LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY

Item No. 1.E
Mtg. Date August 1, 2017
Dept. City Manager's Office

Item Title: **Agreement Between Liebert Cassidy Whitmore and the City of Lemon Grove for Employment Relations, Training and Support**

Staff Contact: Corinne Russell, Human Resources Manager

Recommendation:

Adopt a resolution (**Attachment A**) approving an agreement with Liebert Cassidy Whitmore for employment relations training and support.

Item Summary:

For many years, the City has participated in the San Diego Employment Relations Consortium. For a nominal membership fee, the City receives five days of valuable training in new employment laws and various other topics to improve employee/employer relations, as well as the opportunity for telephone consultations with a law firm regarding employment issues.

The law firm of Liebert Cassidy Whitmore (LCW), as in the past, will provide City employee training as outlined in the agreement for special services (**Attachment A – Exhibit 1**). LCW also offers additional, optional services for a fee as described in the agreement.

Inasmuch as the City has benefited from its past relationship with LCW, staff recommends that the City Council adopt a resolution (**Attachment A**) approving an agreement with LCW for employment relations training and support.

Fiscal Impact:

The $758 annual cost was budgeted in the Fiscal Year 2017-2018 budget.

Environmental Review:

☒ Not subject to review
☐ Negative Declaration
☐ Categorical Exemption, Section
☐ Mitigated Negative Declaration

Public Information:

☒ None
☐ Newsletter article
☐ Notice to property owners within 300 ft.
☐ Notice published in local newspaper
☐ Neighborhood meeting

Attachments:

A. Resolution

Attachment A

RESOLUTION NO. 2017- __

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING AN AGREEMENT BETWEEN LIEBERT CASSIDY WHITMORE AND THE CITY OF LEMON GROVE TO PROVIDE EMPLOYMENT RELATIONS TRAINING

WHEREAS, the City of Lemon Grove has participated in the San Diego Employment Relations Consortium trainings. City employee have benefited greatly, gained great insight and knowledge; and

WHEREAS, Liebert Cassidy Whitmore, having conducted past City training sessions, has presented a proposal to continue to provide such labor relations training, consult by telephone, and provide a monthly informational newsletter, through the consortium; and

WHEREAS, the agreement for special services also outlines optional services available to the City for a fee; and

WHEREAS, the City Council has reviewed the agreement and finds it in the public interest to approve said agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Approves the agreement for special services (*Exhibit 1*); and
2. Authorizes the City Manager or her designee to sign said agreement on behalf of the City.

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Attachment A – Exhibit 1

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the City of Lemon Grove, A Municipal Corporation, hereinafter referred to as "Agency," and the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation, hereinafter referred to as "Attorney."

WHEREAS Agency has the need to secure expert training and consulting services to assist Agency in its workforce management and employee relations; and

WHEREAS Agency has determined that no less than twenty-eight (28) public agencies in the San Diego area have the same need and have agreed to enter into identical agreements with Attorney; and

WHEREAS Attorney is specially experienced and qualified to perform the special services desired by the Agency and is willing to perform such services;

NOW, THEREFORE, Agency and Attorney agree as follows:

Attorney's Services:

During the year beginning July 1, 2017, Attorney will provide the following services to Agency (and the other aforesaid public agencies):

1. Five (5) days of group training workshops covering such employment relations subjects as management rights and obligations, negotiation strategies, employment discrimination and affirmative action, employment relations from the perspective of elected officials, performance evaluation (administering evaluations), grievance and discipline administration for supervisors and managers, planning for and responding to concerted job actions, current court, administrative and legislative developments in personnel administration and employment relations, etc., with the specific subjects covered and lengths of individual workshop presentations to be determined by Agency and the other said local agencies.

   It is expressly understood that the material used during these presentations, including written handouts and projected power points are provided solely for the contracted workshops. This agreement warrants there will be no future use of Liebert Cassidy Whitmore material in other trainings or formats without the expressed written permission of Liebert Cassidy Whitmore. Any such use will constitute a violation of this agreement and copyright provisions.

2. Availability of Attorney for Agency to consult by telephone. Consortium calls cover questions that the attorney can answer quickly with little research. They do not include the review of documents, in depth research, written responses (like an opinion letter) or advice on on-going legal matters. The caller will be informed if the question exceeds the scope of consortium calls. Should the caller request, the attorney can assist on items that fall outside the service, but these matters will be billed at the attorney's hourly rate. (See additional services section.)

3. Providing of a monthly newsletter covering employment relations developments.

Fee:

Fees will be paid by the City and County Personnel Association. Said fee will cover Attorney's time in providing said training and consultative services and the development and printing of written materials provided to attendees at the training programs.

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Additional Services:

Attorney shall, as and when requested by Agency, make itself available to Agency to provide representational, litigation, and other employment relations services. The Agency will be billed for the actual time such representation services are rendered, including reasonable travel time, plus any necessary costs and expenses authorized by the Agency.

The range of hourly rates for Attorney time is from Two Hundred to Three Hundred Fifty Dollars ($200.00 - $350.00) per hour for attorney staff, One Hundred Ninety-Five Dollars to Two Hundred Thirty Dollars ($195.00 - $230.00) per hour for Labor Relations/HR Consultant and from One Hundred Twenty-Five Dollars to One Hundred Sixty Dollars ($125.00 - $160.00) per hour for services provided by paraprofessional and litigation support staff. Attorneys, paraprofessional and litigation support staff bill their time in minimum units of one-tenth of an hour. Attorney reviews its hourly rates on an annual basis and if appropriate, adjusts them effective July 1.

Independent Contractor:

It is understood and agreed that Attorney is and shall remain an independent contractor under this Agreement.

Term:

The term of this Agreement is twelve (12) months commencing July 1, 2017. The term may be extended for additional periods of time by the written consent of the parties.

Condition Precedent:

It is understood and agreed that the parties' aforesaid rights and obligations are contingent on no less than twenty-eight (28) local agency employers entering into a substantially identical Agreement with Attorney on or about July 1, 2017.

Dated: 6/29/17

LIEBERT CASSIDY WHITMORE
A Professional Corporation

By _____

Dated: _____

CITY OF LEMON GROVE
A Municipal Corporation

By _____

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