

# PERALTA COMMUNITY COLLEGE DISTRICT Item No. 7 Board of Trustees Agenda Report

For the Trustee Meeting Date of: November 10, 2009

ITEM TITLE: Request Board Authorization to Increase Independent Contractor's Agreement for Investigative Services for Mr. Mark Paschal

Consider Approval of Employee Relations Department's request to increase the annual Independent Contractor's Agreement of Mr. Mark Paschal.

**BOARD ACTION REQUESTED:** District Employee Relations Department requests Board approval to increase its current independent contractor's agreement for Mr. Mark Paschal who provides confidential fact finding for investigations managed by the District's Employee Relations Director. We are requesting an additional \$75,000 to cover upcoming matters that will require final investigative reports and findings.

**ITEM SUMMARY:** The Employee Relations Department responds to a number of personnel matters including discrimination complaints, grievances, administrative and general issues, many which require the expertise of a professional investigator with experience and knowledge of Title V Regulations, Titles VII, and IX anti-discrimination legislation. Because of the volume and time sensitivity of cases (45-day limitation on discrimination cases and 90 days response for other matters requiring investigation), the Employee Relations Department has utilized the services of this investigator to assure District compliance in responding to numerous complex matters brought to the Employee Relations Department.

**BACKGROUND/ANALYSIS:** The current agreement has reached the Chancellor's approved limit of \$25,000; with this request, the agreement would increase to an amount not to exceed \$100,000 through fiscal year ending June 30, 2010.

**ALTERNATIVES/OPTIONS:** Not Applicable

**EVALUATION AND RECOMMENDED ACTION:**

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):** The source of funds to accommodate the increased contract would be split from Cost Centers 133 (Employee Relations) and Cost Center 135 (Human Resource Services). Splitting the funds would not adversely impact the District in that a contractor is needed to provide ongoing investigative and other services for the multitude of EEO and other cases handled by the Employee Relations Department. Funding to pay for the consultant services may be derived from salary savings with the retirement of two classified positions and the resignation of the Human Resources Director. The other choice is to transfer funds from other operating expenses within Human Resources and Employee Relations.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_

NO \_\_\_\_\_ X \_\_\_\_\_

COMMENTS: Providing investigative services assists the District by maintaining equal employment opportunity compliance and the Board mission and goals to "Remain committed to affirmative action and maintain employment practices that assure a superior and diverse workforce and faculty."

Currently the discrimination/grievance case load (as with other similarly situated institutions) has experienced a significant increase in the number of cases that require processing. This year the investigator has successfully completed a number of high priority, complex cases for the District.

The need for additional assistance from consultants also arises from the fact that the Employee Relations and Human Resources offices have experienced personnel shortfalls as a number of vacancies are yet to be filled. The consultant has assisted with (in addition to the above mentioned investigations), employee discipline matters that have come to the attention of the Employee Relations office.

The Employee Relations and Human Resources Office are currently designing enhanced employee evaluations procedures and a myriad of related programs to assist managers in providing real-time feedback to their direct reports. This process also includes the creation of updated job descriptions - a major undertaking that will require a significant amount of assistance from the consultant.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Karen Ulrich, Director of Human Resources Services and Employee Relations

**DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM?**

YES \_\_\_\_\_

NO \_\_\_\_\_ X \_\_\_\_\_

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

(\*\*\*\*\*Board contract approval is subject to negotiation and execution by the Chancellor.)

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**

Prepared by: Karen Ulrich  
Karen Ulrich, Director of HRS & Employee Relations

Date: 11/2/09

**DOCUMENT PRESENTED BY:**

Prepared by: Karen Ulrich  
Karen Ulrich, Director of HRS & Employee Relations

Date: 11/2/09

**FINANCE DEPARTMENT REVIEW**

Finance review required       Finance review not required

If Finance review is required, determination is:       Approved       Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature: Thomas Smith  
Thomas Smith, Vice Chancellor for Finance and Administration

Date: 11.5.09

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required       Legal review not required

If Legal review is required, determination is:       Approved       Not Approved

Signature: \_\_\_\_\_  
Thuy T. Nguyen, General Counsel

Date: \_\_\_\_\_

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda

Not Approved, but Place on

Signature: Elihu Harris  
Elihu Harris, Chancellor

Date: 11/4/09

**Mark Anthony Paschal**  
727 Peralta Avenue  
San Francisco, CA 94110

Phone (415) 265-8119  
E-mail Mark\_Paschal@hotmail.com

## **PROFESSIONAL EXPERIENCE:**

### **Paschal and Associates, San Francisco, CA.**

#### **1990 to present - Owner**

Provide 24 hour human resources related assistance and consultation specializing in diversity training, sexual harassment prevention training, team building, conflict resolution, complaint investigations, affirmative action plan development, identification of problem areas etc. Provide advice and consultation to management in arriving at human resources solutions that support enhanced diversity in the organization. Clients include the ACLU, The Port of San Francisco, The San Francisco City College District, The Peralta College District, The SUNY College District of Albany New York, The North Bay Regional Center etc.

### **University of California, San Francisco, CA**

#### **1989 to 2008 – Assistant Director in the Affirmative Action, Equal Opportunity and Diversity Office**

Provide assistance in the development and implementation of UCSF's AA/EEO policies, procedures and programs. Manage UCSF's voluntary Community Construction Workforce Program, which includes direct supervision of three fulltime employees. Develop recommendations, create and manage programs to enhance workforce diversity. Identify problem areas and counsel senior and line management in arriving at human resource related solutions that support AA/EEO policies. Investigate internal and external complaints of prohibitive discrimination and recommend appropriate corrective action programs. Develop and implement diversity training for managers and supervisors, staff, and faculty. Provide advice and consultation for affirmative action goal attainment and the establishment of effective action-oriented programs. Provide advice and consultation to other University of California campuses regarding their compliance reviews with the Office of Federal Contract Compliance Programs.

### **Department of Labor, Office of Federal Contract Compliance Programs, San Francisco, CA**

#### **1974 –1989, Compliance Officer**

Responsible for over 190 compliance reviews of construction and supply and service government contractors. Led investigative teams for many high profile investigations and compliance reviews, both locally and in other regions. Examples of such team reviews under my leadership included UC Berkeley, Lawrence Livermore Laboratories, International Business Machines, and the 580 Grove-Shafter Freeway Construction Project. Evaluated government contractor's affirmative action plans and programs for compliance with federal laws, and conciliated and negotiated corrective -action agreements. Many of these agreements included back-pay and other forms of restitution for identified victims of discrimination. Investigated both individual and class-action discrimination complaints. Acted as a formal/ informal community contact and referral source for contractors and community groups. Reviewed and monitored construction contractors for minority and female goal attainment /required good faith efforts pursuant to Executive Order 11246.

### **Paschal Group, Inc., San Francisco, CA**

#### **1982 – 1996, Owner and Manager**

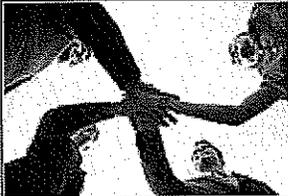
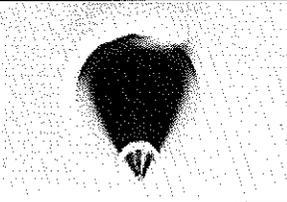
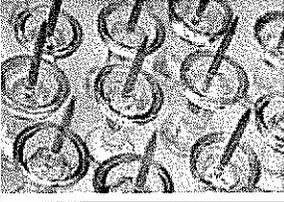
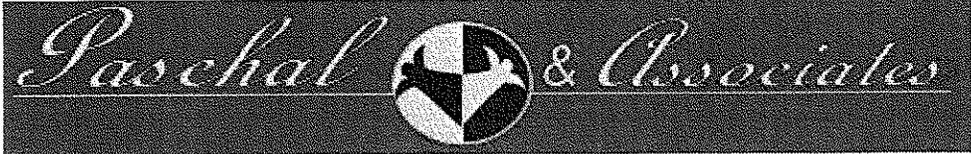
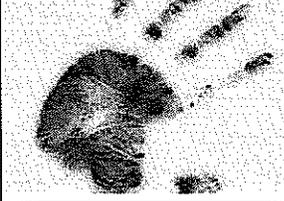
Owned and managed three home care facilities for developmentally disabled adults. Responsible for the oversight of the facilities operations that provided 24-hour care to 22 live-in residents. Supervised managers and professional support staff (25 total employees) at the facilities. Provided leadership in state audits and quality care reviews. Interfaced with residents, guardians, state and local community groups as necessary.

As a volunteer for the San Francisco Special Olympics for over 15 years, assisted and provided leadership to the organization. From 1993 through 1996, directed the San Francisco Special Olympics Track and Field activities and the efforts of 35 volunteers. Coordinated a myriad of contributing organizations, including UCSF.

## **EDUCATION:**

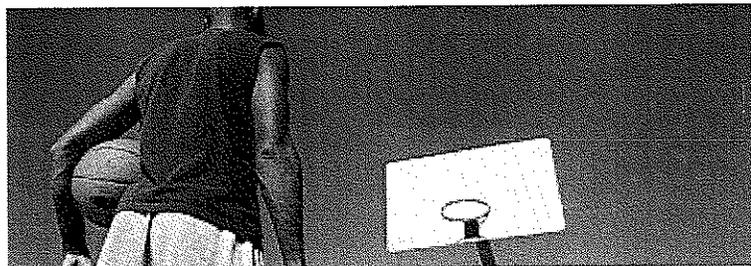
B.S. in English, California State University, Hayward, CA

**REFERENCES:** Available Upon Request

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|--|--|---|--|--|
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|  | Training Diverse Teams   |  | Compliance   |   |
| Clients  |   | Contact Us  |  |  |
|  |  |   |  |  |
| Preparing Organizations  |  |   | Human Resource Related Investigations  |  |



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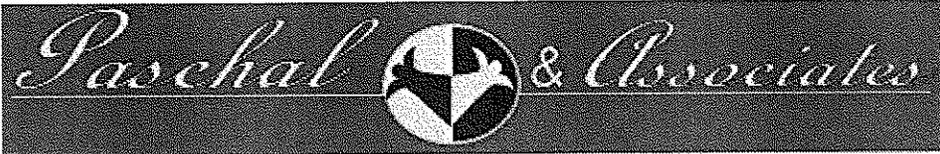


Helping organizations in their endeavor to demonstrate, foster, and ensure an atmosphere of acceptance and integration of diverse employees.

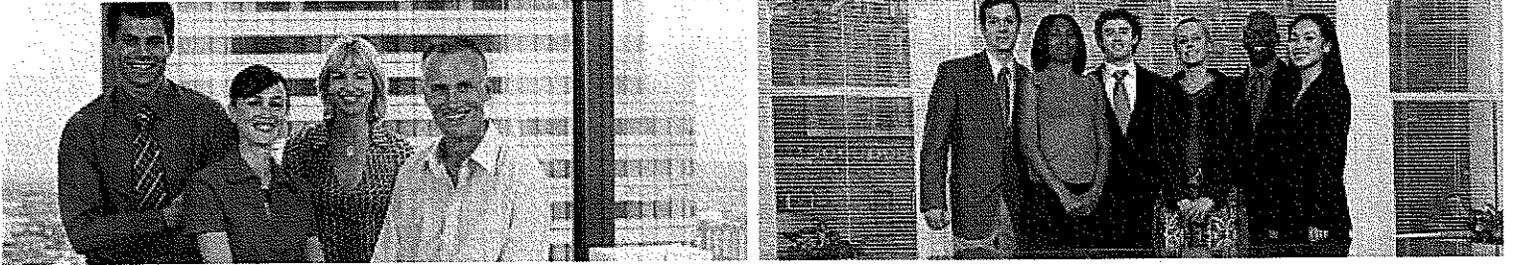
Helping organizations maximize the potential and business advantages that exist in a diverse work force. This is achieved by:

- Reducing workplace conflict that may arise from differences in race, culture, religion, mental and physical disabilities, heritage, age, gender, sexual orientation, work style and other characteristics.
- Utilizing a myriad of human resource related mediation skills to provide case specific intervention and coaching in areas where problem areas may exist.

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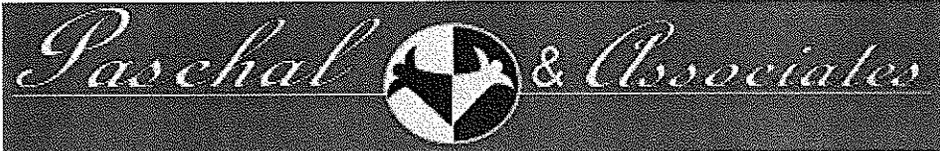


Paschal and Associates provides human resource departments of any size, consultation and training for most human resources-related matters.

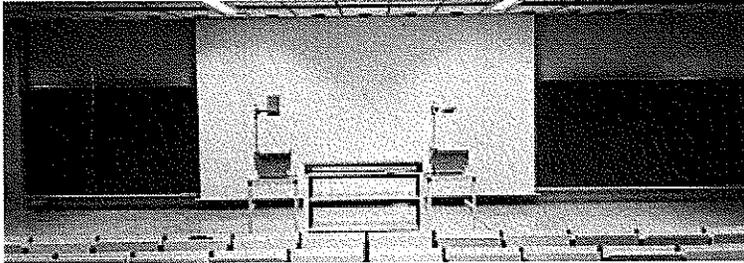
Specific areas of expertise include:

- Investigations of all types of internal and external agency discrimination complaints (Department of Fair Employment and Housing, Equal Employment Opportunity Commission and the Office of Civil Rights) to include sexual harassment.
- Expedient investigation, intervention in top priority human resource matters to include hiring, terminations, grievances, misconduct, theft, risk management, etc.
- Conflict resolution and mediation.
- Salary analysis to ensure compliance with State and Federal Equal Pay Act Laws.
- Case specific training to managers and supervisors to address identified problem areas.

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Workshops are tailored to meet the individual needs of the organization. Training schedules can range from a 1-hour to a 3-day program spread over several weeks.

The length of each program depends on a variety of factors. We will analyze the goals and expected outcomes and give you options.

Workshops can be designed to meet a variety of concerns such as:

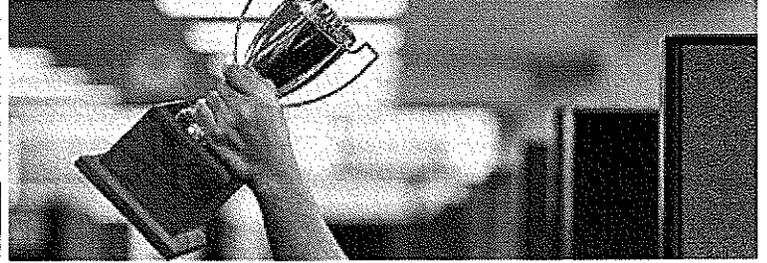
- ❑ Diversity of Work Style
- ❑ Conflict Resolution
- ❑ Team Building
- ❑ Cross-cultural Communication
- ❑ Non-discrimination/Equal Opportunity
- ❑ Affirmative Action Plans
- ❑ Harassment Prevention/Sexual Harassment Prévention
- ❑ Business Affirmative Action
- ❑ Cross-cultural Academic Issues
- ❑ New Employee Orientation
- ❑ Performance Management
- ❑ Manager's Performance Evaluation Training
- ❑ EEO Plans at Community Colleges
- ❑ Problem Solving Approaches
- ❑ Confidentiality

Ideally, our workshops are designed to be highly participatory and experiential in a small group setting. However, large audience-based programs are also available.

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Meeting (and keeping current with) government regulations can be a time-consuming task. Paschal and Associates has the experience and expertise to assist with compliance with state and federal requirements.

#### Services Include

- ❑ Developing Affirmative Action Plans
- ❑ Planning and conducting orientation to Affirmative Action for management and employees
- ❑ Performing adverse impact analysis
- ❑ Identifying problem areas within the organization
- ❑ EEO Plans
- ❑ Development of specific action plans based on needs assessment

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What our clients are saying:

- ▣ "Interactive."
- ▣ "Very informative, motivating, humorous."
- ▣ "Excellent opportunity to discuss issues."
- ▣ "Very useful and thought-provoking."
- ▣ "Great facilitators."

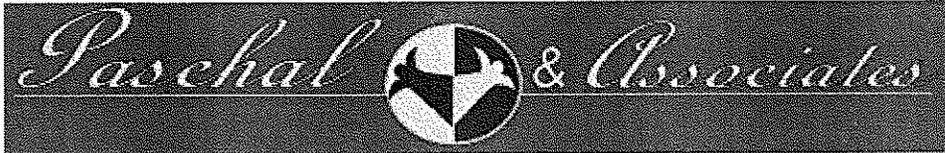
*charles* **SCHWAB**

**ST. CLOUD STATE UNIVERSITY**

**UC SANTA CRUZ**



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