

#89909

To: Honorable Members  
Board of Acquisition and Contract

From: Mary Jennings Mahon  
Commissioner of Human Resources

Date: January 3, 2022

Re: REQUEST AUTHORITY TO AMEND RESOLUTION APPROVED BY YOUR HONORABLE BOARD ON DECEMBER 16, 2021, TO ENTER INTO AN AGREEMENT WITH ILAN D. GILBERT, TO PROVIDE SERVICES AS A HEARING OFFICER TO HANDLE APPEALS IN CONNECTION WITH EQUAL EMPLOYMENT OPPORTUNITY AND HUMAN RIGHTS CLAIMS, FOR A TERM FROM DECEMBER 1, 2021 THROUGH NOVEMBER 30, 2022, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$75,000.00, IN ORDER TO REVISE THE HOURLY RATES.

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By resolution approved on December 16, 2021 (“December 16th Resolution”), your Honorable Board authorized the County of Westchester (“County”), acting by and through its Department of Human Resources, Office of Equal Employment Opportunity and Affirmative Action (the “Department”) to enter into an agreement (“Agreement”) with Ilan D. Gilbert, to provide services as a Hearing Officer (“Hearing Officer”), to handle appeals in connection with Equal Employment Opportunity and Human Rights claims, for the term from December 1, 2021 through November 30, 2022, for a total aggregate not-to-exceed amount of \$75,000 payable at the following contract rates: a per diem fee calculated at the rate of \$125 per hour, not-to-exceed \$750 in any one day and \$50 for each Report of Findings issued.

Under the proposed Agreement Mr. Gilbert will handle appeals in connection with Equal Employment Opportunity and Human Rights complaints. The Hearing Officer will preside over adjudicated cases regarding violations of Equal Employment Opportunity and Human Rights laws, codes or regulations. The goal is to have such appeals of Equal Employment Opportunity and Human Rights claims handled in a professional and experienced manner, with an objective representation and interpretation of code rules and regulations.

The Department has recently learned that Ilan D. Gilbert should be paid a single hourly rate of \$125.00 for all the services to be performed under the Agreement rather than different rates for different services.

Accordingly, the County is hereby requesting authority to amend the December 16th Resolution to revise the hourly rates from a per diem fee calculated at the rate of \$125 per hour, not-to-exceed \$750 in any one day and \$50 for each Report of Findings issued, to a single hourly rate of \$125.00 for all services.

Except as set forth herein, all other terms and conditions of the December 16th Resolution shall remain in full force and effect.

Accordingly, I recommend and urge your Honorable Board’s approval of the annexed Resolution.

MJM/cmc

**RESOLUTION**

Upon a communication from the Commissioner of Human Resources, be it hereby

**RESOLVED,** that the County of Westchester, acting by and through its Department of Human Resources, Office of Equal Employment Opportunity and Affirmative Action, is authorized to amend the resolution approved on December 16, 2021 (“December 16th Resolution”), which authorized the County to enter into an agreement (“Agreement”) with Ilan D. Gilbert, to provide services as a Hearing Officer, to handle appeals in connection with Equal Employment Opportunity and Human Rights claims, for the term from December 1, 2021 through November 30, 2022, for a total aggregate not-to-exceed amount of \$75,000, in order to change the rates under the Agreement from a per diem fee calculated at the rate of \$125 per hour, for an amount not to exceed \$750 in any one day and \$50 for each Report of Findings issued, to a single hourly rate of \$125.00; and, be it further

**RESOLVED,** that all other terms and conditions of the December 16th Resolution shall remain in full force and effect; and be it further

**RESOLVED,** that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Amount to be Charged/Credited

| Account to be Charged/Credited | Fund | Agency | Major Program, Program & Phase or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|--------|--|--------------------|---------------|---------|
| 2021                           | 101  | 12     | 6010                                   | 4380               |               | 25,000  |
| 2022                           | 101  | 12     | 6010                                   | 4380               |               | 50,000  |

Budget Funding Year(s) 2021, 2022 Start Date 12/1/21 End Date 11/30/2022  
(must match resolution)

Funding Source Tax Dollars 75,000

75,000 State Aid \_\_\_\_\_

\$ \_\_\_\_\_ Federal Aid \_\_\_\_\_

(must match resolution) Other \_\_\_\_\_