



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity Policy	4/29/98	4/ /22

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.

Discrimination, harassment, and retaliation is illegal under federal, state, and local laws. As such, Metropolitan maintains this zero-tolerance policy, which strictly prohibits discrimination, harassment, and retaliation in any form. Abusive conduct is not yet prohibited by law, but it may lead to discriminatory conduct and is to be avoided.

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.

Metropolitan has a zero-tolerance policy for any conduct that violates this policy. Conduct need not rise to the level of a violation of law to violate this policy. Metropolitan will implement appropriate corrective action(s), up to and including formal discipline, in response to any violations of this policy, even if the violation does not rise to the level of unlawful conduct.

AUTHORITY

Metropolitan maintains this Equal Employment Opportunity ("EEO") policy consistent with federal, state, and local law. The General Manager delegates authority for administering and enforcing Metropolitan's EEO program and this policy to the Chief EEO Officer.

SUPERSESSON

This Operating Policy supersedes Operating Policy H-07, dated April 29, 1998, and revised on September 25, 2001, June 2, 2005, April 29, 2010, and November 5, 2012. This policy will be reviewed annually.

SUMMARY

True equal employment opportunity cannot be accomplished if discrimination, harassment, or retaliation is tolerated. Accordingly, all such conduct is expressly prohibited by this policy.

Metropolitan is committed to maintaining a respectful,



professional, and inclusive work environment that is free from discrimination and harassment based on a **“Protected Characteristic”** (as defined below), and an environment free from retaliation for participating in any **“Protected Activity”** (as defined below) covered by this policy. In accordance with this commitment, it is Metropolitan’s policy to provide equal employment opportunities to all employees and applicants for employment.

In furtherance of these objectives, Metropolitan is committed to ensuring that no employee, applicant, intern, volunteer, or contractor is subjected to discrimination, harassment, or retaliation. Unlawful discrimination, harassment, or retaliation in any form will not be tolerated.

SCOPE OF PROTECTION

This policy applies to applicants and employees (including interns, volunteers, and contractors) of Metropolitan (hereinafter referred to as **“Covered Individuals”**). In addition, this policy extends to conduct with a connection to an employee’s work, even when the conduct takes place away from Metropolitan’s premises, such as a business trip or work-related social function.

DEFINITIONS

Protected Characteristic – Discrimination and harassment against a Covered Individual (as defined above) based on any of the following actual or perceived *Protected Characteristics* is strictly prohibited by this policy:

- age (40 and above);
- race or ethnicity;
- color;
- national origin or ancestry;
- citizenship status;
- religion or religious creed (including religious dress and grooming practices);
- mental or physical disability;¹
- genetic information or genetic characteristics;
- marital status;
- medical condition (including AIDS/HIV status and cancer or

¹ Metropolitan recognizes and supports the obligation to reasonably accommodate employees with disabilities or religious beliefs or practices in order to allow those employees to perform the essential functions of their jobs. If an employee believes they need a reasonable accommodation based on disability or a religious belief or practice, the employee should discuss the matter with their supervisor or the Human Resources Department.



having a history of cancer);

- sex (including pregnancy, childbirth, breastfeeding, and related medical conditions);
- gender;
- gender identity or gender expression² (which includes those who identify as transgender, those who are transitioning or have transitioned, and sexual stereotypes);
- sexual orientation;
- military and veteran status;
- requesting or taking a protected leave of absence; or
- any other protected status in accordance with all applicable federal, state, and local laws.

Protected Activity – This policy strictly prohibits retaliation (or taking adverse employment actions) against Covered Individuals who engage in *Protected Activity*, including, but not limited to:

- reporting suspected violations of this policy;
- cooperating in investigations or proceedings arising out of a violation of this policy;
- filing a complaint with an external regulatory agency;
- resisting harassing behavior or intervening to protect others from harassing behavior;
- refusing to obey an order reasonably believed to be discriminatory or illegal;
- requesting accommodation for a disability or for religious beliefs; or
- requesting or taking a protected leave of absence.

Adverse Employment Action – An *adverse employment action* is conduct or an action that materially affects the terms and conditions of employment or would deter a reasonable employee (or Covered Individual) from engaging in “Protected Activity” (as defined above). Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Gender Identity – The term *gender identity* refers to a person’s deeply felt internal understanding of their gender, or the perception of a person’s gender identity, regardless of actual sex. A person

² See definitions section below on “gender identity” and “gender expression.”



may identify as male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.

Gender Expression – The term *gender expression* refers to a person's gender-related appearance or behavior, or the perception of such appearance or behavior, which may or may not conform to socially defined characteristics typically associated with being either masculine or feminine.

PROHIBITED CONDUCT

All of Metropolitan's employees, applicants, interns, volunteers, and contractors ("**Covered Individuals**") must be treated with respect and dignity. As such, Metropolitan strictly prohibits discrimination, harassment, or retaliation based on any Protected Characteristic(s). Metropolitan will take affirmative steps to correct and eliminate any conduct that is in violation of this policy.

This policy prohibits discriminatory, harassing, and retaliatory conduct, regardless of whether the conduct rises to the level of a legal violation.

A. Discrimination – As used in this policy, *discrimination* is defined as the unequal treatment of Covered Individuals in any aspect of employment, including discrimination based on the Covered Individual's actual or perceived Protected Characteristic(s). Discrimination also includes unequal treatment because of a Covered Individual's association with an individual with a Protected Characteristic.

Examples of discriminatory behavior includes, but is not limited to:

- 1) Basing an employment decision (e.g., decision to hire, promote, transfer, discipline, etc.) on one's Protected Characteristic(s).
- 2) Taking adverse employment action (e.g., discipline, demotion, termination, etc.) based on one's Protected Characteristic(s).
- 3) Treating an applicant or employee differently with regard to any aspect of employment because of their actual or perceived Protected Characteristic(s).

B. Harassment – *Harassment* is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the Protected Characteristics listed above.

Harassment may take many forms, but most commonly includes the following:

- 1) **Verbal harassment** such as epithets, derogatory statements, slurs, jokes, unwelcome remarks about an individual's body,



dress, clothing, color, physical appearance or talents, questions about a person's sexual practices, and/or patronizing terms or remarks;

- 2) **Physical harassment** such as assault, unwanted touching or physical contact, impeding or blocking normal movement, physical interference with normal work, and/or threatening, intimidating, or hostile acts that relate to a Protected Characteristic(s);
- 3) **Visual harassment** such as displaying offensive pictures, cartoons, drawings, posters, screensavers, virtual backgrounds, or electronic or media-based visuals (such as emails, text messages, memes, emojis, gifs and video games), or displaying offensive objects, gestures, letters or notes, or any other graphic material that denigrates or shows hostility or aversion towards an individual because of the individual's Protected Characteristic(s); and
- 4) **Use of social media** to conduct discriminatory harassment.

Harassment prohibited by this policy also includes sexual harassment, which is discussed in further detail in Operating Policy No. H-13.

C. Retaliation – *Retaliation* occurs when a Covered Individual is subjected to an adverse employment action because they engaged in activity protected under this policy ("Protected Activity"), such as reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

- 1) As stated above, an adverse employment action is conduct that materially affects the terms and conditions of employment, or any conduct that would deter a reasonable employee (or Covered Individual) from engaging in Protected Activity.
- 2) **Examples of retaliation** under this policy include, but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of Protected Activity; harassing another employee for filing a complaint; denying employment opportunities because of Protected Activity; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation; or not talking to an employee when otherwise required by job duties; singling a person out for harsher treatment because of Protected Activity; lowering a performance evaluation because of Protected Activity; withholding pay increases or assigning more onerous work,



abolishing a position, taking a form of disciplinary action because of Protected Activity; spreading rumors about a complaint or a complainant because of Protected Activity, or otherwise excluding the employee from job-related activities because the employee engaged in Protected Activity.

D. Abusive Conduct – *Abusive conduct* means conduct by an employer, employee, intern, contractor, or volunteer in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious. Notably, abusive conduct does not include actions directed at a person because of their actual or perceived Protected Characteristic(s).

Examples of abusive conduct include, but are not limited to:

- Mocking, insulting, or ridiculing;
- Spreading rumors, hurtful gossip, or innuendo;
- Offensively discounting a person's ideas in front of others without a legitimate business reason;
- Repeated yelling, shouting, or using a threatening tone towards another;
- Using foul and profane language;
- Unwanted physical contact or physical gestures that intimidate or threaten;
- Repeatedly calling someone a humiliating "nickname";
- Glaring at a person to intimidate them; and
- Intentionally and repeatedly discrediting another's work without a legitimate business reason.

Any person who believes that they have been subjected to abusive conduct should promptly report the incident to a supervisor or any other member of Metropolitan's management team, or to the Human Resources Department. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt and appropriate remedial action shall be taken.

Abusive conduct is misconduct which may result in disciplinary action, up to and including termination.



RIGHTS OF COVERED INDIVIDUALS

- 1) The right to a discrimination-free, harassment-free, and retaliation-free work environment.
- 2) The right to file a complaint of discrimination, harassment, or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.
 - a. Please see the **EEO Complaint and Investigation Procedures** for Metropolitan's full written investigatory procedures and processes, which can be obtained from Metropolitan's EEO Office.
- 3) The right to a full, impartial, and prompt investigation by a qualified Metropolitan representative or designee into allegations of conduct that would violate this policy.
- 4) The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint or investigation process.
- 5) The right to file a complaint directly with the California Department of Fair Employment and Housing, the federal Equal Employment Opportunity Commission, or other appropriate state or federal agencies, or to file a civil action in the appropriate court.

RESPONSIBILITIES

Metropolitan takes all complaints seriously and will take affirmative steps to resolve any problems that may arise. It is the responsibility of each individual at Metropolitan, whether directly involved in the incident or not, to assure that discrimination, harassment, or retaliation does not occur in the workplace.

If a Covered Individual believes that prohibited harassment, discrimination, or retaliation is occurring, or observes any such prohibited conduct, that individual should promptly report the incident(s) to Metropolitan's EEO Office. ***Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the EEO Officer and must follow that officer's instructions as to how best to proceed.***

No individual will be retaliated against or otherwise disciplined for reporting, in good faith, an incident of harassment, discrimination, or retaliation, or for participating in an investigation. The complainant and all participants in an investigation have the assurance of Metropolitan that no reprisals will be taken as the result of the complaint, unless the complaint was filed in bad faith or for an improper purpose.



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY

Any Covered Individual who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate, if they feel comfortable doing so, and to tell the offending individual to stop the behavior.

The Covered Individual should also immediately report the alleged violation to their supervisor, manager, or the EEO Office. ***If a supervisor or manager learns of a potential violation of this policy, they are required to immediately report the matter to the EEO Officer.*** There is no chain of command when contacting the EEO Officer; an individual does not need supervisor or manager approval to do this. If the alleged offender is the employee's supervisor or manager, the employee should report the conduct to any other supervisor, manager, or the EEO Officer. Covered Individuals are not required to report the matter directly to the offending individual or their immediate supervisor and may opt to report the matter directly to the EEO Office. A complaint may be brought forward verbally or in writing.

Please see the **EEO Complaint and Investigation Procedures** for Metropolitan's full written investigatory procedures and processes, which can be obtained from Metropolitan's EEO Office.

Upon receiving a complaint alleging violation(s) of this policy, Metropolitan will promptly look into the facts and circumstances of any alleged violation, as appropriate. Even in the absence of a formal complaint, Metropolitan may initiate an investigation where it has reason to believe that conduct that violates this policy may have occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, Metropolitan may continue the investigation to ensure that the workplace is free from discrimination, harassment, and retaliation. Anonymous complaints will also be investigated. All investigations will be fair, impartial, timely, and promptly initiated and promptly completed by qualified personnel.

In addition, Covered Individuals may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing (DFEH)

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov

<https://www.dfeh.ca.gov>



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Los Angeles Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
Phone: (213) 785-3090
Fax: (213) 894-1118
1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)
<http://www.eeoc.gov/employees>

CONFIDENTIALITY

To the extent possible, Metropolitan will endeavor to keep the reporting of the Covered Individual's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with Metropolitan's ability to fulfill its obligations under this policy. All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information to the EEO Office that may be pertinent to the investigation. Upon completion of the investigation, if misconduct is substantiated, Metropolitan will take appropriate corrective and preventive action calculated to end the conduct, up to and including formal discipline where warranted.

TRAINING

All Metropolitan employees are required to participate in sexual harassment prevention training. The training will be aimed at increasing the understanding of, and preventing, workplace sexual harassment and other types of harassment, discrimination, and retaliation based on EEO Protected Characteristics, and abusive conduct.

Metropolitan employees are required to take this mandatory training in accordance with the following:

1. All **supervisory employees** are required to take *two (2) hours of training within six months of assumption of their supervisory role.*
2. All **non-supervisory employees** are required to take *one (1) hour of training within six months of hire.*
3. Temporary, seasonal, or any other employee expected to work less than 6 months must complete this training within 30 calendar days after hire or within 100 hours worked, whichever occurs first.

All employees must take this mandatory training at least once every two years, thereafter.



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Metropolitan will make this training available to employees during regular working hours at no cost to the employee. Metropolitan will maintain records of these mandatory trainings.

REFERENCES

- [Administrative Code Sections 6219, 6300—6305, 7111](#)
- Operating Policy [H-03](#) and [H-13](#) [may need to be updated]
- Applicable executive orders, federal, state, and local laws, statutes, and regulations
- [Discrimination Complaint Procedures](#) [may need to be updated]
- Applicable Metropolitan Board directives and policies
- Memoranda of Understanding

APPROVAL

Adel Hagekhalil, General Manager

Date