



Organization, Personnel and Technology Committee

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

Item 6a

November 8, 2022

Update

State Audit

- Updates submitted on October 20, 2022
- Updates on recommendations due
 - April 2023

Independent Review of Workplace Concerns

- Update on status of recommendations
- Summary

Update on Implementation of Recommendations from State Audit

Recommendations due October 2022

Update on State Audit

EEO

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
5	Review and update its sexual harassment policy as needed and develop an official policy defining and prohibiting abusive conduct.	Metropolitan reviewed and updated its sexual harassment policy (Policy H-13) and its abusive conduct & workplace violence prevention policy (Policy H-04).
6	<p>Implement the following improvements to EEO office:</p> <ul style="list-style-type: none">▪ Create and fill additional positions that are commensurate with the workload of the EEO office, including additional staff to handle investigations, training, and compliance.▪ Assign formal, written responsibilities for specific staff within the office.▪ Structure the EEO office in such a manner that it can operate independently, with minimal potential threats to impartiality.	<p>Metropolitan's EEO Office now reports directly to the General Manager. Metropolitan created and hired new Chief EEO Officer, Deputy Chief EEO Officer, and Chief EEO Investigator positions to manage the work of the EEO Office.</p> <p>EEO policies state that the GM has authorized the EEO Officer to be the governing authority for EEO matters.</p> <p>EEO Office hired two Chief EEO Investigators and a Principal EEO Analyst. An EEO Compliance Coordinator position is budgeted in the FY 2022/23 budget.</p>

Update on State Audit

EEO

Submitted as
Fully Implemented
October 20, 2022

Recommendation	Status
<p>7 Update its investigation procedures to include time frames that match DFEH best practices for responding to, investigating, and closing EEO complaints and should adhere to those time frames. MWD should report to its board quarterly on how many EEO complaints have been received and investigated, including how many of those investigations surpassed the time frames in MWD's procedures.</p>	<p>Metropolitan updated its EEO policies (H-07 and H-13), which state that all investigations must be promptly addressed.</p> <p>The EEO Complaint and Investigative Procedures (EEO Procedures) were developed and the deadlines for responding to, investigating and closing EEO complaints are included.</p> <p>Metropolitan implemented a new system to manage investigations, which will make reporting to the Board on a quarterly basis administratively efficient and accurate.</p>

Update on State Audit

EEO

Submitted as
Fully Implemented
October 20, 2022

Recommendation	Status
<p>10 Implement an electronic recordkeeping system that will allow for accurate and complete tracking of EEO complaints in a single location. MWD also should designate an individual to be responsible for logging, tracking, and updating EEO complaint records.</p>	<p>Metropolitan implemented an electronic recordkeeping system, which went live in October 2022. The case management system records complaints and provides complete tracking of EEO complaints in a single location. This system will make reporting to the Board on a quarterly basis administratively efficient and accurate.</p> <p>The Deputy Chief EEO Officer is responsible for logging, tracking, and updating EEO complaint records, as shown in the updated job description.</p>

Update on State Audit

Human Resources

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
11	Implement a written, formal process that outlines the steps that it must follow and the factors it must consider when deciding whether and how to issue discipline. MWD should also develop a recordkeeping policy that documents the disciplinary process so that it can demonstrate that its process is thorough and consistent.	<p>In order to ensure equity and consistency in its disciplinary process, Metropolitan implemented disciplinary procedures. Employees have been notified about the disciplinary process and their rights under that process.</p> <p>The Employee Relations unit is also implementing a new case management system that tracks all cases including the level of discipline.</p>

Update on State Audit

EEO

Submitted as
Fully Implemented
October 20, 2022

Recommendation	Status
<p>12 Develop written procedures for identifying and intervening in potential retaliation while EEO investigations are ongoing.</p> <p>Dedicate a person to follow up with complainants after EEO investigations to ensure that incidents involving potential retaliation are not occurring, as well as track these follow-up discussion</p>	<p>Metropolitan developed the EEO Complaint and Investigative Procedures, which includes the process for identifying and intervening in potential retaliation while EEO investigations are ongoing, guidance for reporting retaliation, monthly communication with involved parties during an investigation, and post investigation follow-up communication.</p> <p>The Deputy Chief EEO Officer is responsible for ensuring following up with complainants during and after EEO investigations to determine whether or not incidents involving potential retaliation are occurring.</p> <p>The EEO Procedures include guidance for reporting retaliation through monthly communication with involved parties during an investigation, and post investigation follow-up communication with complainants.</p>

Update on State Audit

Human
Resources/

Legal

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
13	<ul style="list-style-type: none">Amend its administrative code to require that all personnel-related settlements that invoke confidentiality or have any financial impact—including paid and reinstated leave—be reported quarterly to the board's Legal and Claims Committee, regardless of settlement type.Develop a written policy that outlines mandatory information required when reporting settlements. This reporting on each settlement should include whether EEO issues were implicated, whether the employee is still employed by MWD, the existence and type of any financial or confidentiality terms, and whether MWD has taken any corrective action in response to the alleged issues.Implement centralized recordkeeping procedures for all employee settlement agreements, including a means of confidentially indicating the existence of such settlements in the EEO complaint database, its personnel database, or some other central repository.	<p>Metropolitan amended its administrative code to require all personnel-related settlements that invoke confidentiality or have any financial impact, including paid and reinstated leave, be reported quarterly to the Board regardless of settlement type.</p> <p>Metropolitan established a written policy within the administrative code that outlines mandatory information required when reporting settlements. It states that each settlement should include whether EEO issues were implicated, whether the employee is still employed by Metropolitan, the existence and type of any financial or confidentiality terms, and whether Metropolitan has taken any corrective action in response to the alleged issues.</p> <p>Metropolitan implemented a centralized online database system and a process for compiling information on all employee settlements for quarterly reports to the Board.</p>

Update on State Audit

Human Resources/ EEO

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
14	<p>Adopt and publish comprehensive formal hiring procedures that include the following elements.</p> <ul style="list-style-type: none">▪ A documented process for screening applications based on defined criteria.▪ Clear instructions for justifying hiring decisions, with examples of appropriate justifications.▪ Document retention requirements for human resources staff and hiring managers that align with the steps of the hiring process required in MWD's hiring procedures.	<p>To ensure fairness and accountability in the hiring process, Metropolitan updated the recruitment policy (H-10) and comprehensive formal hiring procedures based on best practices. The new procedures include a documented process for screening applications based on defined criteria, clear instructions for justifying hiring decisions with examples of appropriate justifications, and documented requirements for human resources staff and hiring managers that align with the steps of the hiring process.</p>
16	<p>Reinstate the EEO office's role in the hiring process and develop formal procedures describing that role.</p>	<p>To ensure equality of opportunity for all Metropolitan employees or applicants for employment, Metropolitan reinstated EEO Office participation in the recruitment and selection process.</p>

Update on State Audit Ethics

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
19	<p>Revise administrative code to:</p> <ul style="list-style-type: none">Prohibit interested parties from participating in the office's investigation process, except when necessary to provide information or otherwise respond to allegations.Establish the best practices highlighted in this report for protecting the independence of the ethics office, such as ensuring that the ethics officer has sole authority to interpret MWD's ethics rules and that the ethics office can obtain advice from outside legal counsel.	<p>The Board of Directors adopted amendments to Metropolitan's Administrative Code that address ethics-related recommendations in the state audit report. The updated Administrative Code expressly:</p> <ul style="list-style-type: none">Prohibits Metropolitan directors, officers, and employees from participating in ethics investigations except when necessary to provide information or otherwise respond to allegations.Prohibits Metropolitan directors, officers, and employees from interfering in ethics investigations.Establishes the Ethics Officer as the sole authority for interpreting Metropolitan's ethics rules.Grants the Ethics Officer authority to obtain independent legal counsel.Authorizes the Ethics Officer unrestricted access to information without waiver of privileges. <p>Additionally, the Board of Directors amended the Administrative Code to clarify the role of the Legal Department in contracts administered by the Ethics Office.</p>

Update on State Audit Housing

Submitted as
Fully Implemented
October 20, 2022

Recommendation		Status
20	<ul style="list-style-type: none">Improve the detail and consistency of its current procedures for responding to maintenance requests. These enhanced procedures should detail when MWD will handle a request on its own and when it will address a request as part of a larger effort, and they should establish clear and reasonable time frames for each scenario.Establish procedures for more reliably tracking the length of time it takes to respond to housing issues and regularly report its performance on these issues to the board, including any measures it has taken to improve this performance.Develop a contingency plan for comprehensively addressing its long-term issues with housing—such as installing prefabricated homes or renovating existing units—in case its current plan for replacing employee housing is delayed.	<p>Metropolitan established the Desert Housing and Recreation Commission, a collaborative effort of the Office of the General Manager, management, employee bargaining unit, and residents to identify high priority issues and immediate enhancements. The General Manager designated a staff person who visits desert sites weekly to help resolve issues. Metropolitan continues to renovate houses and enhance the residential experience while final design for the District Housing and Property Improvement Program is completed.</p> <p>Metropolitan established procedures to ensure that residential work requests are completed timely. Work requests may be submitted via an electronic form or mobile application. Metropolitan established a priority matrix that defines five priority levels and the estimated completion timelines.</p> <p>The Board unanimously approved final design of the District Housing and Property Improvement Program Metropolitan's Board is scheduled to consider awarding a construction contract for the new housing and other facilities in September 2023. If the September 2023 construction award is delayed, a contingency plan will be activated. Metropolitan will continue to refurbish existing houses.</p>

Update on State Audit

Safety

Submitted as
Fully Implemented
October 20, 2022

Recommendation	Status
<p>22 Enhance its written policies to formally define retaliation and include specific steps responsible parties should take when performing the duties laid out in policy, such as protecting employees from retaliation.</p>	<p>Metropolitan safety staff revised Safety Policy HSEM 101.4-Safety Communications to incorporate retaliation policy improvements, which were adopted by the Board on August 16, 2022, including the definitions of retaliation and manager's mandatory requirement to report retaliation to the Ethics Office.</p> <p>The Ethics Officer also proposed, and the Board of Directors adopted, amendments to Metropolitan's Administrative Code including section 7128: "Retaliation, Whistleblower, and Witness Protections." Section 7128 now includes a definition of retaliation and expanded protections for employees who report workplace safety concerns. The updated policy became effective August 16, 2022.</p> <p>On September 7, 2022, the Ethics Office, in coordination with Metropolitan safety staff, began a series of six mandatory, live training webinars on safety-related retaliation in the workplace. To date, over 1400 employees have completed this training.</p>

Recommendations due April 2023

Update on State Audit

Human Resources/ DE&I

Due: April 2023

Recommendation		Status
15	Formally train hiring managers and human resources staff on their roles and responsibilities.	Metropolitan adopted comprehensive formal hiring procedures in October 2022 and has started to develop training for hiring managers and human resources staff. Training is scheduled to be completed by April 2023.
17	Develop formal procedures for analyzing employee demographics and taking appropriate action based on those data. As part of this process, MWD should report to its board on the results of these analyses and actions.	To better analyze its workforce demographics and identify potential barriers to employment, Metropolitan developed formal procedures to evaluate employee demographics and take appropriate actions as needed based on data.

Independent Review of Workplace Concerns

Independent Review of Workplace Concerns

Status of Recommendations

#	Recommendation	Action	Status
2	Implement a policy to address abusive conduct, even if not EEO-related.	Completed	Draft H-04: Abusive Conduct & Workplace Violence Prevention Policy was updated and finalized in October
18	Update the District's "EEO Discrimination Complaint Procedures," and provide copies to complainant(s) and respondent(s) in each investigation.	Completed	EEO Complaint & Investigative Procedures completed in October
23	Take appropriate steps to prevent any form of retaliation against individuals involved in the complaint process.	Completed	H-07, H-13, and EEO Complaint & Investigative Procedures
47	Conduct an annual employee survey for at least the next five years to evaluate the District's progress in implementing the recommendations in the Report, and the effectiveness of those recommendations.	In Progress	The annual survey is scheduled to be conducted in June 2023 to allow time for evaluation

Independent Review of Workplace Concerns

Status of Recommendations Summary

	Referred	Completed	Addressed/ Ongoing	In Progress
General Manager/EEO	26	6	19	1
General Manager and Legal Departments	1	1	-	-
Legal and Ethics Departments	4	2	2	-
Joint Labor-Management Advisory Committee	9	2	7	-
Board	7	1	6	--
Total	47	12	34	1



Discussion

