

Affirmative Action Plan Amendments and Name Change of the Office and Officer Position

Legislative/Human Resources Committee
January 13, 2015

Purpose of Presentation



- Share changes to the Affirmative Action “Plan” (AAP) that
 - Align to legal requirements
 - Adopt industry best practices
 - Result in an AAP that looks different; is shorter
- Share changes to the office and position title name from Affirmative Action to Diversity and Inclusion

AAP Legal Requirements

An Overview



- The District is a federal contractor subject to affirmative action laws
 - Executive Order 11246 – minorities and women
 - Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) - Protected Veterans (Veterans)
 - Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) - Individuals with Disabilities (IWDs)
- The Office of Federal Contract Compliance Programs (OFCCP)
- Code of Federal Regulations (CFR)



AAP Legal Requirements Legal Structure/Content



Affirmative Action Program for Minorities and Women

LEGAL REQUIREMENTS	CURRENT AAP
CFR and OFCCP	EBMUD
41 CFR 60-2(b) and OFCCP Sample Affirmative Action Program	EBMUD AA PLAN
Table of Contents	Table of Contents
§60-2.11: Organizational Profile:	TO BE ADDED
Organizational Display; or	
Workforce Analysis.	
§60-2.12: Job Group Analysis: Listing of Job Titles	APPENDIX: Job group listings
§60-2.13 - §60-2.15: Utilization Analysis	
Placement of Incumbents in Job Groups	TO BE ADDED
Determining Availability	TO BE ADDED
Comparing Incumbency to Availability and	TO BE ADDED
60-2.15: Establishing Placement Goals	Table A: AA Placement Goals
§60-2.17: Additional Required Elements	
Designation of Responsibility for Implementation	Section 4 - Roles and Responsibilities
Identification of Problem Areas	Discussion of Recommendations, Adopt AA Plan and Placement Goals and Workplace Underutilization
Action-Oriented Programs	Section 6 - AA Goals and Action Plan
Internal Audit and Reporting Systems	TO BE ADDED

AAP Legal Requirements Structure/Content



Affirmative Action Program for Minorities and Women cont.

LEGAL REQUIREMENTS	CURRENT AAP
CFR and OFCCP	EBMUD
41 CFR 60-2(b) and OFCCP Affirmative Action Program	EBMUD AA PLAN
	Recommendation - Adopt AA Plan and Placement Goals
	Discussion of Recommendations - AA/EEO Action Plan to Address Workforce Underutilization
	Section 1 - Introduction
	Section 2 - EEO Policy 2.25
	Section 3 - AA Requirements (EO 11246, OFCCP Requirements for AA, Other Applicable AA Laws and Regulations)
	Section 5 - Evaluation of Workforce Changes and 2013 Goal Achievement
	(Introduction, Evaluation of Previous Year Changes in District Workforce Underutilization, Evaluation of Previous Year Goals Achievement, Monitoring Veteran Rep in District Workforce, District AA Previous Year Placement Goal Monitoring Report)
	Section 7 - Dissemination of the AA Plan
	Section 8 - Prevention of Sexual Harassment in the Workplace Policy 2.26
	Section 9 - Procedure 227
	APPENDIX (Glossary of terms, Alpha listing of classification with corresponding job groups, Goal setting methodology and workforce analysis data)

AAP Legal Requirements Structure/Content



Affirmative Action Program for Veterans and Individuals with Disabilities

LEGAL REQUIREMENTS	CURRENT PRACTICE
CFR and OFCCP	EBMUD
41 CFR §60-741.44/41 CFR §60-300.44 and OFCCP Sample Affirmative Action Program	Section 10 – Affirmative Action Plan for Person with Disabilities/Section 11 - Affirmative Action Plan for Special Disabled Veterans and Other Protected Veterans
Table of Contents	Table of Contents
Policy Statement - Equal Employment Opportunity	Policy
Review of Personnel Processes	TO BE ADDED
Physical and Mental Qualifications ³	TO BE ADDED
Harassment Prevention	TO BE ADDED
External Dissemination of Policy, Outreach and Positive Recruitment	Section 7 – Dissemination of the AA Plan
Internal Dissemination of Policy	Section 7 – Dissemination of the AA Plan
Audit and Reporting System	TO BE ADDED
Responsibility for Implementation of AAP	Responsibility
Training to Ensure AAP Implementation	TO BE ADDED
Data collection analysis	TO BE ADDED

AAP Legal Requirements Utilization Analysis



- What is a utilization analysis?
- How is it done?
 - By minorities as a whole – per CFR
 - Not by race/ethnic subset
- Utilization is used to set goals



NELI Model AA Program

- Minorities and women AAP structure/content
- NELI legal recommendations
- NELI technical recommendations including
 - statistical analysis to determine Placement Goals



Biddle AAP Narrative Template

- Minorities and women and Veterans and Individuals with Disabilities boilerplate language
- Biddle commentary



Benefits of Recommended AAP Structure, Content and Approach



NELI / Biddle Hybrid



- Demonstrates compliance if audited
- Balances federal affirmative action requirements with state constitutional limitations

- Resilient to fluctuating demographics and changing technologies
- Allows the District to see trends and make improvements

Office and Officer Name Change



- Current Office Name: Affirmative Action Office
- Current Title: Affirmative Action Officer
- Limitations of current name:
 - Affirmative Action is a narrow construct (an activity)
 - Name does not describe the breadth of responsibilities and organizational commitment/values



Recommended Name

- Office: Diversity and Inclusion
- Title: Diversity and Inclusion Officer
- Why?
 - Represents District's evolution
 - Aligned with best practices
 - Aligned with District values



Next Steps



- Present AAP for Minorities and Women and AAP for Veterans and Individuals with Disabilities to LEG/HR Committee, February 10, 2015
- Board adopts AAPs, February 10, 2015
- Office name change, by GM Authority
- Title name change, during adoption of the Position Resolution (with FY16/FY17 budget process)