



COUNTY OF HUMBOLDT

Legislation Text

File #: 21-1007, Version: 1

To: Board of Supervisors

From: Human Resources

Agenda Section: Consent

SUBJECT:

Adoption of Resolution Clarifying Authority of the County Director-Human Resources/Risk Management to Settle or Compromise Pending Action

RECOMMENDATIONS:

That the Board of Supervisors adopt the resolution clarifying authority to the County Director-Human Resources/ Risk Management and his/her designee to allow, settle or compromise pending actions involving state or federal administrative agencies.

SOURCE OF FUNDING:

Liability Fund (3524)

DISCUSSION:

The Risk Management Division was previously under the County Administrative Office. The Board of Supervisors first delegated authority for the Risk Manager to settle or compromise claims against the County (not exceeding \$20,000) in 1983 (Resolution No. 83-65). This delegation was revisited in 2006, when settlement authority was increased to \$25,000 (Resolution No. 06-59).

In January 2012 the Board of Supervisors approved the creation of the Human Resources Department. The position of the Director of Human Resources was created in June 2012. Resolution No. 12-47 transferred the responsibilities of Risk Management from the County Administrative Office to Human Resources Department. The Director of Human Resources assumed the responsibilities of the Risk Manager.

The most current delegation to allow, settle or compromise claims took place in 2019, when your Board increased this authority to \$30,000 and including settlement authority for pending actions (Resolution No. 19-30). Your Board is authorized by Government Code section 935.4 to delegate authority to an employee to allow, settle, or compromise claims not exceeding \$50,000. Government Code section 949 authorizes delegation of authority to settle any pending actions.

The Director-Human Resources/Risk Management, in consultation with the County Counsel's Office and the County Administrative Office, has recommended that the Director- Human Resources/Risk Management and his/her designee, Risk Manager, settlement authority be clarified to specifically include pending actions against the County of Humboldt or its employees or officers before state or federal administrative agencies, including associated mediations and arbitrations. The amount of settlement authority is unchanged; with a limit of any allowance, settlement, or compromise that may not exceed \$30,000 per action. These matters arise occasionally within the current Director-Human Resources/Risk Management's authority, but further clarity of the existing delegation of settlement authority is needed to specifically include settlement involving these administrative actions, such matters before the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC). The existing delegation to the Director- Human Resources/Risk Management and his/her designee, Risk Manager, to perform all the claim functions described in Government Code section 900-935.4 would remain unchanged.

FINANCIAL IMPACT:

There is no additional financial impact related to clarifying the authority of HR Director and their designee as it relates to settling or compromising pending action with state and federal agencies. Financial impact of those actions is dependent upon the claims and pending actions against the county, and expenditures are contained in the Risk Management - Liability Budget Unit (3524-354).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by furthering effective and efficient government operations and liability management.

OTHER AGENCY INVOLVEMENT:

County Human Resources/Risk Management, County Counsel's Office and County Administrative Office

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the resolution; however, this is not recommended as the proposed resolution clarifies authority for pending state and federal administrative actions.

ATTACHMENT:

- 1) Resolution Updating Settlement Authority

PREVIOUS ACTION/REFERRAL:

Resolution Nos. 83-65, 06-59, 12-47, and 19-30

Meetings of: June 6, 2006; June 12, 2021; and April 16, 2019.