



Special Organization, Personnel and Technology
Committee

Update on Equal Employment Opportunity Policies

Item 2b
April 26, 2022

Meyers Nave

Current Review of Draft Updated Policies

- H-07: Equal Employment Opportunity
- H-13: Sexual Harassment Prohibition

Meyers Nave Approach

Review and Update of Policies

- Key Elements
- Purpose
- Scope of Protection
- Definitions
- Prohibited Conduct
- Responsibilities
- Addressing and Reporting Violations
- Training



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A Professional Law Corporation



MWD Draft Updated Policies H-07 and H-13

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April 26, 2022

Key Considerations for Draft Policy Updates

Resources So Far:

- Audit Recommendations
- Current Legal Standards
- Shaw Law Group (“SLG”) Recommendations
- Best Practices
 - EEOC Guidance
 - DFEH Guidelines
 - State and Federal EEO-related case law



Audit Recommendations Addressed by H-07

- Include a robust definition and examples of retaliation
- Include right to file a complaint directly with DFEH or EEOC
- Reference to written investigatory procedures
- Include state and federal law requirements and review process
- Develop an official policy defining and prohibiting abusive conduct
- Specify how non-EEO staff should handle referrals of complaints to the EEO office

Key Considerations for Draft Policy Updates



Additional Considerations:

- JLMAC Working Group Feedback
- DE&I Council
- Department Input
- Meet and Confer Process Prior To Final Action

Draft Policy H-07 Equal Employment Opportunity

H-07 KEY ELEMENTS

- Maintain a respectful, professional, and inclusive work environment
- Discrimination, Discriminatory Harassment, Retaliation and Abusive conduct (bullying) will not be tolerated
- Definitions and Examples
- Conduct does not have to be a legal violation to be prohibited



H-07 PURPOSE

- ***“The Metropolitan Water District of Southern California (“Metropolitan”) is committed to maintaining a respectful and professional workplace that promotes equal employment opportunities and prohibits discriminatory practices.”***
- ***“The objective of this policy is to define discrimination, harassment, and retaliation, as well as abusive conduct, and to reaffirm Metropolitan’s commitment to take any actions necessary to prevent and eliminate such conduct.”***

Source: Audit Recommendation & SLG Climate Assessment

H-07 SCOPE OF PROTECTION

- Applies to applicants and employees (including interns, volunteers, and contractors)
- Policy covers off-site conduct with a connection to an employee's work, such as an off-site trip or work-related social function.

Source: Audit Recommendation & DFEH

H-07 DEFINITIONS

- Includes All Protected Characteristics
- Protected Activity – Examples
- Adverse Employment Action – Examples
- Gender Identity and Gender Expression

Source: Audit Recommendation, SLG Climate Assessment and DFEH

H-07 PROHIBITED CONDUCT

Examples:

- Discrimination
- Discriminatory Harassment
- Retaliation
- Abusive Conduct



Source: Audit Recommendation, SLG Climate Assessment and DFEH

H-07 RESPONSIBILITIES

- Take all complaints seriously
- Individual reporting of violations
- Supervisors or managers must report violations to the EEO Officer



H-07 TRAINING

- Training requirements and content for discriminatory harassment prevention
 - Supervisory employees 2hrs every 2 years
 - Non-Supervisory employees 1hr every 2 years
- Abusive conduct prevention

Source: SLG Climate Assessment and DFEH

[Cal. Gov. Code § 12950.1](#)

Draft Policy H-13 Sexual Harassment Prohibition

Audit Recommendations Addressed by H-13

- Include a robust definition and examples of retaliation
- Include right to file a complaint directly with DFEH or EEOC
- Reference to written investigatory procedures
- Include state and federal law requirements and review process
- Review and update sexual harassment policy as needed
- Specify how non-EEO staff should handle referrals of complaints to the EEO office

H-13 KEY ELEMENTS

- Maintain a respectful, professional, and inclusive work environment
- Zero Tolerance of Sexual Harassment
- Harassment Definition and-Examples
- Types of Sexual Harassment- Examples
- Retaliation-Examples
- Conduct does not have to be a legal violation to be prohibited

H-13 PURPOSE

- *“The Metropolitan Water District of Southern California is committed to maintaining a respectful and professional workplace that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment.”*
- *“Sexual harassment constitutes discrimination on the basis of sex and is illegal...Metropolitan maintains this zero-tolerance policy, which strictly prohibits sexual harassment in any form.”*

Source: Audit Recommendation, SLG Climate Assessment, EEOC and DFEH

H-13 SCOPE OF PROTECTION

- Applies to all employees (including coworkers, supervisors, and managers), applicants for employment, interns, volunteers, contractors, and persons conducting business with Metropolitan.
- Policy covers off-site conduct with a connection to an employee's work, such as an off-site trip or work-related social function.

Source: Audit Recommendation & DFEH

H-13 DEFINITIONS

- Most Recent Legal Standards
- Verbal, Visual, Physical, Social Media, Threats & Retaliation – Examples
- Quid Pro Quo and Hostile Work Environment-Examples

Source: Audit Recommendation, SLG Climate Assessment, EEOC and DFEH

H-13 POLICY STATEMENT

- Zero tolerance -Discipline
- Perspective of Victim
- Supervisors or managers must report violations to the EEO Officer
- No retaliation
- Employees' duty to cooperate in investigation

Source: Audit Recommendation, SLG Climate Assessment, EEOC and DFEH

H-13 TRAINING

- Training requirements and content for discriminatory harassment prevention
 - Supervisory employees 2hrs every 2 years
 - Non-Supervisory employees 1hr every 2 years
- Abusive conduct prevention

Source: SLG Climate Assessment and DFEH

[Cal. Gov. Code § 12950.1](#)

Questions?



Policy Update Process

Next Steps



- Once completed General Manager and Bargaining Unit sign-off
- Distribute updated policies to all employees

