



Update on Status of Recommendations from Independent Review of Workplace Concerns

Organization, Personnel and Technology Committee

Item 6a

March 8, 2022

Updates

- Office of Diversity, Equity, and Inclusion
- Equal Employment Opportunity Office
- Creation of MyVoiceMet
- Management Forum
- Update on Joint Labor-Management Advisory Committee
- Update on Status of Recommendations

Office of Diversity, Equity, and Inclusion

- DE&I Officer interviews scheduled early March and anticipate hiring completed by April 2022
- Office to be developed by DE&I Officer
 - Transfer existing Business Outreach program (6 positions)
 - Create Workforce Development program and expand current programs
 - Create DE&I Strategic Initiatives and robust educational training and Compliance program for the District
 - Provide leadership to DEI Council and proposed Council Initiatives



Equal Employment Opportunity Office

- Office established by the Board
- EEO Officer interviews completed and anticipate hiring by March 2022
- Office to be developed by EEO Officer
 - Increasing from 2 positions to 6 positions
- Develop a strategic plan and an organizational plan for the newly created EEO Office
- Oversee the elimination of the backlog of EEO cases and establish new standards for adjudication reducing cycle time
- Within the first 6-12 months receive approval and publish new EEO policies and practices to ensure a discrimination-free work environment including a training plan for all employees



Creation of MyVoiceMet

- Complaint Clearinghouse and Tracking System
 - Anonymous reporting of EEO issues and other employee concerns
 - Selected “i-Sight” system
 - Case management platform used by organizations to help them track, manage and report on a wide range of issues including case reporting and investigative cases
 - Robust reporting including the ability to report the live status of cases within one centralized system
 - System will improve the quality and accuracy of the information presented to management and the Board
 - Implementing the system—Initial phase to be completed by June 2022

Management Forum

- GM hosted; all-hands managers forum scheduled for March 24
- Approximately 250+ managers from every level are expected to participate
- Forum Topics:
 - Leading with Values, Culture Shift and Sensitivity Training (basics of emotional intelligence and managing in a culture of DE&I)
- Specialized training focused on “Managing for Success” to be provided in small in-person groups throughout the District.
 - Increased understanding of how our unconscious biases affect our decisions and actions
 - Key objectives:
 - Developing yourself as an inclusive leader
 - Creating a Culture of Diversity and Inclusion
 - Increasing Team Member Engagement and Collaboration
- A second Management Forum is scheduled for May 2022

Updating Policies/EEO Procedures

- Hired Meyers Nave Company
 - Conduct an independent review of policies and processes
 - Draft proposed policies/procedures for review by Meyers Nave with input from Joint Labor-Management Advisory Committee/DEI Council
 - H-07-Equal Employment Opportunity
 - H-13-Sexual Harassment Prohibition Policy
 - H-04-Violence in the Workplace
 - EEO procedures
 - Other policies being updated are: B-11 (Use and Retention of Electronic Mail) and I-02(Use of Computer Resources)
- Assist transition of investigations from Legal to EEO Office
 - Train investigators
 - Provide various EEO training to support the cultural shift

Recommendations Referred to the General Manager

#	Recommendation	Action	Status
4	Hold managers accountable for modeling professional and respectful behavior and demanding the same of their teams.	Addressed	Addressed through ongoing training and performance evaluations. Various operating policies are being updated. As updated policies are distributed, a statement of the General Manager's expectation to follow and enforce District policies will be included.
7	Require managers to follow and enforce District policies and procedures.	Addressed	Management retreats are scheduled starting in March 2022 which will reinforce expectations of management including following and enforcing policies and procedures. A new required training for all managers will be implemented to reinforce this message.
9	Evaluate the performance of managers and compensate them based on their ability to drive positive interactions on their team, hold employees accountable, demonstrate an appropriate "tone at the top," and further the District's DE&I initiatives.	In Progress	Executive Management is discussing the best approach for addressing this recommendation. Specific goals can be added to all management employees and implementing a 360 evaluation for Unrepresented employees will reinforce the "tone at the top". The DE&I Officer may also have recommendations.

Recommendations Referred to the General Manager

#	Recommendation	Action	Status
12	Create additional positions in the Training Unit and Employee Relations to ensure both areas are properly staffed and resourced.	Addressed	Pending budget approval to increase staff. Options being considered to address this recommendation if Board does not approve new positions.
13	Provide training to relevant HR personnel (Laws/Regs/Best Practices)	Addressed	HR staff receive monthly training on various topics regarding laws, process, procedures, etc. In addition, staff regularly (at least annually and in some cases more frequently) attend off-site training provided by CalPERS, law firms, and employee relations experts. In 2020, an outside expert in medical accommodations provided training to all HR staff.
17	Implement a hotline program to allow for anonymous reporting of EEO Issues.	Addressed	System has been selected and is being implemented.

Recommendations Referred to the General Manager

#	Recommendation	Action	Status
29	Create a DE&I Manager position to be filled by an individual with prior DE&I experience to create a DE&I Office, lead the DE&I Council, and guide Council members and District Leadership to identify and implement best practices.	In Progress	DE&I Officer interviews scheduled. Position is estimated to be filled by April 2022.
31	Only permit Executive Management to attend DE&I Council meetings when invited by the Council.	Addressed	Executive management only attends when invited by DE&I Council.
32	Ensure that participation on the DE&I Council is voluntary.	Addressed	All staff attendance is voluntary

Recommendations Referred to the Legal and Ethics Departments

Legal and Ethics Departments

#	Recommendation	Action	Status
1	Update current EEO-related policies to reflect best practices.	In Progress	Legal completed initial review. Policies are currently being independently evaluated and will be reviewed by JLMAC and DE&I Council.
2	Implement a policy to address abusive conduct, even if not EEO-related.	In Progress	Legal completed initial review. Policies are currently being independently evaluated and will be reviewed by JLMAC and DE&I Council.
19	Create a process for investigating and resolving complaints against department heads and Directors.	Completed	Board letter 7-1 approved on November 9, 2021.
25	Make only factual findings during investigations, not policy and/or legal findings, and use the appropriate evidentiary standard.	In Progress	Legal completed initial review. GM will consider through review of revised EEO investigation procedures any additional changes before it's presented to the Board.

Recommendations Referred to the Legal and Ethics Departments

General Manager and Legal Departments

#	Recommendation	Action	Status
28	Consider eliminating confidentiality/non-disclosure provisions in settlement agreements with employees who will remain employed with the District after the investigation is completed.	Completed	<p>Consistent with California law, Metropolitan no longer seeks confidentiality and/or non-disclosure provision in settlement agreements concerning allegations of unlawful discrimination, harassment or retaliation.</p> <p>Metropolitan will consider potential confidentiality provisions only upon request by a plaintiff who wishes to maintain privacy regarding certain matters during their continued employment with Metropolitan, but only to the extent such requests comply with California law.</p>

Summary

	Referred	Addressed/ Completed	In Progress	Pending	Notes
General Manager	26	13	6	7	7 recommendations pending review after appointment of EEO Officer.
General Manager and Legal Departments	1	1	-	-	
Legal and Ethics Departments	4	1	3	-	
Joint Labor-Management Advisory Committee	9	-	1	8	Conducting independent review of policies/procedures.
Board	7	7	-	-	
Total	47	22	10	15	

