



Office of the City Manager

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CONSENT CALENDAR
March 26, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing and Community Services
Subject: Contract Amendment: The Labor Compliance Managers for Labor Standards Enforcement Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to the Contract with The Labor Compliance Managers increasing the contract by \$50,000 for consulting services for a total amount not to exceed \$100,000.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed amount of this contract will be \$100,000. Resources for the contract will be provided from General Fund, #011 allocated to the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS), which is currently available in the Fiscal Year 2024 Budget.

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with The Labor Compliance Managers to support in the implementation of the Berkeley Fair Workweek Ordinance. These services include creating educational and outreach materials for employees whose rights have expanded under the Fair Workweek Ordinance, developing accounting tools to help City staff calculate "predictability pay" owed by employers who have violated the ordinance, and supporting City staff in the enforcement of the ordinance. The current contract with The Labor Compliance Managers is not to exceed \$50,000.

HHCS/HCS currently has insufficient staffing to enforce the City's current labor standards portfolio due to two career staff members who are out on long term leave through June, 2024. To ensure that the City's labor standards enforcement activities continue, staff is requesting an increase in the NTE amount to \$100,000 with an expanded scope that will include enforcement of the City's Minimum Wage, Living Wage, Paid Sick Leave, and Berkeley Family Friendly and Environment Friendly ordinances.

Enforcement of the local labor standards supports the Strategic Plan Priority Project of advancing our goal to champion and demonstrate social and racial equity.

BACKGROUND

The term of City’s original contract with The Labor Compliance Managers began on February 12, 2024 to provide consultant services related to the implementation of the Fair Workweek Ordinance. The scope of the original contract includes education and outreach to impacted Berkeley employees, the development of enforcement guidelines and accounting tools, and the processing of initial employee complaints of violations of the Fair Workweek Ordinance.

Due to an increased need for support, staff are requesting to expand the contract to include more labor standards enforcement work after the initial phases of employee education and the development of guidelines and procedures.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

In recent years, the City has adopted more rigorous labor standards requirements that involve an increased amount of enforcement work. The work required currently exceeds HHCS/HCS’ current capacity as multiple labor standards enforcement staff members are on medical leave.

ALTERNATIVE ACTIONS CONSIDERED

If the Department is unable to amend and extend the contract with The Labor Compliance Managers, staff will not be able to adequately respond to initial employee complaints regarding violations of the Fair Workweek Ordinance.

CONTACT PERSON

Margot Ernst, HCS Manager, HHCS, 510-981-5427

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT AMENDMENT: PERSONAL SERVICES CONTRACT WITH THE LABOR COMPLIANCE MANAGERS

WHEREAS, on January 17, 2023 the City Council adopted a second reading of Ordinance No. 7,851-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the amount of \$178,289,951 (gross) and \$172,028,412 (net); and

WHEREAS, Ordinance No. 7,851-N.S. provides the Department of Health, Housing and Community Services' Housing and Community Services Division (HHCS/HCS) with \$50,000 from General Fund, #011 for the implementation of the Fair Workweek Ordinance; and

WHEREAS, The Health, Housing and Community Services Department entered into a contract with The Labor Compliance Managers to provide outreach and education, develop guidelines and procedures, and carry out initial enforcement of the Fair Workweek Ordinance; and

WHEREAS, The Labor Compliance Managers will provide critical support to labor standards enforcement staff in the enforcement of the Fair Workweek Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend the contract with The Labor Compliance Managers for personal services not to exceed amount of up to \$100,000.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.

