

ONBASE #89319

To: Honorable Members
Board of Acquisition and Contract

From: Mary Jennings Mahon
Commissioner of Human Resources

Date: November 29, 2021

Re: REQUEST AUTHORITY 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, PAYABLE AT THE STATED CONTRACT RATES.

The County of Westchester ("County"), acting by and through its Department of Human Resources, Office of Equal Employment Opportunity and Affirmative Action (the "Department") seeks authorization 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 stated contract rates.

The Department shall pay the Hearing Officer 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 proposed Agreement will be tracked and monitored by the Department monthly review of cases and findings and periodic meetings with the Hearing Officer.

Authority to exempt the procurement of this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(xxi) thereof has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

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 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; and, be it further

RESOLVED, that the per diem fee for Hearing Officer services by Ilan D. Gilbert shall be calculated at the rate of \$125 per hour, not to exceed \$750 in any one day and \$50 for each Report of Findings issued, for a total aggregate, not-to-exceed amount of \$75,000; and, be it further

RESOLVED, that the Agreement is subject to County appropriations; and, be it further

RESOLVED, that Agreement is subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of the contracts. The Agreement shall contain a provision that the County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such releases(s) or adoption(s) to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved therein. If the County subsequently offers to pay a reduced amount and/or rate to Ilan D. Gilbert, then Ilan D. Gilbert shall have the right to terminate the Agreement upon reasonable prior written notice; 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 \$75,000.00

State Aid _____

\$ 75,000 Federal Aid _____

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/16/2021 - RAYMOND SCULKY, SECRETARY