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**Special Organization, Personnel and
Technology Committee**

Meeting with Board of Directors *

April 26, 2022

9:00 a.m.

Teleconference meetings will continue until further notice. Live streaming is available for all board and committee meetings on mwdh2o.com ([Click Here](#))

A listen only phone line is also available at 1-800-603-9516; enter code: 2176868#. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (404) 400-0335 and enter Code: 9601962.

**Tuesday, April 26, 2022
Meeting Schedule**

09:00 am - Sp OP&T
10:30 am - OWC
11:30 am - Break
12:00 pm - Exec
12:30 pm - Sp BOD
02:00 pm - Sp WP&S

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

1. Opportunity for members of the public to address the committee limited to the items listed on the committee's agenda (As required by Gov. Code Section 54954.3(a))

2. COMMITTEE ITEMS

a. Report on State Audit response

[**21-1078**](#)

Attachments: [04262022 SP OPT 2a Presentation](#)

b. Update on Equal Employment Opportunity Policies

[21-1079](#)

Attachments: [04262022 Sp OPT 2b Presentation](#)

[04262022 Sp OPT 2b Draft Operating Policy H-07 Equal Employment Opportunity \[REDLINE\] 1](#)

[04262022 Sp OPT 2b Draft Operating Policy H-07 Equal Employment Opportunity \[CLEAN\] 2](#)

[04262022 Sp OPT 2b Draft Operating Policy H-13 Sexual Harassment Policy \[REDLINE\] 3](#)

[04262022 Sp OPT 2b Draft Operating Policy H-13 Sexual Harassment Policy \[CLEAN\] 4](#)

3. FOLLOW-UP ITEMS

NONE

4. FUTURE AGENDA ITEMS

5. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.



Special Organization, Personnel and Technology
Committee

Report on State Audit Response (Audit Period 2004-2021)

Item 2a

April 26, 2022

Background

Audit Period 2004-2021

Audit Timeline

Jun 30, 2021	Joint Legislative Audit Committee Hearing
Jun 30, 2021	New General Manager started
Jul 13, 2021	Initial Contact with State Auditor
Jul 20, 2021	Audit Entrance Conference
Mar 21, 2022	Audit Exit Conference
Mar 28, 2022	Confidential Report released to staff
Mar 29, 2022	Special Board Meeting to Preview Findings/Responses
Apr 4, 2022	Response submitted to State Auditor
Apr 21, 2022	Public Release of State Audit Report

Key Findings

Key Findings

MWD's failure to address EEO issues has negatively affected its employees

- It has not dedicated sufficient attention or resources to its EEO policy or its EEO office
- Employees can be subject to potentially unsafe workplace circumstances for unnecessarily long periods of time

Key Findings

MWD has resisted implementing an equitable and accountable hiring process

- It gives significant discretion to individual hiring managers, lacks transparency, and cannot demonstrate that hiring decisions are equitable

Key Findings

MWD has not done enough to correct issues with the structure of its ethics office and its aging employee housing

- Its management has interfered with the ethics office's independent functions
- It has not effectively addressed serious issues threatening the habitability of its employee housing or long waits for maintenance requests

Response to State Audit

Response to State Audit

Metropolitan's Response

- Accepted the recommendations and are fully committed to implementing within timeline from the State Audit Report
- Posted the report and progress status on Metropolitan's website

Response to State Audit

Implementation

- Management Briefing
- Audit Response Team
 - Meet bi-weekly
 - Leads responsible for implementing each recommendation
 - Coordinate and monitor to ensure deadlines are met
- Report Progress Regularly
 - Board
 - Website

Recommendations

Ethics

- Revise administrative code
 - Prohibit interested parties from participating in the office's investigation process, except when necessary
 - Establish the best practices highlighted in this report for protecting the independence of the ethics office

EEO

- Develop written procedures
 - Non-EEO staff who receive complaints from employees should handle referrals of EEO complaints to the EEO office, and train staff on those procedures
 - Handling potential threats to impartiality in investigations, which contain explicit conditions in which a party other than the EEO office plays a lead role in an EEO complaint
- Annually share the results of NDP analyses

Safety

- Establish minimum collaboration between safety and managers
- Ensure handling of safety complaints
- Define retaliation and document protection from retaliation

Hiring/Promotion

- Adopt/publish comprehensive formal hiring procedures
 - Process for screening applications
 - Clear instructions for justifying hiring decisions
 - Document retention requirements for human resources staff and hiring managers
 - Reinstate EEO Office's role in the hiring process

Housing

- Improve detail and consistency of procedures for responding to maintenance requests
- Establish procedures for tracking and regularly reporting to the board
- Establish contingency plan for addressing its long-term issues

EEO

- EEO Office
 - Develop written EEO office procedures and train staff on those procedures
 - Annually share the results of its NDP analyses
- Update EEO Policy
 - Define/examples of retaliation
 - Employee's right to file a complaint directly with DFEH or the EEOC
 - Explicit reference to written investigatory procedures. Describe where employees can obtain a copy of those procedures
 - Accurately reflects requirements in state and federal law with regular review of the policy to determine whether changes are needed
 - MWD should review and update its sexual harassment policy as needed, as well as develop an official policy defining and prohibiting abusive conduct

EEO

Implement Improvements

- Create and fill additional positions that are commensurate with the workload of the EEO office
- Assign formal, written responsibilities for specific staff within the office
- Structure the EEO office to operate independently with minimal threats to impartiality
- Update investigation procedures to include time frames that match DFEH best practices
- Report to the board quarterly on how many EEO complaints have been received and investigated including those that surpassed the time frame
- Electronic recordkeeping system and assign a designated individual to log, track, update EEO complaint records
- Formal process for deciding whether and how to issue discipline
- Develop a recordkeeping policy that documents the disciplinary process
- Develop written procedure for identifying and intervening in potential retaliation with EEO investigations are ongoing
- Dedicate a person to follow up with complainants and track the discussions
- Amend the administrative code to require that all settlements that invoke confidentiality or have any financial impact, be reported quarterly to the Legal and Claims Committee
- Develop a written policy that outlines mandatory information required for reporting settlements
- Centralize recordkeeping procedures for all employee settlement agreements

Hiring/Promotion

- Formally train hiring managers and human resources staff on their roles and responsibilities
- Develop formal procedures for analyzing employee demographics and taking appropriate action based on those data.
- MWD should report to its board on the results of the demographic analysis and actions

Reforms Underway

Reforms Underway

Policy Updates

- April 26 Update
 - H-07: Equal Employment Opportunity
 - H-13: Sexual Harassment Prohibition
- Other Key Policies Under Review
 - H-04: Violence in the Workplace
 - B-11: Use and Retention of Electronic Mail
 - I-03: Use of Computer Resources

Reforms Underway

Hiring Key Personnel

- EEO Officer hired April 18
- DE&I Officer scheduled to start May 9
- Approved two additional positions to the Ethics Department

Reforms Underway

Accountability

- Management Forums
 - Values
 - Expectations
 - Training
- Management Briefing focused on implementation

Reforms Underway

Required Training

- All Employees and Managers
(Relaunched to be completed by May 31)
 - Sexual Harassment & Prevention
 - Unintentional Still Hurts
- All Managers
 - Managing for Success:
Focused on latest employment laws and best practices for managing employees and challenging situations

Reforms Underway

Housing

- Outreach to District Housing Residents
- Focused outreach is scheduled, in addition to ongoing coordination
 - Individual calls to residents are scheduled
 - Continue meetings at each desert facility

Reforms Underway

Safety

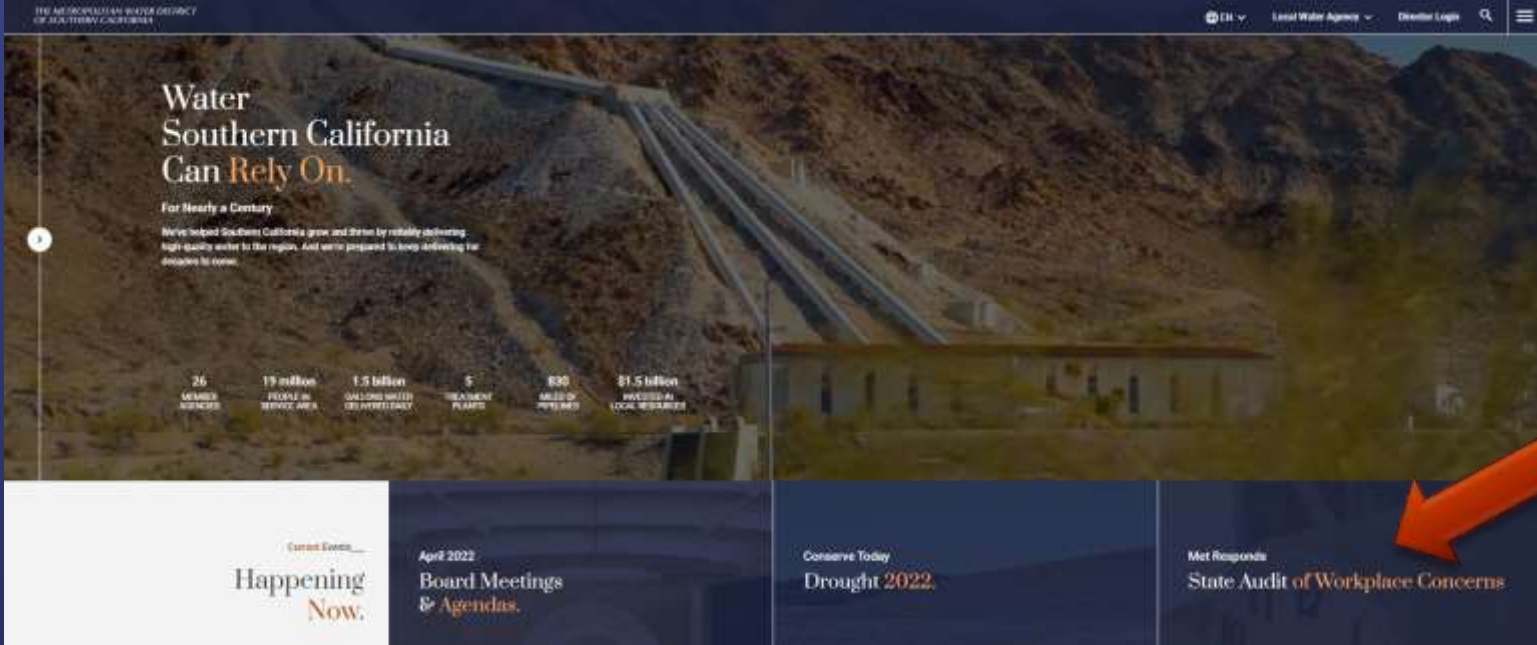
- The Health and Safety Employee (HSE) Manual updated:
 - Establishing a minimum level of regular meetings between safety representatives and management
 - Adding reference to the MWD-wide policy against retaliation
- Began a collaboration with the National Safety Council to identify further improvements to our safety programs and practices

Next Steps

Implementation of Recommendations

- Monitoring progress to ensure deadlines are met
- Regular report to Organization, Personnel and Technology Committee
- Report progress on Metropolitan's website

Transparency and Public Access



<https://www.mwdh2o.com/who-we-are/management/ethics-officer/employee-concerns/>





Report on State Audit Response

Discussion

Those who cannot learn from history
are doomed to repeat it.

George Santayana,
Spanish philosopher, 1863-1952





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

Camille Hamilton Pating

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





OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity <u>Policy</u>	4/29/98	<u>11/5/124/</u> <u>/22</u>

PURPOSE

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The Metropolitan Water District of Southern California ~~maintains:~~

- ~~• Nondiscriminatory employment practices;~~
- ~~• An ("Metropolitan") is committed to maintaining a respectful and professional workplace that promotes equal employment opportunity (EEO) program opportunities and prohibits discriminatory practices.~~

~~The Metropolitan Water District of Southern California:~~

- ~~• Will not tolerate discrimination against an employee or applicant based on a legally protected characteristic, or harassment of an employee, applicant, or contractor based on a legally protected characteristic;~~

~~Will 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 action any actions necessary to prevent and eliminate such conduct, as required by law.~~

~~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- and April 29, 2010-, and November 5, 2012. This policy will be reviewed annually.~~



SUMMARY AUTHORITY

The Metropolitan Water District maintains an **True** equal employment opportunity **cannot be accomplished if discrimination, harassment, or retaliation is tolerated.** Accordingly, all such conduct is expressly prohibited by this policy as authorized by federal, state,

Metropolitan is committed to maintaining a respectful, professional, and local law. The General Manager delegates authority for administering inclusive work environment that is free from discrimination and enforcing 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 **Equal Employment Opportunity Program** to the Chief Administrative Officer and the Human Resources Group Manager 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

The definitions for equal employment opportunity **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 having a history of cancer);
- sex (including pregnancy, childbirth, breastfeeding, and related ~~terms~~ medical conditions);
- gender;
- gender identity or gender expression² (which includes those who identify as transgender, those who are contained 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 Administrative Code Sections 6300 and 6305, as revised, and may be obtained 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 the Equal 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 Opportunity Manager Action – An *adverse employment action* is conduct or an action that materially affects

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.

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



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 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.

POLICIES PROHIBIT ED CONDUCT

- ~~1. Metropolitan requires a work environment free of discrimination or harassment on the basis of race, sex (gender or pregnancy), creed, national origin, color, disability (physical or mental), protected veteran status, religion, age (40 and above), medical condition, genetic information, marital status, ancestry, sexual orientation, gender identity or expression, or other characteristic protected by law.~~
- ~~2. Metropolitan does not and will not tolerate discrimination against any applicant or employee in opportunities, terms, conditions, or privileges of employment on the basis of any characteristic protected by law, which are listed above. Metropolitan also does not and will not tolerate harassment of any applicant, employee, or contractor on the basis of any characteristic protected by law. Such discrimination and harassment is~~

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.

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

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.

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



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity	4/29/98	11/5/12

POLICIES (continued)

- ~~3. Discrimination of an applicant or employee, and harassment of an applicant, employee, or contractor, based on a legally protected characteristic is also prohibited by state and federal law. In addition, state and federal law prohibit retaliation against a person for filing a complaint, assisting or participating in an investigation or proceeding, or opposing discrimination or harassment based on a legally protected characteristic.~~
- ~~4. Engaging in discrimination or harassment in violation of this policy is conduct subject to disciplinary action, up to and including dismissal.~~
- ~~5. All complaints of discrimination or harassment based on a legally protected characteristic are taken seriously, investigated promptly as appropriate, and appropriate action is taken against individuals found to have engaged in such discrimination or harassment. Metropolitan has established and maintains an internal complaint procedure for processing alleged violations of the EEO Policy.~~
- ~~6. The prohibition against discrimination and harassment based on a legally protected characteristic applies to all transactions of Metropolitan's business, whether at a Metropolitan-operated facility or external site.~~
- ~~7. If an employee or applicant believes that he or she has been subjected to discrimination based on a legally protected characteristic by any Metropolitan employee or representative; or if an employee, applicant, or contractor believes that he or she has been subjected to harassment based on a legally protected characteristic by any Metropolitan employee, consultant or other contractor, vendor, client, or other business contact; the individual should immediately report the incident directly to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer.~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity	4/29/98	11/5/12

POLICIES (continued)

- ~~8. Metropolitan does not retaliate, nor tolerate retaliation, against employees, applicants, or contractors who, in good faith, make a complaint of discrimination or harassment based on a legally-protected characteristic, assist or participate in a related investigation or proceeding, or oppose discrimination or harassment based on a legally protected characteristic. Such retaliation is prohibited by this policy. Any act of such retaliation should be reported immediately to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer. Reports will be investigated as appropriate and, where appropriate, corrective action will be taken. Any person who engages in such retaliation is subject to disciplinary action, up to and including dismissal.~~
- ~~9. Complaints made frivolously, in bad faith or without factual basis may be actionable by the respondent. Such complaints may result in disciplinary action, up to and including dismissal.~~
- ~~10. Metropolitan employees will receive a copy of this policy during new employee orientation and review it as part of their mandatory unlawful workplace harassment training.~~
- ~~11. Metropolitan maintains an affirmative action plan and nondiscrimination program in accordance with applicable law.~~

RESPONSIBILITIES

- ~~It is the responsibility of every District manager and supervisor to:~~
- ~~• Provide employees under his or her direct supervision, applicants, and contractors with a discrimination and harassment-free work environment, which includes not engaging in, condoning or tolerating behavior that could reasonably be considered a violation of this policy and monitoring the work environment of employees for conduct that could violate this policy.~~
 - ~~• Enforce the District's EEO Policy and inform employees under his or her direct supervision of the District's EEO Policy, and their right to recourse for activities that may violate the policy.~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity	4/29/98	11/5/12

RESPONSIBILITIES (continued)

- Create an environment where employees, applicants, and contractors do not feel intimidated and/or prevented from reporting an incident in violation of this policy.
- Immediately report any conduct that may reasonably violate this policy, or any such allegation to the EEO Investigations Staff. (If appropriate, such conduct may also be reported outside of the Human Resources Group, to the Legal Department and/or Ethics Officer.)
- Cooperate in an investigation related to any complaint of a violation of this policy. Managers and supervisors are prohibited from discussing the complaint outside of the investigative process, unless this is done in connection with performing the manager's or supervisor's job duties, required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside the investigative process, may be grounds for disciplinary action, up to and including dismissal.
- Not engage in, condone or tolerate behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for alleging or opposing discrimination or harassment based on a legally protected characteristic, or participating in a related investigation or proceeding.
- Successfully and timely complete unlawful workplace harassment prevention training as mandated and ensure that employees under his or her direct supervision timely and successfully complete such training.

It is the responsibility of **every District employee**, including supervisors and managers, to:

- Be familiar with and understand Metropolitan's EEO policy on maintaining a discrimination and harassment free work environment, including the procedures for reporting violations of that policy.
- Act in a manner that does not discriminate against or harass other employees, applicants, or contractors based on a legally protected characteristic, or engage in behavior that could reasonably be considered a violation of this policy.
- Understand that a violation of the EEO Policy can result in disciplinary action, up to and including dismissal; and that California law allows an employee to sue another employee for harassment based on a legally protected characteristic.



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity	4/29/98	11/5/12

RESPONSIBILITIES (continued)

- ~~Cooperate in an investigation related to any complaint of a violation of this policy. Employees are prohibited from discussing the complaint outside of the investigation process, unless required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside of the investigative process, may be grounds for disciplinary action, up to and including dismissal.~~
- ~~Understand and comply with the objectives of Metropolitan's nondiscrimination policies while performing day-to-day job duties and representing Metropolitan in business transactions.~~
- ~~Not engage in behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for alleging or opposing discrimination or harassment based on a legally protected characteristic, or participating in a related investigation or proceeding.~~
- ~~Successfully and timely complete unlawful workplace harassment prevention training as mandated.~~

~~It is the responsibility of the **Employee Relations Section Manager** to:~~

- ~~Supervise the activities of the EEO Investigations Staff.~~
- ~~Enforce an EEO Policy which prohibits discrimination and harassment based on a legally protected characteristic.~~
- ~~Maintain an internal complaint procedure for processing and investigating alleged violations of the EEO Policy.~~
- ~~Receive and process internal complaints alleging a violation of this policy, and ensure that complaints are investigated as appropriate, promptly, thoroughly and impartially.~~
- ~~Ensure that Metropolitan takes immediate and appropriate corrective action when it is determined that a violation of this policy has occurred.~~

~~It is the responsibility of the **Ethics Office** to:~~

- ~~Coordinate with the EEO Investigations Staff or the Employee Relations Section Manager concerning allegations and complaints of discrimination or harassment received by the Ethics Office, including immediately reporting any conduct that may reasonably violate this policy to the EEO Investigations Staff or Employee Relations Section Manager. (If appropriate, such conduct may be reported outside of the Human Resources Group to the Legal Department.)~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-07	Equal Employment Opportunity	4/29/98	11/5/12

RESPONSIBILITIES (continued)

It is the responsibility of the ~~Equal Employment Opportunity Manager~~ to:

- ~~Establish and maintain an EEO Policy which prohibits discrimination and harassment based on a legally protected characteristic.~~
- ~~Provide unlawful workplace harassment training to all employees.~~
- ~~With the Legal Department and in compliance with the Administrative Code, receive and respond to EEO related charges filed with state or federal agencies.~~
- ~~Establish and maintain an affirmative action plan and nondiscrimination program in accordance with applicable law.~~

REFERENCES

- ~~Administrative Code Sections 6219, 6300—6305, 7111—~~
- ~~Operating Policy H-03 and H-13~~
- ~~Affirmative Action Plan for Covered Veterans and Persons with Disabilities~~
- ~~Equal Employment Opportunity Policy Statement~~
- ~~Nondiscrimination Program~~
- ~~Applicable executive orders, federal, state, and local laws, statutes, and regulations~~
- ~~Discrimination Complaint Procedures~~
- ~~Applicable Metropolitan Board directives and policies~~
- ~~Memoranda of Understanding~~

APPROVAL

Original signed by Jeffrey Kightlinger 11/05/12
Jeffrey Kightlinger, General Manager Date



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



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/134/ /22

SUMMARYPURPOS E

The Metropolitan Water District of Southern California:

~~Will not tolerate inappropriate conduct of ("Metropolitan") is committed to maintaining a sexual nature in any form in the workplace or in any transaction of Metropolitan's business; respectful and professional workplace that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment.~~

~~Will~~Sexual harassment constitutes discrimination on the basis of sex and is illegal under federal, state, and local laws. As such, Metropolitan maintains this zero-tolerance policy, which strictly prohibits sexual harassment in any form. 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.

~~The objective of this policy is to define workplace sexual harassment and to reaffirm Metropolitan's commitment to take action any actions necessary to prevent and eliminate such conduct, as required by law.~~

AUTHORITY

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

SUPERSESSON

~~This Operating Policy supersedes Operating Policy H-13 dated, issued May 8, 2008, and as revised on November 5, 2012, and May 3, 2013. This policy will be reviewed annually.~~

AUTHORITYSCOPE OF PROTECTION

~~The Metropolitan Water District maintains a sexual harassment prohibition policy as authorized by federal and state laws, statutes, or regulations. The General Manager delegates authority for administering and enforcing Metropolitan's Equal Employment Opportunity Program to the Chief Administrative Officer and the Human Resources Group Manager. This policy protects, and is applicable to, all employees (including coworkers, supervisors, and managers), applicants for employment, interns, volunteers, contractors, and persons conducting business with 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.

All employees, as well as any individual who comes in contact with such employees, are expected to support Metropolitan's equal employment opportunity policies, including its policies against discrimination, harassment, and retaliation, and to take all steps necessary to maintain a workplace free from such prohibited conduct.

DEFINITIONS

~~Sexual harassment~~—for purposes ofAs used in this policy, inappropriate **sexual harassment** is defined as harassment based on sex or unwelcome conduct of a sexual nature toward an employee, applicant, or contractor, is referred to as "sexual harassment", and is prohibited by this policy.

~~Sexual~~includes harassment of an employee, applicantbased on sex (including pregnancy, childbirth, breastfeeding, or contractor is also prohibited by state~~related medical conditions~~) and federal law. Sexual harassment is an unlawful employment practice which impacts morale, motivationgender (including gender identity and job performance.

~~Sexual harassment is defined by the gender expression). It may include harassing conduct described in Operating Policy No. H-07 ("Equal Employment Opportunity Commission (EEOC) Policy"), as unwelcome well as other unwelcome sex-based conduct, such as unwanted or unsolicited sexual advances, requests for sexual favors, and~~conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature~~when~~. Sexually harassing conduct may include situations that began as reciprocal relationships, but that later cease to be reciprocal. An employee alleging sexual harassment is not required to sustain a loss of tangible job benefits to establish sexual harassment. In addition, hostile acts toward an employee because of the employee's sex or unwelcome conduct of a sexual nature can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire.

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

Some examples of sexual harassment are:

- 1) **Verbal conduct** such as epithets, derogatory statements (e.g., "dumb blonde"), slurs, sex-related jokes, suggestive or obscene comments (including comments about male or female body parts), requests for sexual favors, unwanted sexual advances, invitations, or comments (including repeatedly asking for social interactions).
- 2) **Visual conduct** such as displaying sexually suggestive pictures, cartoons, drawings, posters, screensavers, virtual backgrounds, or electronic or media-based visuals (such as emails, text messages, memes, emojis, gifs, or video



games), or sexually suggestive or lewd objects, inappropriate adult-themed gifts, leering, or making sexual gestures, unwelcome letters or notes, or any other graphic material.

- 3) **Physical conduct** such as assault, unwanted touching or physical contact, or impeding or blocking normal movement.
- 4) **Use of social media** to conduct unwanted sexual advances and/or harassment.
- 5) **Threats and demands** to submit to sexual requests in order keep one's job or avoid some other employment-related loss, and offers of employment benefits in return for sexual favors.
- 6) **Retaliation.** *Retaliation* occurs when an employee is subjected to an "adverse employment action" because the employee reported or threatened to report sexual harassment or participated in an investigation into such conduct ("**Protected Activity**").

An **adverse employment action** is conduct that materially affects the terms and conditions of employment, or any conduct that would deter a reasonable employee from engaging in Protected Activity.

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.

Sexual harassment is generally categorized into two types:

- 1) **Quid Pro Quo ("this for that")**, which may occur when:
 - Submission to ~~the sexual~~ conduct is ~~made either~~ explicitly or implicitly made a term or condition of an individual's individual's employment, ~~or,~~



- Submission to, or rejection of the conduct by an individual, sexual harassment is used as a the basis for employment decisions affecting such individual, or the harassed employee.

2) The conduct has the purpose or effect of **Hostile Work Environment**

This type of sexual harassment is defined as unwanted conduct of a sexual nature, or on the basis of sex, by any person in the workplace that unreasonably interferinginterferes with an individual's employee's work performance and/or creatingcreates an intimidating, hostile, or otherwise offensive working environment.

It is important to note that sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- 1) The victim and the harasser may be of a different sex or the same sex.
- 2) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
- 3) The victim does not have to be the person directly harassed but could be anyone affected by offensive conduct directed at others. This could include sexual comments shared by employees (e.g., a discussion by two co-workers about their sexual activities over the weekend) where neither finds these comments offensive but are heard by another employee who does find them offensive.
- 4) Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.
- 5) Harassment does not have to be conduct of a sexual nature, however, and can include offensive remarks about a person's sex (e.g., harassing a woman by making offensive comments about women in general).
- 6) The harasser's conduct must be unwelcome.

**POLICY
STATEMENT**

Sexual harassment by or towards any Covered Individual or anyone who comes into contact with a Metropolitan employee in the course of their employment will not be tolerated. Metropolitan will take appropriate disciplinary and/or corrective action to remedy any violations of this policy.

In furtherance of its commitment to maintain a safe working environment, Metropolitan maintains the following policies against sexual harassment:

- 1) Sexual harassment will not be tolerated in any manner or form. Any person who is found to have engaged in conduct



prohibited by this policy may be subject to disciplinary action, up to and including termination of employment.

- 2) Sexual harassment is about how we make others feel and is seen from the perspective of the victim, within a reasonable person standard. Metropolitan will take complaints of sexual harassment seriously and will implement corrective and preventative actions to ensure such conduct does not continue.
- 3) Metropolitan will not allow further victimization of harassed employees. We will fully support employees who were sexually harassed and will not take any adverse action against them. For example, we will not move them to positions with worse pay or benefits or allow others to retaliate against them.
- 4) Employees who work in a managerial or supervisory capacity are especially obliged to prevent sexual harassment and take affirmative steps to stop such conduct from occurring. **Accordingly, all managers and supervisors are required, by law and this policy, to escalate all reports, complaints, or observations of conduct that may be in violation of this policy to the EEO Office.** Failure to report, letting this behavior go on, or encouraging it, will bring about disciplinary action.
- 5) Employees have a duty to cooperate in an investigation of a potential violation of this policy. Acting in bad faith or deliberately providing false or misleading information is prohibited.

Confidentiality protects the integrity of the investigation process and protects the due process and privacy rights of the complainant(s) and the respondent(s). Metropolitan will take reasonable steps to ensure that any complaint or investigation conducted in connection with a suspected violation of this policy is treated as confidential. However, absolute confidentiality cannot be guaranteed when it interferes with Metropolitan's ability to fulfill its obligations under this policy or applicable law.

REPORTING SEXUAL HARASSMENT

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 and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

If the offending individual continues or if the victim is afraid or uncomfortable with speaking directly to the offending individual, they should immediately report the incident to any supervisor, another member of Metropolitan's management team, or the EEO Office. When such individuals receive a complaint of sexual harassment, they are required to ensure it is addressed in a prompt and appropriate manner. 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.

Additional information related to addressing and reporting sexual harassment may also be found in Operating Policy No. H-07 ("Equal Employment Opportunity Policy"). Please also 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.

In addition, employees and applicants 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>

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>

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.

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, 7111
- Operating Policy H-03 and H-07 [may need to be updated]
- Applicable executive orders, federal, state and local laws, statutes and regulations
- Discrimination Complaint Procedures [may need to be updated]
- Memoranda of Understanding
- Department of Fair Employment and Housing pamphlet on Sexual Harassment (DFEH-185)

APPROVAL

Adel Hagekhalil, General Manager Date



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

DEFINITIONS (continued).

Types of behavior that can be considered sexual harassment include but are not limited to:

- Unwanted sexual advances
- Discussing or telling off-color jokes
- Offering employment benefits in exchange for sexual favors
- Engaging in hostile, unwelcome or unnecessary physical conduct
- Commenting on physical attributes
- Displaying sexually suggestive pictures or materials
- Using demeaning or inappropriate terms
- Using crude or offensive language
- Sending suggestive, crude or offensive language or materials through email or other communication media

State and federal law also prohibit retaliation against a person for filing a complaint, assisting or participating in an investigation or proceeding, or opposing sexual harassment.

POLICIES

1. Metropolitan does not and will not tolerate sexual harassment of any employee, applicant, or contractor. The prohibition against sexual harassment applies to all transactions of Metropolitan's business, whether at a Metropolitan-operated facility or an external site.
2. If an employee, applicant, or contractor believes that he or she has been sexually harassed by any Metropolitan employee, consultant or other contractor, vendor, client, or other business contact, the individual should immediately report the incident directly to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer.
3. Engaging in sexual harassment is conduct subject to disciplinary action, up to and including discharge.
4. All complaints of sexual harassment are taken seriously, investigated promptly as appropriate, and appropriate action is taken against individuals found to have engaged



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

POLICIES (continued)

in sexually harassing conduct. Metropolitan has established and maintains an internal complaint procedure for processing alleged violations of the policy.

5. ~~Metropolitan does not retaliate, nor tolerate retaliation, against employees, applicants, or contractors who, in good faith, make a complaint of sexual harassment, assist or participate in a related investigation or proceeding, or oppose sexual harassment. Such retaliation is prohibited by this policy. Any act of such retaliation should be reported immediately to: (1) the EEO Investigations Staff or the Employee Relations Section Manager, who are responsible for receiving and processing such reports for Metropolitan; (2) the Ethics Office, who is responsible for receiving and processing reports regarding alleged director misconduct; or, (3) to another manager or supervisor, including but not limited to, the HR Group Manager, another Group Manager, or the Ethics Officer. Reports will be investigated as appropriate and, where appropriate, corrective action will be taken. Any person who engages in such retaliation is subject to disciplinary action, up to and including dismissal.~~
6. ~~Complaints made frivolously, in bad faith, or without factual basis may be actionable by the respondent. Such complaints may result in disciplinary action, up to and including dismissal.~~
7. ~~Metropolitan employees receive a copy of this policy during new employee orientation and review it as part of their mandatory sexual harassment prevention training.~~

RESPONSIBILITIES

~~Metropolitan managers or supervisors are responsible for:~~

- ~~• Enforcing the District's Sexual Harassment Prohibition Policy and not engaging in, condoning or tolerating behavior that could reasonably be considered a violation of this policy.~~
- ~~• Creating an environment where employees, applicants, and contractors do not feel intimidated and/or prevented from reporting an incident in violation of this policy.~~
- ~~• Monitoring the work environment of their employees and other business contacts for signs of sexual harassment or inappropriate conduct that could violate this policy.~~
- ~~• Immediately reporting any conduct that may reasonably violate this policy, or any such allegation, to the EEO~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

RESPONSIBILITIES (continued)

- Investigations Staff. (If appropriate, such conduct may also be reported outside of the Human Resources Group, to the Legal Department and/or Ethics Officer.)
- Cooperating in an investigation related to any complaint of a violation of this policy. Managers and supervisors are prohibited from discussing the complaint outside of the investigative process, unless this is done in connection with performing the manager's or supervisor's job duties, required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside of the investigative process, may be grounds for disciplinary action, up to and including discharge.
 - Not engaging in, condoning or tolerating behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for alleging or opposing sexual harassment, or participating in a related investigation or proceeding.
 - Successfully and timely completing sexual harassment prevention training as mandated and ensuring that employees under his or her direct supervision timely and successfully complete such training.
- Metropolitan employees, including managers and supervisors, are responsible for:
- Not engaging in behavior that could reasonably be considered a violation of this policy.
 - Understanding that a violation of this policy can result in disciplinary action, up to and including dismissal; and that California law allows an employee to sue another employee for sexual harassment.
 - Cooperating in an investigation related to any complaint of a violation of this policy. Employees are prohibited from discussing the complaint outside of the investigative process, unless required or permitted by law, or authorized by the Legal Department or other appropriate authority. Failure to cooperate or deliberately providing false or misleading information during an investigation, or discussing the complaint outside of the investigative process, may be grounds for disciplinary action, up to and including discharge.
 - Not engaging in behavior that could reasonably constitute retaliation of an employee, applicant, or contractor for



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

RESPONSIBILITIES (continued)

~~alleging or opposing sexual harassment, or participating in a related investigation or proceeding.~~

- ~~• Successfully and timely completing sexual harassment prevention training as mandated.~~

The **Employee Relations Section Manager** is responsible for:

- ~~• Supervising the activities of the EEO Investigations Staff.~~
- ~~• Enforcing a policy prohibiting sexual harassment.~~
- ~~• Maintaining internal complaint procedures for investigating complaints related to violations of this policy.~~
- ~~• Receiving and processing internal complaints alleging a violation of this policy, and ensuring that complaints are investigated as appropriate, promptly, thoroughly and impartially.~~
- ~~• Ensuring that Metropolitan takes immediate and appropriate corrective action when it is determined that a violation of this policy has occurred.~~

The **Ethics Office** is responsible for:

- ~~• Coordinating with the EEO Investigations Staff or the Employee Relations Section Manager concerning allegations and complaints of discrimination or harassment received by the Ethics Office, including immediately reporting any conduct that may reasonably violate this policy to the EEO Investigations Staff or Employee Relations Section Manager. (If appropriate, such conduct may be reported outside of the Human Resources Group to the Legal Department.)~~

The **Equal Employment Opportunity Manager** is responsible for:

- ~~• Establishing and maintaining a policy which prohibits sexual harassment.~~
- ~~• Providing sexual harassment prevention training to all employees.~~
- ~~• With the Legal Department and in compliance with the Administrative Code, receiving and responding to EEO related charges filed with state or federal agencies.~~
- ~~• Establish and maintain an affirmative action plan and nondiscrimination program in accordance with applicable law.~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	5/3/13

REFERENCES

- ~~Administrative Code, Sections 6219, 6300, 7111~~
- ~~Operating Policy H-03 and H-07~~
- ~~Applicable executive orders, federal, state and local laws, statutes and regulations~~
- ~~Discrimination Complaint Procedures~~
- ~~Memoranda of Understanding~~
- ~~Department of Fair Employment and Housing pamphlet on Sexual Harassment (DFEH-185)~~

APPROVAL

~~Original signed by Jeffrey Kightlinger~~ ~~5/3/13~~
~~Jeffrey Kightlinger, General Manager~~ ~~Date~~



OPERATING POLICIES

O.P. NUMBER	TITLE	ISSUE DATE	REVISION DATE
H-13	Sexual Harassment Prohibition Policy	5/8/08	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, including sexual harassment.

Sexual harassment constitutes discrimination on the basis of sex and is illegal under federal, state, and local laws. As such, Metropolitan maintains this zero-tolerance policy, which strictly prohibits sexual harassment in any form. 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.

The objective of this policy is to define workplace sexual harassment and to reaffirm Metropolitan's commitment to take any actions necessary to prevent and eliminate such conduct.

AUTHORITY

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

SUPERSESSON

This Operating Policy supersedes Operating Policy H-13, issued May 8, 2008, and as revised on November 5, 2012 and May 3, 2013. This policy will be reviewed annually.

SCOPE OF PROTECTION

This policy protects, and is applicable to, all employees (including coworkers, supervisors, and managers), applicants for employment, interns, volunteers, contractors, and persons conducting business with 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.

All employees, as well as any individual who comes in contact with such employees, are expected to support Metropolitan's equal employment opportunity policies, including its policies against discrimination, harassment, and retaliation, and to take all steps necessary to maintain a workplace free from such prohibited



conduct.

DEFINITIONS

As used in this policy, **sexual harassment** is defined as harassment based on sex or unwelcome conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions) and gender (including gender identity and gender expression). It may include harassing conduct described in Operating Policy No. H-07 ("Equal Employment Opportunity Policy"), as well as other unwelcome sex-based conduct, such as unwanted or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct may include situations that began as reciprocal relationships, but that later cease to be reciprocal. An employee alleging sexual harassment is not required to sustain a loss of tangible job benefits to establish sexual harassment. In addition, hostile acts toward an employee because of the employee's sex or unwelcome conduct of a sexual nature can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire.

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

Some examples of sexual harassment are:

- 1) **Verbal conduct** such as epithets, derogatory statements (e.g., "dumb blonde"), slurs, sex-related jokes, suggestive or obscene comments (including comments about male or female body parts), requests for sexual favors, unwanted sexual advances, invitations, or comments (including repeatedly asking for social interactions).
- 2) **Visual conduct** such as displaying sexually suggestive pictures, cartoons, drawings, posters, screensavers, virtual backgrounds, or electronic or media-based visuals (such as emails, text messages, memes, emojis, gifs, or video games), or sexually suggestive or lewd objects, inappropriate adult-themed gifts, leering, or making sexual gestures, unwelcome letters or notes, or any other graphic material.
- 3) **Physical conduct** such as assault, unwanted touching or physical contact, or impeding or blocking normal movement.
- 4) **Use of social media** to conduct unwanted sexual advances and/or harassment.
- 5) **Threats and demands** to submit to sexual requests in



order keep one's job or avoid some other employment-related loss, and offers of employment benefits in return for sexual favors.

- 6) **Retaliation.** *Retaliation* occurs when an employee is subjected to an "adverse employment action" because the employee reported or threatened to report sexual harassment or participated in an investigation into such conduct ("**Protected Activity**").

An **adverse employment action** is conduct that materially affects the terms and conditions of employment, or any conduct that would deter a reasonable employee from engaging in Protected Activity.

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.

Sexual harassment is generally categorized into two types:

- 1) **Quid Pro Quo ("this for that")**, which may occur when:
 - Submission to sexual conduct is explicitly or implicitly made a term or condition of an individual's employment.
 - Submission to, or rejection of, sexual harassment is used as the basis for employment decisions affecting the harassed employee.
- 2) **Hostile Work Environment**

This type of sexual harassment is defined as unwanted



conduct of a sexual nature, or on the basis of sex, by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment.

It is important to note that sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- 1) The victim and the harasser may be of a different sex or the same sex.
- 2) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
- 3) The victim does not have to be the person directly harassed but could be anyone affected by offensive conduct directed at others. This could include sexual comments shared by employees (e.g., a discussion by two co-workers about their sexual activities over the weekend) where neither finds these comments offensive but are heard by another employee who does find them offensive.
- 4) Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.
- 5) Harassment does not have to be conduct of a sexual nature, however, and can include offensive remarks about a person's sex (e.g., harassing a woman by making offensive comments about women in general).
- 6) The harasser's conduct must be unwelcome.

POLICY STATEMENT

Sexual harassment by or towards any Covered Individual or anyone who comes into contact with a Metropolitan employee in the course of their employment will not be tolerated. Metropolitan will take appropriate disciplinary and/or corrective action to remedy any violations of this policy.

In furtherance of its commitment to maintain a safe working environment, Metropolitan maintains the following policies against sexual harassment:

- 1) Sexual harassment will not be tolerated in any manner or form. Any person who is found to have engaged in conduct prohibited by this policy may be subject to disciplinary action, up to and including termination of employment.
- 2) Sexual harassment is about how we make others feel and



is seen from the perspective of the victim, within a reasonable person standard. Metropolitan will take complaints of sexual harassment seriously and will implement corrective and preventative actions to ensure such conduct does not continue.

- 3) Metropolitan will not allow further victimization of harassed employees. We will fully support employees who were sexually harassed and will not take any adverse action against them. For example, we will not move them to positions with worse pay or benefits or allow others to retaliate against them.
- 4) Employees who work in a managerial or supervisory capacity are especially obliged to prevent sexual harassment and take affirmative steps to stop such conduct from occurring. **Accordingly, all managers and supervisors are required, by law and this policy, to escalate all reports, complaints, or observations of conduct that may be in violation of this policy to the EEO Office.** Failure to report, letting this behavior go on, or encouraging it, will bring about disciplinary action.
- 5) Employees have a duty to cooperate in an investigation of a potential violation of this policy. Acting in bad faith or deliberately providing false or misleading information is prohibited.

Confidentiality protects the integrity of the investigation process and protects the due process and privacy rights of the complainant(s) and the respondent(s). Metropolitan will take reasonable steps to ensure that any complaint or investigation conducted in connection with a suspected violation of this policy is treated as confidential. However, absolute confidentiality cannot be guaranteed when it interferes with Metropolitan's ability to fulfill its obligations under this policy or applicable law.

REPORTING SEXUAL HARASSMENT

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 and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

If the offending individual continues or if the victim is afraid or uncomfortable with speaking directly to the offending individual, they should immediately report the incident to any supervisor, another member of Metropolitan's management team, or the EEO Office. When such individuals receive a complaint of sexual harassment, they are required to ensure it is addressed in a prompt and appropriate manner. 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.

Additional information related to addressing and reporting sexual harassment may also be found in Operating Policy No. H-07 ("Equal Employment Opportunity Policy"). Please also 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.

In addition, employees and applicants 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.

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Los Angeles Equal Employment Opportunity Commission (EEOC)

Roybal Federal Building
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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>

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:

- 1.1 All ~~supervisors and employees~~ are required to take ~~two (2)~~ ^{one (1)} hours of training with ~~in six months of assumption of their~~ ^{in six months of assumption of their}



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

supervisor's role.

2.2 All non-supervisory employees are required to take one (1) hour of training within six months of hire.

3.3 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 1000 hours worked, whichever occurs first.

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

Metropolitan will make this training available to ten 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, 7111](#)
- Operating Policy [H-03](#) and H-07 [may need to be updated]
- Applicable executive orders, federal, state and local laws, statutes and regulations
- Discrimination Complaint Procedures [may need to be updated]
- Memoranda of Understanding
- [Department of Fair Employment and Housing pamphlet on Sexual Harassment \(DFEH-185\)](#)

APPROVAL

Adel Hagekhalil, General Manager

Date