



● **Board of Directors**

Organization, Personnel and Technology Committee

9/13/2022 Board Meeting

7-12

Subject

Authorize an increase in the maximum amount payable under contract with Meyers Nave by \$190,000 to an amount not to exceed \$439,000 to continue providing legal advice and support services for the Equal Employment Opportunity Office; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

In February 2022, Meyers Nave began providing Metropolitan with legal advice and support services for the Equal Employment Opportunity (EEO) office. The General Manager had authorized a not-to-exceed amount of \$249,000, but additional support for Human Resources (HR) and EEO Office is ongoing and will require additional funds exceeding the General Manager's authority. To continue support of these critical and ongoing efforts, we are requesting Board authorization to increase the maximum amount payable under the existing contract to \$439,000.

Details

Background

In February 2022, Meyers Nave was retained by the General Manager as a consultant to provide outside legal counsel services to the General Manager and to support the transition of EEO cases to the newly established EEO Office. In addition, Meyers Nave was tasked with the implementation of various EEO and HR policies and procedures, as well as helping with the management of current investigations. To date, Meyers Nave has assisted with new core EEO policies and procedures required by the State Audit, including Operating Policies H-07 (EEO) and H-13 (Sexual Harassment), and provided appropriate training to support the policies per the State Audit recommendations and meet deadlines in June 2022. The initial contract authorized a not-to-exceed amount of \$225,000. In July 2022, the General Manager authorized an increase of \$24,000 to the contract.

Under the initial contract, the scope of work for Meyers Nave includes, but is not limited to, the following areas:

- 1) Provide Metropolitan legal advice and support services regarding new core EEO policies and procedures, including presenting these policies and procedures for review by the Joint Labor Management Advisory Committee and Diversity, Equity, and Inclusion Council in March 2022 and to the Board of Directors in April 2022.
- 2) Assist the Chief EEO Officer with building the EEO Office, including personnel and compliance investigations, and assisting with the transition of outside investigations to the EEO Office.
- 3) Provide training to support the EEO policies and procedures.
- 4) Provide legal advice and support services as needed regarding internal and outside personnel and compliance investigations and related issues; personnel matters and related issues; and labor and employment matters and related issues.

From July 2022 through June 2023, Meyers Nave will assist and advise the Chief EEO Officer and HR with additional new core personnel policies and procedures, including Operating Policies H-04 (Abusive Conduct and Workplace Violence), Investigation Procedures, and Discipline Procedures per State Audit recommendations and

October 2022 deadlines. In addition, Meyers Nave will provide ongoing assistance and advice to the Chief EEO Officer regarding compliance investigations, the transition of outside investigations from the Legal Department to the EEO Office, building and staffing the EEO Office, and related issues.

For these reasons, the General Manager requests authorization to increase the maximum amount payable under this existing contract to \$439,000.

Policy

Administrative Code Sections 8120-8124: Authority to Contract

Administrative Code Section 11104: Delegation of Responsibilities

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Authorize an increase in the maximum amount payable under contract with Meyers Nave by \$190,000 to an amount not to exceed \$439,000 to assist and advise the Chief EEO Officer with additional new core personnel policies and procedures, including Operating Policies H-04 (Abusive Conduct and Workplace Violence), Investigation Procedures and Discipline Procedures per State Audit recommendations and deadlines in October 2022. In addition, Meyers Nave will provide ongoing assistance and advice to the Chief EEO Officer regarding compliance investigations, the transition of outside investigations from the Legal Department to the EEO Office, building and staffing the EEO Office, and related issues.

Fiscal Impact: An additional increase in expenditure for professional services by \$190,000 to an amount not to exceed \$439,000. These funds are budgeted in the General Manager's budget.

Business Analysis: Necessary to support the General Manager in the implementation of both Independent Assessment of Workplace Concerns and the State Audit recommendations. The updated policies and procedures will provide the support the Board needs to improve Metropolitan's implementation of recommendations from the Independent Assessment of Workplace Concerns and the State Audit and provide for good governance in the areas of management of HR and Equal Employment Opportunity.

Option #2

Do not authorize an increase in the maximum amount payable under this contract.

Fiscal Impact: Not applicable

Business Analysis: Workplace concerns will not be addressed to comply with the State Audit timeline and timely implementation of the recommendations from the Independent Assessment of Workplace Concerns.

Staff Recommendation

Option #1



Adel Hagekhalil
General Manager

9/9/2022
Date

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