

# PERALTA COMMUNITY COLLEGE DISTRICT Item No. \_\_\_\_

## Board of Trustees Agenda Report

For the Trustee Meeting Date of: June 12, 2012

**ITEM TITLE:** Request Board Authorization to Increase Independent Contractor's Agreement for Investigative Services for Renne, Sloan, Holtzman & Sakai, LLP.

Consider Approval of the Office of Human Resources and Employee Relations request to increase the annual Independent Contractor's Agreement of Renne, Sloan, Holtzman & Sakai, LLP.

**BOARD ACTION REQUESTED:** District Office of Human Resources and Employee Relations requests Board approval to increase its current independent contractor's agreement for Renne, Sloan, Holtzman & Sakai, LLP. This firm provides independent, neutral, and confidential investigations into complaints of harassment, discrimination, retaliation, Whistleblower and other alleged misconduct filed with the District by students, employees, and members of the public. The handling and resolution of such complaints are under the administrative responsibility of the Vice Chancellor for Human Resources and Employee Relations. The District, therefore, requests an additional \$75,000 to cover matters that will require confidential administrative reviews and reports.

**ITEM SUMMARY:** Pursuant to Title 5, Code of Regulations, the Vice Chancellor for Human Resources and Employee Relations has the administrative responsibility to investigate, process, and resolve all complaints of discrimination, harassment and retaliation filed by students, employees, and members of the public. In addition, the Vice Chancellor for Human Resources and Employee Relations is responsible for conducting investigations into complaints filed with the Office of Civil Rights, the Equal Employment Opportunity Commission, and the Department of Fair Employment & Housing filed by students, employees, and members of the public.

**BACKGROUND/ANALYSIS:** On November 15, 2012, the Board authorized a contract augmentation of \$50,000 or a total amount of \$75,000 for this contractor. However, this agreement will soon approach the Board approved amount; therefore, the Vice Chancellor for Human Resources & Employee Relations requests an increase to the agreement for an additional amount of \$75,000 or a contract amount not to exceed \$150,000 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 investigative services for Equal Employment Opportunity and compliance.

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

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

COMMENTS: Providing administrative reviews involving confidential personnel matters 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."

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Trudy Largent, Vice Chancellor for Human Resources 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:  Trudy Largent  Date:  6/5/2012   
Trudy Largent, J.D., Vice Chancellor for Human Resources & Employee Relations

**DOCUMENT PRESENTED BY:**

Prepared by:  Trudy Largent  Date:  6/5/2012   
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: \_\_\_\_\_

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

Wise Allen, Chancellor

**RENNE SLOAN HOLTZMAN SAKAI, L.L.P.**  
**350 Sansome Street, Suite 300**  
**San Francisco, CA 94104-4304**

**SCOPE OF SERVICES**

June 6, 2012

Renne Sloan Holtzman Sakai, L.L.P. (RSHS) will conduct thorough and neutral investigations filed with the District which will include witness interviews and document reviews, and the District is giving RSHS full discretion to determine the investigative approach, to identify and interview appropriate witnesses, and to gather appropriate documents. The District is required by Title 5, by Office of Civil Rights, by Equal Employment Opportunity Commission, and by Department of Fair Employment & Housing to conduct investigations into complaints of discrimination, harassment, and retaliation filed by students, employees and members of the public. The District has stressed that it desires neutral investigations and has in no way dictated or suggested any particular outcome to investigations.

At the conclusion of the investigation, RSHS will prepare a written report that will summarize the issues and facts and assess whether any violation of the District's policies, rules or guidelines has occurred. The investigator will be available to respond to inquiries about the report from you or your representatives, and will participate as a witness in any resulting administrative or civil proceeding arising from the investigation or report. The District agrees that in the event the investigator is called to testify regarding the investigation (whether at deposition, trial, arbitration or any other proceeding) the District will pay the investigator's applicable current hourly rate for all time expended in connection with or as the result of such testimony, including time spent preparing for and giving such testimony.

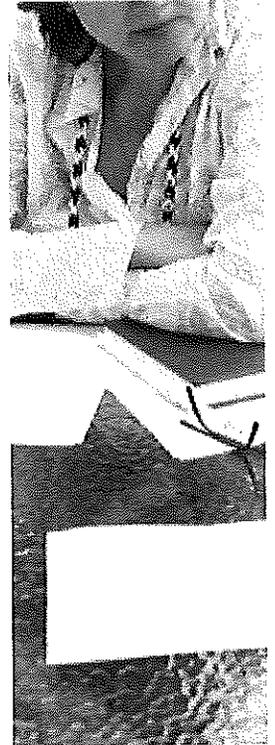
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## Workplace Investigations

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### Conducting Effective Investigations

Employers have an obligation to prevent harassment, discrimination, and retaliation in the workplace. When such allegations arise, we can provide employers with a thorough, independent, and objective investigation using the experience and expertise of Renne Sloan Holtzman Sakai attorneys together with in-house, licensed private investigators. We also are often called to investigate especially sensitive issues such as complaints involving elected officials, public safety personnel or matters headed toward litigation. Our attorneys and in-house investigators are highly skilled in all facets of conducting a workplace investigation. Partner Jeff Sloan authored a manual titled [Conducting Effective Personnel Investigations](#), which serves as an investigations guide to public sector employers.



### Practice Ar

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[← Return to the Practice Areas Index](#)

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