

PERALTA COMMUNITY COLLEGE DISTRICT Item No. 21
Board of Trustees Agenda Report

For the Trustee Meeting Date of: November 15, 2011

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 Office of Human Resources & Employee Relations requests Board approval to increase its current independent contractor's agreement for Mark Paschal of Paschal & Associates, who provides neutral and confidential fact finding reports for investigations managed by the District's Vice Chancellor for Human Resources & Employee Relations. The District is required by state and federal law to conduct fair and impartial investigations into complaints of alleged discrimination and sexual harassment filed by employees and students. The District, therefore, is requesting an additional \$35,000 to cover matters that will require investigative reports and findings.

ITEM SUMMARY: The Vice Chancellor for Human Resources & Employee Relations responds to a number of district-wide personnel matters including discrimination, sexual harassment, and retaliation complaints filed by employees and students, many which require the expertise of a professional investigator with experience and knowledge of Title 5 Regulations, Titles VII, and IX anti-discrimination legislation. The Office of Human Resources & Employee Relations utilizes the services of this investigator to assure District compliance in responding to numerous complex matters.

BACKGROUND/ANALYSIS: The current agreement will soon reach the Chancellor's approved limit of \$25,000; with this request, the agreement would increase to an amount not to exceed \$60,000 through fiscal year ending June 30, 2012.

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 Resources). Splitting the funds would not adversely impact the District in that a contractor is needed to provide ongoing investigative and other services for Equal Employment Opportunity and compliance

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 equal employment opportunity and maintain employment practices that assure a superior and diverse workforce and faculty."

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Trudy Largent, Vice Chancellor for Human Resources & 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: Trudy Largent Date: 11/8/11
Trudy Largent, J.D., Vice Chancellor for Human Resources & Employee Relations

DOCUMENT PRESENTED BY:

Prepared by: Trudy Largent Date: 11/8/11
Trudy Largent, J.D., Vice Chancellor for Human Resources & Employee Relations

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: _____ Date: _____
Ron Gerhard, Vice Chancellor for Finance and Administration

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: _____ Date: _____
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda _____ Not Approved, but Place on Agenda

Signature: Wise Allen Date: 11/9/11
Wise Allen, Chancellor