



Legislation Text

File #: 19-803, **Version:** 1

Report Regarding a Resolution Approving a Professional Services Agreement with Liebert Cassidy Whitmore in an Amount Not to Exceed \$100,000 for Labor Relations Consulting Services, and authorizing the City Manager to execute the agreement. (*Leah Lockhart, Human Resources Director*)

RECOMMENDATION

Staff recommends that Council approve a professional services agreement with Liebert Cassidy Whitmore in an amount not to exceed \$100,000 for labor relations consulting services, and authorize the City Manager to execute the agreement.

BACKGROUND/DISCUSSION

The City's full-time and permanent part-time workforce is organized into seven (7) represented bargaining units, and the City maintains collective bargaining agreements with each group regarding wages, hours and other terms and conditions of employment. On July 1, 2020 the agreements with four of the City's bargaining units will expire. Therefore, staff recommends beginning negotiations for a successor agreement with each group no later than November, 2019 in order to ensure timely completion. In previous years, the City has either hired a third-party consultant to serve as the City's chief negotiator during bargaining, or the Human Resources Director has served in this role. In light of concurrent strategic priorities underway in the Human Resources Department and current staff capacity, and staff proposes utilizing a combination of consultants and internal staff to conduct and support the labor negotiations process.

Staff issued a Request for Proposals (RFP) for labor relations consulting services, which includes serving as chief negotiator as assigned, advising on bargaining strategy and technical matters related to labor and employment law, assisting with development of proposal language, and performing necessary research in support of negotiations. The consultant would serve as the chief negotiator for three of the four groups, and the Human Resources Director would lead negotiations with the fourth group. In addition, each table will have a member of the human resources staff to assist with recording notes, tracking progress of proposals and counter-proposals, and providing input on the operational impacts of proposals where appropriate.

The City received five (5) timely responses to the RFP. Proposals were received by Burke, Williams and Sorenson; Liebert Cassidy Whitmore; Meyers Nave; Sloan Sakai; and Wiley, Price and Radulovich. The proposals were reviewed by staff and three were recommended for interviews based on the overall quality of the proposal, degree to which to proposal responded to specific criteria listed in the RFP, and the experienced of proposed consulting staff with labor negotiations for California cities or other public agencies performing similar services.

The firms were evaluated by an internal panel comprised of:

- Human Resources Director
- Assistant City Manager
- City Manager

Panel members evaluated the finalists according to criteria listed below:

- Experience
- Communication and Interpersonal Effectiveness
- Expertise and Strategy
- Pricing and Value

As a result of this process, Liebert Cassidy Whitmore was identified as the top candidate. Liebert Cassidy Whitmore specializes in public sector labor and employment law, and the firm's Labor Relations Practice Group focuses specifically on negotiating labor agreements for public agencies across all classes of employees. Donna Williamson, who will serve as the City's chief negotiator, has extensive experience negotiating on behalf of cities, counties, and school districts, and other public agencies across Northern California. Notably, Ms. Williamson's experience includes negotiations with the same unions that represent City of South San Francisco employees, and she has a proven track record of maintaining professional and successful working relationships with union negotiators. Liebert Cassidy Whitmore also provides a strong team of associates specializing in various aspects of labor and employment law, including benefits, compensation, Fair Labor Standards Act ("FLSA"), CalPERS retirement, and protected leaves of absence, which will provide a substantial resource for the City for legal research on these matters as they pertain to negotiating labor agreements.

FISCAL IMPACT

The proposed agreement contains a not-to-exceed limit of \$100,000, with the understanding that labor negotiations may vary in terms of the number of meetings necessary in order to reach agreement. In the City's adopted 2019-2020 operating budget, Council authorized one-time funds in the amount of \$70,000 for labor relations consulting services. The additional \$30,000 will be reserved from the adopted Human Resources professional and specialized services budget for the current fiscal year. In the event the use of these additional funds becomes necessary, other projects allocated to this fund, such as strategic plan consulting, will be postponed to the following fiscal year.

RELATIONSHIP TO STRATEGIC PLAN

Consulting services for labor negotiations supports the City's strategic priority of *Workforce Development*, by sustaining strong and collaborative relationships with employee organizations and ensuring the City maintains an appropriate compensation package to attract and retain a high performing workforce.

CONCLUSION

By adopting a resolution to approve an agreement with Liebert Cassidy Whitmore for labor relations consulting services and authorizing the City Manager to execute same agreement, Council will provide staff with the necessary resources for successful labor negotiations in alignment with the City's goals and priorities.