

# Mayor and Council Communication

**DATE:** 08/24/21

**M&C FILE NUMBER:** M&C 21-0590

**LOG NAME:** 08EEOC2021

## **SUBJECT**

(ALL) Approve Execution of a Contract with the United States Equal Employment Opportunity Commission to Process Employment Discrimination Cases for Fiscal Year 2021, Approve Acceptance of Funds in the Amount Up to \$67,735.80, Including Interest, Waive Indirect Costs, and Adopt Attached Appropriation Ordinance

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Approve the execution of Contract No. 45310019C0049P00003 with the United States Equal Employment Opportunity Commission and accept funds in an amount up to \$67,735.80;
  2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Grants Operating Federal Fund in the amount of \$67,735.80, subject to receipt of the grant, for the processing of Employment Discrimination cases for Fiscal Year 2021; and
  3. Waive the transfer of indirect cost revenue due the General Fund in the estimated amount of \$10,499.36.
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## **DISCUSSION:**

In January 1977, the United States Equal Employment Opportunity Commission (EEOC) recognized the Diversity and Inclusion Department (formerly the Human Relations Commission) as a local deferral agency and a Fair Employment Practice Agency (FEPA) in accordance with Section 706(c) of the United States Equal Employment Opportunity Act of 1972, Title VII of the Civil Rights Act of 1964, as amended. Pursuant to this section, the EEOC, prior to asserting jurisdiction over employment discrimination charges, defers such charges for resolution to a local or state agency having authority to enforce a local or state fair employment law similar to Title VII, the Age Discrimination in Employment Act and the Americans with Disabilities Act.

On July 9, 2021, the Diversity and Inclusion Department received Contract No. 45310019C0049P00003 from the EEOC indicating that the EEOC would provide payment for 75 charges of discrimination, 15 deferrals, and funds for a joint EEOC/FEPA outreach, enforcement or training activity occurring during the enforcement period (contract timeframe) starting October 1, 2020, and ending September 30, 2021.

Payment for work performed and training are as follows:

- Resolution of 75 charges of alleged discrimination at a cost of \$800.00 per case for a total of \$60,000.00;
- Deferral of 15 non-jurisdictional charges of discrimination at a cost of \$80.00 per case for a total of \$1,200.00; and
- A joint EEOC/FEPA enforcement, outreach or training activity in support of the strategic enforcement plan or a district complement plan for an amount of \$1,000.00.

The addition of accrued interest from contractual awards funds in an amount up to \$5,535.80 based upon actual receipts, brings the total to an amount up to \$67,735.80.

A waiver of the collection of indirect cost revenue otherwise due the general fund from the EEOC contract is being requested. The Diversity and Inclusion Department has determined that the remission of indirect cost reimbursement to the General Fund would result in less available programming dollars, which, when compounded by yearly fluctuations in funding, unanticipated delays in the receipt of funding, the threat of federal cuts in EEOC's programming, and increasing salary and benefit costs, could jeopardize the Diversity and Inclusion Department's ability to successfully fulfill the provisions of the grant. The cost to the General Fund of the waiver is estimated at \$10,499.36.

A Form 1295 is not required because: This contract will be with a governmental entity, state agency or public institution of higher education: United States Equal Employment Opportunity Commission

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendations, and adoption of the attached appropriation ordinance, funds will be available in the current operating budget, as appropriated, in the Grants Operating Federal Fund. The Diversity and Inclusion Department (and Financial Management Services) will be responsible for the collection and deposit of funds due to the City. Prior to expenditures being incurred, the Diversity and Inclusion Department has the responsibility to validate the availability of funds. This is a fee for service grant.

**Submitted for City Manager's Office by:** Fernando Costa 6122

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**Additional Information Contact:**