



Board Report

File #: 2022-0837, File Type: Contract

Agenda Number: 28.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE JANUARY 19, 2023

SUBJECT: DISABILITY INTERACTIVE PROCESS/REASONABLE ACCOMMODATION SERVICES

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a four-year, firm fixed unit rate Contract No. PS92829000 to Shaw HR Consulting, Inc. to provide support with the administration of Metro's Disability Interactive Process for an amount not-to-exceed \$1,122,000 for the two-year base term, plus \$561,000 each for the two, one-year option terms, for a combined not-to-exceed amount of \$2,244,000, subject to the resolution of any timely protest(s), if any.

ISSUE

Approval of the contract award will allow disability compliance services for Metro employees, which support compliance with Title I of the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA).

BACKGROUND

The internal Disability Compliance Team (DCT) manages the Disability Interactive Process for employees with work restrictions and/or leave needs and assists them by providing reasonable accommodations so they may return to work. Engaging with employees in the disability interactive process is a requirement of Title I of the ADA, as well as the California FEHA.

Between the years of 2008 and 2015, Metro sustained many adverse court judgements in disability discrimination lawsuits filed by employees. The agency was in need of immediate advice and assistance in resolving complex disability discrimination cases and guidance through the interactive process. Metro began contracting for administration of Metro's Disability Interactive Process in 2018 to mitigate further legal risk. The current agreement is set to expire on February 28, 2023.

DISCUSSION

Shaw has a commendable six-year history with Metro in providing support to the administration of

Metro's Disability Interactive Process on an ongoing basis. The utilization of Shaw over the past six years has greatly reduced disability compliance related litigation and saved Metro millions of dollars. Prior to 2017, Metro was spending approximately \$2 million per year on disability discrimination and failure to accommodate settlements/ verdicts at trial. However, between 2017 and 2022, Metro spent approximately \$1.6 million on settlements involving disability claims. All matters were settled, and none involved deficiencies in the new DCT process established by Shaw.

DETERMINATION OF SAFETY IMPACT

Award of the contract provides the capability for Metro to navigate the maze of rules and regulations governing state and federal leaves of absence, which interact in complex ways. The services are necessary to ensure Metro meets state and federal requirements pertaining to disability compliance, specifically Title I of the ADA as well as California's Fair Employment and Housing Act (FEHA), which promotes improved safety for our employees, patrons, and the public at large.

FINANCIAL IMPACT

The funding of \$400,000 is allocated in the FY23 Budget within cost center 2311, Helping Employees Access Resources (HEAR) & Well Being Services (WBS) Office under the Chief People Office, Account 50316, under Project 100001. The cost center manager and the Chief People Officer will be responsible for budgeting the cost in future years, including any options exercised.

Impact to Budget

The source of funds for this contract is Project 100001 General Overhead and is comprised of Federal, State, and local funds. These funds are eligible for these services.

EQUITY PLATFORM

The services provided by contract will ensure Metro meets state and federal requirements pertaining to disability compliance, specifically Title I of the ADA as well as California's FEHA, which promotes improved safety for our employees, patrons, and the public at large. The contract assists with the management of the disability interactive process for employees with work restrictions and assists them with providing reasonable accommodations so they may return to work. This work has advanced workplace equity by ensuring that Metro is reasonably accommodating employees with disabilities so that they can maintain their livelihood.

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal for this solicitation.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy

governance within the Metro organization. Providing these services will ensure that Metro maintains and nurtures a diverse, inspired, and high-performance workforce. In addition, Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity. Metro will work collaboratively with public and private sector partners to leverage its investments to catalyze communities and stabilize neighborhoods by advancing economic opportunities and benefits for communities in LA County by lifting local communities, Metro will create jobs and career pathways in transportation for the agency.

ALTERNATIVES CONSIDERED

The Board may decline to approve the contract and instead rely solely on Metro's internal staff to perform the services required. This is not recommended as this alternative would likely create an increase in litigation similar to that which Metro experienced from 2008 through 2015. During this timeframe, Metro sustained many adverse court judgments in disability discrimination lawsuits filed by employees.

NEXT STEPS

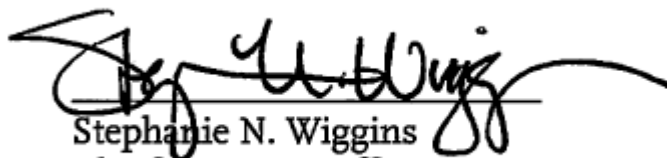
Upon approval by the Board, staff will execute Contract No. PS92829000 with Shaw HR Consulting, Inc. to provide disability interactive process/reasonable accommodation facilitation services.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Mary Ahumada, Manager, Human Resources (213) 922-7172
Dawn Jackson-Perkins, Deputy Executive Officer, Human Resources (Interim)
(213) 418-3166
Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by: Robert Bonner, Chief People Officer (213) 922-3048



Stephanie N. Wiggins
Chief Executive Officer