



## Ethics, Organization, and Personnel Committee

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

Item 7c

March 13, 2023

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
14	<p>To ensure fairness and accountability in the hiring process, by October 2022 MWD should adopt and publish comprehensive formal hiring procedures that include the following elements.</p> <ul style="list-style-type: none"> <li>▪ A documented process for screening applications based on defined criteria.</li> <li>▪ Clear instructions for justifying hiring decisions, with examples of appropriate justifications.</li> <li>▪ 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.</li> </ul>	Fully Implemented October 2022	Assessment has not been published as of February 24
15	To promote consistency in the hiring process, by April 2023 MWD should formally train hiring managers and human resources staff on their roles and responsibilities.	Partially Implemented October 2022  Due April 2023	Pending October 2022  Due April 2023
16	In an effort to ensure equality of opportunity for all Metropolitan employees or applicants for employment, Metropolitan reinstated EEO Office participation in the recruitment and selection process.	Fully Implemented October 2022	Fully Implemented October 2022

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan</b>	<b>Status (Assessed by CA State Auditor)</b>
17	To better analyze its workforce demographics and identify potential barriers to employment, by April 2023 MWD should 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.	Partially Implemented October 2022  Due April 2023	Partially Implemented October 2022  Due April 2023
18	To ensure that responsible parties have the information they need to make improvements, by June 2022 MWD should annually share the results of its demographic analyses with its various management groups as well as its recruitment staff.	Fully Implemented June 2022	Fully Implemented June 2022
19	<p>To ensure that its ethics office is independent, as required by state law, by October 2022 MWD should revise its administrative code to:</p> <ul style="list-style-type: none"> <li>▪ Prohibit interested parties from participating in the office's investigation process, except when necessary to provide information or otherwise respond to allegations.</li> <li>▪ 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.</li> </ul>	Fully Implemented October 2022	Fully Implemented October 2022

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan</b>	<b>Status (Assessed by CA State Auditor)</b>
7	<p>To ensure timely response to EEO complaints, by October 2022 MWD should 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>Fully Implemented October 2022</p>	<p>Assessment has not been published as of February 24</p>
8	<p>To ensure that the EEO office has appropriate jurisdiction over EEO complaints, by June 2022 MWD should 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, such as the ethics office or the general counsel's office, plays a lead role in an EEO complaint.</p>	<p>Fully Implemented June 2022</p>	<p>Fully Implemented June 2022</p>
9	<p>To ensure that the EEO office has appropriate jurisdiction over EEO complaints, by June 2022 MWD should 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, such as the ethics office or the general counsel's office, plays a lead role in an EEO complaint.</p>	<p>Fully Implemented June 2022</p>	<p>Fully Implemented June 2022</p>

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
4	<p>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:</p> <ul style="list-style-type: none"> <li>▪ Include a robust definition and examples of retaliation.</li> <li>▪ 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).</li> <li>▪ Make explicit reference to written investigatory procedures and describe where employees can obtain a copy of those procedures.</li> <li>▪ 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.</li> </ul>	Fully Implemented June 2022	Fully Implemented June 2022

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
5	To ensure that it has effective and up-to-date policies on related personnel matters, by October 2022 MWD should review and update its sexual harassment policy as needed and develop an official policy defining and prohibiting abusive conduct.	Fully Implemented October 2022	Fully Implemented October 2022
6	<p>To better position itself to handle all EEO responsibilities required by state and federal law and best practices, by October 2022 MWD should implement the following improvements to its EEO office:</p> <ul style="list-style-type: none"> <li>▪ Create and fill additional positions that are commensurate with the workload of the EEO office, including additional staff to handle investigations, training, and compliance.</li> <li>▪ Assign formal, written responsibilities for specific staff within the office.</li> <li>▪ Structure the EEO office in such a manner that it can operate independently, with minimal potential threats to impartiality.</li> </ul>	Fully Implemented October 2022	Fully Implemented October 2022

<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
<p>10 To ensure that all EEO complaints and their outcomes are recorded accurately and promptly, by October 2022 MWD should 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>Fully Implemented October 2022</p>	<p>Fully Implemented October 2022</p>
<p>11 To help ensure equity and consistency in its disciplinary process, by October 2022 MWD should 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>	<p>Fully Implemented October 2022</p>	<p>Fully Implemented October 2022</p>
<p>12 To prevent and address mistreatment of complainants and potential violations of its retaliation policy, by October 2022 MWD should do the following:</p> <ul style="list-style-type: none"> <li>▪ Develop written procedures for identifying and intervening in potential retaliation while EEO investigations are ongoing.</li> <li>▪ 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 discussions.</li> </ul>	<p>Fully Implemented October 2022</p>	<p>Fully Implemented October 2022</p>

<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
<p>13 To ensure that the board is informed of how often EEO matters are being settled and by what means, by October 2022 MWD should:</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ 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.</li> </ul>	<p>Fully Implemented October 2022</p>	<p>Fully Implemented October 2022</p>



<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
<p>20 To better protect those employees required to reside in employee housing from the issues threatening the safety and habitability of this housing, by October 2022 MWD should:</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ 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.</li> </ul>	<p>Fully Implemented October 2022</p>	<p>Fully Implemented October 2022</p>

	<b>Recommendation</b>	<b>Status (Submitted by Metropolitan)</b>	<b>Status (Assessed by CA State Auditor)</b>
21	To better protect the safety of its employees, by June 2022 MWD should revise its safety policies to 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.	Fully Implemented June 2022	Fully Implemented June 2022
22	To better ensure the effective handling of safety complaints and the protection of workers who make them, by October 2022 MWD should 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.	Fully Implemented October 2022	Fully Implemented October 2022

# Independent Review of Workplace Concerns

## Status of Recommendations

#	Recommendation	Action	Status
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

