



Organization, Personnel and Technology Committee

Update on implementation of
recommendations from State Audit
and independent review of workplace
concerns

Item 6a

July 12, 2022

Update

State Audit

- Updates submitted on June 20, 2022
- Audit Reform Team meets biweekly to review status of recommendations to ensure implementation by established deadlines

Independent Review of Workplace Concerns

- Update on status of recommendations
- Summary

Update on Implementation of Recommendations from State Audit

Update on State Audit

EEO

Due: June 2022

Submitted: June 20, 2022

Recommendations

- Develop written procedures that specify how non-EEO staff who receive complaints from employees should handle referrals of EEO complaints to the EEO office, and train staff on those procedures.
- Develop written procedures for handling potential threats to impartiality in investigations. These procedures should contain explicit conditions in which a party other than the EEO office plays a lead role in an EEO complaint, such as the Ethics Officer or the General Counsel's office.
- To ensure that it is complying with state and federal laws as well as best practices, by October 2022 MWD should update its EEO policy to:
 - Include a robust definition and examples of retaliation.
 - Include information about an employee's right to file a complaint directly with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC).
 - Make explicit reference to written investigatory procedures and describe where employees can obtain a copy of those procedures.
 - Ensure that the policy accurately reflects all other requirements in state and federal law. In order to do so, MWD should establish a process for regularly reviewing the policy to determine whether changes are needed.

Update on State Audit

Hiring/ Recruitment/ Promotion

Due: June 2022

Submitted: June 20, 2022

Recommendation

- Annually share the results of its NDP analyses with various management groups as well as recruitment staff.

Update on State Audit

Safety

Due: June 2022

Submitted: June 20, 2022

Recommendation

- Establish a minimum level of collaboration between safety representatives and management, such as establishing requirements for regular meetings and requiring managers to attend safety committee meetings.

Independent Review of Workplace Concerns

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
6	Continue to enhance the District's current EEO training program.	Addressed/Ongoing	<ul style="list-style-type: none"> Managing for Success H-07/H-13 policy training at management forum on July 16, 2022 Prevention of Workplace Harassment, Discrimination & Abusive Conduct Preventing Workplace Harassment Unintentional Still Hurts
8	Require managers to promptly and consistently address EEO Issues and other employee concerns.	Addressed/Ongoing	<ul style="list-style-type: none"> Stipulated and emphasized in H-07/H-13 policies and H-07/H-13 policy training
16	Regularly communicate with all employees regarding the separate components of the EEO Office and the Ethics Office, including direct messaging from the General Manager, the CAO, and the Ethics Officer.	Addressed/Ongoing	<ul style="list-style-type: none"> Stipulated in the H-07/H-13 policies EEO Office discussed in Coffee with the GM, meet and confers with bargaining units, JLMAC meetings

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
18	Update the District's "EEO Discrimination Complaint Procedures," and provide copies to complainant(s) and respondent(s) in each investigation.	In Progress	<ul style="list-style-type: none">▪ EEO Procedures are being developed
21	Immediately identify during investigations of EEO Issues whether interim measures are appropriate.	Addressed/Ongoing	<ul style="list-style-type: none">▪ Assessed during intake process and throughout investigation.

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
22	Prioritize investigations if any employee is placed on PAL pending completion of the investigation.	Addressed/Ongoing	<ul style="list-style-type: none">▪ In process
24	Provide in-depth and regular training to all EEO Office personnel regarding complaint intake and investigation best practices, and ensure internal EEO investigators are trained in trauma-informed practices, including interview techniques and credibility assessments.	Addressed/Ongoing	<ul style="list-style-type: none">▪ EEO Officer and EEO Section Manager have Association of Workplace Investigations (AWI) certificate▪ Principal EEO Analyst enrolled in upcoming EEOC training▪ Concerted effort made to seek additional training opportunities

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
26	Adopt restorative practices, including creating a conflict resolution team, requiring transparency about the District's remedial actions to the extent consistent with employee rights, and ensuring appropriate follow-up after an investigation is complete.	Addressed/Ongoing	<ul style="list-style-type: none">Contracted with consultant for restorative justice and reconciliationEEO Section Manager assigned to follow-up with relevant parties after an investigation
27	Implement a process for Employee Relations and/or the EEO Office to inform internal recruiters about information relevant to transfer requests, such as an employee's prior complaint against an employee working at the potential new location.	Completed	<ul style="list-style-type: none">A process has been established and is in place

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
35	Implement a District-wide communication program regarding what conduct may constitute retaliation under the District's policy, and the District's commitment to protecting employees from retaliation.	Addressed/Ongoing	<ul style="list-style-type: none">▪ Included in H-07/H-13 policies and covered in established trainings

Independent Review of Workplace Concerns

Status of Recommendations Summary

	Referred	Completed	Addressed/ Ongoing	In Progress
General Manager/EEO	26	5	19	2
General Manager and Legal Departments	1	1	-	-
Legal and Ethics Departments	4	1	2	1
Joint Labor-Management Advisory Committee	9	1	7	1
Board	7	1	5	1
Total	47	9	33	5



Discussion

