scope of Services and Fee Schedule is outlined in Attachment A of this report.

Additionally, testing and project costs under the current contract have exceeded the approved funding level prior to the end of the 5-year funding. This is primarily due to added costs of launching the job demands analysis project 2017. We are requesting an amendment to the current contract to provide additional funds, in an amount not to exceed \$35,000, to cover pre-employment testing costs through June 30, 2021. The copy of the proposed contract amendment is attached to this report as Attachment B.

**Prior Board Actions:**

06/17/2003: Authorized HR Director to sign initial contract with FUTURES REHAB, Inc. and subsequent contracts have been authorized by the Board through June 30, 2021.

9/25/2007: Accepted Updated Analysis and recommendations on the County of Sonoma's Workers' Compensation Program Report.

7/6/2010: FUTURES REHAB agreed to the Voluntary Vendor Cost Reduction Initiative and reduced costs by 10% for the term July 1, 2010 through June 30, 2012.

6/19/2012: Authorized HR Director to execute an agreement with FUTURES REHAB through June 30, 2013.

5/21/2013: Authorized contact agreement with FUTURES REHAB through June 30, 2015.

6/23/15: Authorized contact agreement with FUTURES REHAB through June 30, 2016.

7/19/16: Authorized contact agreement with FUTURES REHAB through June 30, 2021.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses	251,000	105,000	105,000
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

All costs associated with job demands analysis and pre-employment testing are loss prevention expenses covered by the County's self-insured workers' compensation program. Costs are allocated to County

departments and agencies through a payroll rate. The total estimated cost of this agreement for the three-year term is \$315,000. Appropriations for future years will be included in appropriate budget cycle requests.

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

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Attachment A: Summary of Fees and Scope of Services

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

Sample Contract for services with Futures Rehab, Inc. for the term July 1, 2021 through June 30, 2024, with option for the Human Resources Director to administratively extend for fiscal years 24/25 and 25/26, if vendor is successfully meeting the County's contract and service requirements.