



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 – 11<sup>th</sup> Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

## **AGENDA**

**Legislative/Human Resources Committee  
Tuesday, January 12, 2016  
10:15 a.m.  
Training Resource Center**

**(Committee Members: Directors Coleman {Chair}, McIntosh and Patterson)**

### **ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

### **DETERMINATION AND DISCUSSION:**

1. 2016 Diversity and Inclusion Program (Brunson)
2. Legislative Report (Dumaine)
  - Federal Legislative Initiatives for 2016
  - Update on Legislative Issues of Interest to EBMUD

### **ADJOURNMENT:**

#### **Disability Notice**

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#### **Document Availability**

*Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.*



## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: January 7, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R Coate, General Manager *ARC*

FROM: Laura Brunson, Manager of Human Resources *LB*

SUBJECT: 2016 Diversity and Inclusion Program

### SUMMARY

The 2016 Diversity and Inclusion Program will be presented to the Legislative/Human Resources Committee on January 12, 2016.

### DISCUSSION

The District is proud to be a leader in taking legal, proactive steps to support a diverse workforce and uphold equal employment opportunity standards. The District's Programs comply with Executive Order 11246 (EO 11246), the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act (Section 503). Pursuant to EO 11246, the District establishes placement goals on an annual basis for job groups whenever the percentage of minorities or women employed in that job group is less than would be reasonably expected, given their availability in the relevant labor market. Pursuant to VEVRAA and Section 503, respectively, the District has adopted the current national percentage of veterans in the civilian labor force of 7.0% as its hiring benchmark for protected veterans and adopted the current national utilization goal of 7.0% for qualified individuals with disabilities (IWDs). The District has also collected the required data and conducted studies to identify areas of opportunities in the employment of protected veterans and IWDs. The District strives to reach its minority and female placement goals and evaluates the success of its outreach activities to meet the protected veteran hiring benchmark and IWD utilization goal. Based on goals progress and evaluation, the District advises senior management of program effectiveness and submits recommendations to improve performance.

For the 2015 Affirmative Action Program (AAP) for Minorities and Women, the District had nine placement goals. For one of the nine placement goals, there were no placements<sup>1</sup> made in the job group during FY2015. Accordingly, there was no way to achieve this placement goal. However, the District achieved three out of the eight remaining feasible placement goals and

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<sup>1</sup>Placements consist of hires and "competitive promotions" into the target job group.

made progress on one additional goal for an achievement rate of 37.50% and a progress rate of 50.00%. Total job placements for FY 2015 were 187, with the District placing 62 women and 82 minorities.

For the 2016 AAP for Minorities and Women, the AA goals were calculated using detailed data from the 2010 U.S. Census. The specific placement goals for 2016 are noted below:

**FY 2016 Placement Goal Summary**

JOB GROUP	PLACEMENT GOAL	
	MINORITY	FEMALE
General Clerical		90.10%
Rangers	65.80%	
Pipeline Maintenance	61.00%	
Heavy Equipment/Truck Operators	68.00%	
Electrical/Structural Maintenance	51.40%	
Mechanical Maintenance	46.20%	
Service Maintenance	74.90%	

For the 2016 AAP for Protected Veterans and Individuals with Disabilities (IWDs), the District met the 7.0% hiring benchmark for protected veterans for five job groups and met the 7.0% utilization goal for IWDs for four job groups.

An analysis of applicant flow and hires was conducted to determine why the District had fewer minorities and women than would reasonably be expected in the job groups noted above and why the District did not meet the hiring benchmark for protected veterans or the utilization goal for IWDs for the majority of the job groups. The analysis showed an insufficient representation of minorities, women, protected veterans and/or IWDs in the applicant pools and potential operational barriers to the hiring of such constituencies across the job groups. Potential operational barriers identified included the 1½ - 2 year life of certification lists, pass points for Training and Education reviews and written tests, and civil service/MOU hiring interview rules and practices.

Accordingly, the 2016 action-oriented programs focus on increasing the representation of qualified minorities, women, protected veterans and IWDs in the applicant pools and removing operational barriers, if feasible, that impede the hiring of such individuals. Such programs include providing job seeker preparation services directly and/or through partner organizations, holding a District hosted Career and Resource Fair on January 23, 2016, catering to minorities, women, protected veterans and individuals with disabilities; and working with the Performance Work Group from the Organizational Improvement Team, whose focus includes the hiring process, to identify potential barriers to the District's civil service rules and/or practices and adjust where feasible.

## **NEXT STEPS**

The Board of Directors will be asked to consider adoption of the 2016 Diversity and Inclusion Program at its regular meeting on January 12, 2016.

ARC:LB:DWB:rdw

Attachment: 2016 Diversity and Inclusion Program

BRU16-1a.doc

I:\Sec\2016 Board Related Items\01-12-16 LEGHR Committee\HRD - 2016 Diversity and Inclusion Program



**FY 2016**  
**Diversity and Inclusion Program**

*Embrace Diversity*



**East Bay Municipal Utility District**



Stewardship 💧 Integrity 💧 Respect 💧 Teamwork  
We are the District



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## INTRODUCTION

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District.

The District has adopted a civil service system in accordance with the requirements of the Municipal Utility District (MUD) Act, Cal. Pub. Util. Code §12051. Under section 12101 of the MUD Act, all employment appointments made at the District “shall be made from lists of eligibles prepared by the general manager.” This list of eligibles, the certification list, essentially becomes the pool from which the District can hire for a particular classification during the life of the list. The MUD Act requires the general manager to adopt rules and regulations to carry out the provisions of the civil service system, which the District has done. Cal. Pub. Util. Code §12052.

The District has a federal contract that renders it subject to the affirmative action requirements of Executive Order 11246 (EO 11246), Section 503 of the Rehabilitation Act of 1973 as amended, (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual contracts, specifically the Long Term Renewal Water Supply Contract with the Federal Bureau of Reclamation and employs 50 or more employees, we are required to prepare annual written affirmative action programs (AAPs) for minorities and women, for protected veterans (Protect Veterans), and for individuals with disabilities (IWDs) for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the District from future contracts and subcontracts. Although the District does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this Program in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The District's AAP as defined under EO 11246 does not violate California's Proposition 209.

**EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PROGRAM FOR MINORITIES  
AND WOMEN**

**EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)**

375 11th Street  
Oakland, CA 94607

**July 1, 2014 – June 30, 2015**

**Dun's #:** 05-190-4423 Water

**EIN (tax) #:** 94-6000590

**EEO-4 #:** 06505230

**NAICS:** 2213 Water, Sewage and Other Systems

**MSA:** 41860 San Francisco-Oakland-Fremont, CA

**Affirmative Action (AA)/**

**Equal Employment**

**Opportunity (EEO) Contact:** Dorian West Blair  
Diversity and Inclusion Officer  
East Bay Municipal Utility District  
PO Box 24055  
Oakland, CA 94623-9979  
Attn: Diversity and Inclusion Office/MS 601  
(510) 287-0710

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## ***A. Responsibility for Implementation***

41 C.F.R. § 60-2.17(a)

As part of its efforts to ensure equal employment opportunity (EEO) to all individuals, the District has designated specific responsibilities to various staff to ensure that the Executive Order 11246 Affirmative Action Program for Minorities and Women (hereinafter referred to as EO 11246 AAP or AAP) focuses on all components of the employment system. To that end, the Board of Directors, General Manager, the Manager of Human Resources, the Diversity and Inclusion Officer, those employed as supervisors and managers, and employees have undertaken the responsibilities described below.

### **Board of Directors (Board)**

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board) The Board adopts the EO 11246 AAP annually and EEO policies, Policies 2.25 and 2.26, are updated and presented for adoption by the Board on a prescribed schedule.

Policy 2.25, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, selection, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and harassment based on race, gender, national origin, religion, and other protected categories. In addition, the Policy prohibits retaliation against employees alleging discrimination and harassment, or involved as witnesses in a discrimination or harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation. Finally, it requires development and maintenance of an AAP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the labor market in the community served by the District.

Policy 2.26, Prevention of Sexual Harassment in the Workplace, provides for a workplace for all employees that is free from any form of sexual harassment. It affirmatively states that sexual harassment will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation. Employees who oppose and/or refuse to participate in sexual harassment are also protected against retaliation.

### **General Manager (GM)**

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement

and administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

*Manager of Human Resources (Manager of HR)*

The Manager of HR is responsible for overall supervision of the AAP and EEO programs. The Manager of HR has delegated the EEO and AA programs to the Diversity and Inclusion Officer. The Manager of HR ensures, through the Diversity and Inclusion Officer and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

*Diversity and Inclusion Officer (D&I Officer)*

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AA and EEO programs. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AA and EEO programs are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare the annual AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of EEO programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority organizations, women's organizations and community action groups concerned with the employment opportunities of minorities and women.
- Keep managers informed of the latest developments in the equal opportunity area.

*Managers and Supervisors*

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AA and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- Familiarize himself or herself with the District's policies on discrimination and harassment (Policies 2.25 and 2.26), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.

- Be familiar with the EEO Discrimination/Harassment Complaint Procedure (Procedure 227) and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Manager/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AA and EEO programs and make good faith efforts by considering alternate methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

#### All District Employees

Employees at all levels are responsible for supporting the District's AA and EEO programs, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment.

### ***B. Identification of Problem Areas and Correction of Deficiencies***

41 C.F.R. § 60-2.17(b)

#### **Terminology**

*The phrases "comparison of incumbency to availability," and "problem area" appearing in this subpart are terms the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although the District will use the terms in good faith in connection with its EO 11246 AAP, such use does not necessarily signify the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, or objectives. In addition, the establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage employment of minorities and women in a workforce.*

### Progress on Fiscal Year (FY) 2015 AAP Goals:

- The number of recruitments and hires increased in the 2<sup>nd</sup> half of FY 2015 due to an increase in the number of retirements of employees.
- Also, in the 2nd half of the fiscal year, additional staff positions were authorized to address the District priority of replacing the District's aging infrastructures, increasing the number of recruitments and hires in the later part of FY 2015 into FY 2016. Hiring to address the infrastructure issues were focused on the following departments, job groups and job classifications:

Departments	Job Groups	Job Classifications
Operations and Maintenance	Pipeline Maintenance	Water Distribution Plumber I
	Heavy Equipment/ Truck Operators	Heavy Equipment Operator
Engineering and Construction	Engineers	Junior Engineer
		Associate Civil Engineer
Customer and Community Services	Customer Services	Customer Services Representative I

### FY 2015 AAP – Placement Goals

JOB GROUP	PLACEMENT GOAL*	
	MINORITY	FEMALE
Plant Operators Leads/Supervisors	46.20%	
Laboratory and Quality Control Technicians		59.00%
Rangers	65.80%	
Pipeline Maintenance	61.50%	
Heavy Equipment/Truck Operators	68.30%	
Electrical/Structural Maintenance	53.10%	15.00%
Mechanical Maintenance	46.00%	
Service Maintenance	73.40%	

\*Placement goals are established within each of the job groups at no less than the current availability data for the job group. Note: Goals highlighted in yellow were achieved.

### FY 2015 AAP – Placement Goals Met

The District exceeded its minority placement goal for the Plant Operator Leads/ Supervisors job group and its female placement goal for the Laboratory and Quality Control Technicians job group:

Job Group	Category	Placement Rate Goal (%)	Actual Placement* Rate (%)	Goal Achieved?
Plant Operator Leads/Supervisors	Minority	46.20%	75.00%	Yes
Laboratory and Quality Control Technicians	Female	59.00%	66.77%	Yes

\*Placements consist of hires and promotions into the target job group between 7/1/2014 and 6/30/2015 result in less than a whole person and, accordingly, was not a feasible goal for the year.

While the District did not technically achieve its minority placement goal for the Mechanical Maintenance job group, the difference between the actual placement rate and the placement rate goal was inconsequential.

Job Group	Category	Placement Rate Goal (%)	Total # of Placements	Actual Placement #	Actual Placement Rate (%)	Goal Achieved?
Mechanical Maintenance	Minority	46.00%	10	4	40.00%	LOP*

\*The number of job opportunities, i.e., placements, when multiplied by the goal percentage would result in less than a whole person.

The Laboratory and Quality Control Technicians job group had 9 placements during FY 2015, 6 of which were females. When the division engaged in recruiting in late Summer/early Fall 2014 for a Wastewater Control Inspector, the recruitment resulted in sufficient representation of females in the applicant<sup>1</sup> pool following the training and education (T&E) review. Ultimately it resulted in a certification list that was 81.82% female. In addition, the females were at the top of the list, holding ranks 1 – 4. Accordingly, when four appointments were made from the list, 4 females were hired.<sup>2</sup> This fact, along with the hiring of 2 females in FY 2015 from a certification list for Laboratory Technician II, which list was established in June 2014 (the FY 2015 AAP year), resulted in the favorable percentage of female hires.

<sup>1</sup>The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job.

<sup>2</sup>The District's civil services rules require that only the first 5 ranks of a certification list (except for Local 2019, which requires only the first 3 ranks) are interviewed for an open position, unless special skills requirements can be demonstrated. EMBUD Civil Services Rules, Rule VIII, Sections 6 and 10, and Rule IX, Section 1.



The Plant Operator Leads/Supervisors job group had 4 placements during FY 2015, 3 of which were minorities. Achievement of this goal appears to be attributable to the fact that for 3 out of the 5 recruitments, minorities were at the top of the certification list.

The placement rate goal for the Mechanical Maintenance job group, when multiplied by the number of placements made in the job group for the year, was equal to less than a whole person. The District hired minorities in the Mechanical Maintenance job group at 40.00%. To achieve a 46.00% rate, the District would only have to hire an additional 0.60 of a person.

#### **Prior Year AAP – Placement Goals Partially Met**

<b>Job Group</b>	<b>Category</b>	<b>Incumbency Rate (%)</b>	<b>Actual Placement Rate (%)</b>	<b>Placement Rate Goal (%)</b>	<b>Goal Achieved?</b>
Electrical/Structural Maintenance	Minority	22.00%	40.00	53.10%	Partially met

While the District did not meet its minority placement goals for the above job groups, it did improve on its placement rate in comparison to its incumbency rate. The improvement in the Electrical/Structural Maintenance job group was primarily due to the presence of minority candidates in the top 5 ranks of the certification lists active during FY 2015.

#### **FY 2015 AAP – Placement Goals – Limited Opportunity Placement (LOP)**

<b>Job Group</b>	<b>Category</b>	<b>Placement Rate Goal (%)</b>	<b>Total # of Placements</b>	<b>Actual Placement #</b>	<b>Actual Placement Rate (%)</b>	<b>Goal Achieved</b>
Rangers	Minority	65.80%	0	0	0.00%	LOP*

\*The number of job opportunities, i.e., placements, when multiplied by the goal percentage would result in less than a whole person..

The District did not meet its minority placement goals for the Rangers job group. However this is not because of a lack of good faith efforts on behalf of the District. There were no hires for the Rangers job group in FY 2014, and therefore there was no way to achieve the placement goal.

### FY 2015 AAP – Placement Goals Not Met

Job Group	Category	Placement Rate Goal (%)	Total # of Placements	Actual Placement #	Actual Placement Rate (%)	Goal Achieved?
Electrical/Structural Maintenance	Female	15.00%	10	0	0.00%	No
	Minority	53.10%	10	4	40.00%	No
Pipeline Maintenance	Minority	61.50%	17	7	41.18%	No
Heavy Equipment/Truck Operators	Minority	68.30%	5	1	20.00%	No
Service Maintenance	Minority	73.40%	10	3	30.00%	No

While the District did not meet its placement goals set forth above, the difference between the actual placement rate and the placement rate goal was not statistically significant pursuant to the Exact Binomial Test.<sup>3</sup>

**Accordingly, due to limited opportunity, only 8 out of the 9 placement goals for the FY 2015 AAP were reasonably measurable. The District met 3 out of the 8 placement goals and made progress on one additional goal. This is an achievement rate of 37.50% and a progress rate of 50.00%.**

The following problem areas were noted, based on a review of applicant flows and supporting documentation from recruitments, for the job groups where placement goals were not met or only partially met.

For the Electrical/Structural Maintenance and Service Maintenance job groups, the majority or all of the recruitments, respectively, had insufficient representation of minorities and/or females in the applicant pool, i.e., the percentages were under availability. Likewise, the majority or all of the certification lists, respectively, had insufficient representation of minorities and/or females. While availability for the Electrical/Structural Maintenance job group was 53.10% minority and 15.00% female, the applicant pools were between 23.50% and 41.00% minority and 0.00% and 10.00% female. While minority availability for the Service Maintenance job group was 73.40%, the applicant pools were between 26.00% and 42.50%. In addition, for both job groups, the majority of the placements in FY 2015 were from recruitments started and/or completed in FY 2014 and, accordingly, there was nothing the District could do in FY 2015 to impact the applicant flow. Also, for one of the Electrical/Structural Maintenance job group recruitments, Carpenter, while there was sufficient representation of minorities in the applicant pool, the test given to applicants reduced the minority representation of the pool to 0. The test for Carpenter is not a pass/fail test, but instead a tool to reduce the number of applicants, to a reasonable pool with the best qualifications. The pass point set to move applicants to the next stage of the recruitment screened out all minorities. The pass

<sup>3</sup> Under the Exact Binomial Test, when comparing the actual placement rate to placement rate goal, if a job group displays a probability value of .05 or lower than the result is considered significant.

point set for 3 of the tests in the Service Maintenance job group significantly screened out minorities. Finally, the pass point set for 2 of the T&E reviews also significantly screened out minorities in the Service Maintenance job group. The percentage of minorities after test or T&E review for 5 out of 6 of the Service Maintenance job group recruitments was between 0.00% and 23.00%

The Heavy Equipment/Truck Operators and Pipeline Maintenance job groups, like the Electrical/Structural Maintenance and Service Maintenance job groups, had 1) insufficient representation of minorities in the applicant pool; 2) insufficient representation of minorities on the certification list; 3) placements in FY 2015 from recruitments started and/or completed in FY 2014. For the Heavy Equipment/Truck Operators job group recruitments and for one recruitment for the Pipeline Maintenance job group, minorities were also on the bottom of the certification list and therefore were unreachable. While minority availability for the Heavy Equipment/Truck Operators and Pipeline Maintenance job groups were 68.30% and 61.50%, respectively, the representation of minorities in the applicant pools were between 29.60% and 31.40%, and between 34.10% and 48.80%, respectively. In addition, the Water Distribution Plumber I recruitment from the Pipeline Maintenance job group had insufficient representation of minorities in the hiring band.<sup>3</sup>

For the Paving Raker position in the Pipeline Maintenance job group, there were only 2 hires off the certification list – one was white and the other Hispanic, putting the minority placement rate at 50.00%. Due to the limited number of hires off this list, this percentage is not statistically significant compared to the placement rate goal.

Finally, all the problem areas set forth above were identified for the Mechanical Maintenance job group, i.e., 1) insufficient representation of minorities in the applicant pool; 2) insufficient representation of minorities on the certification list; 3) half the recruitments for the placements in FY 2015 were from recruitments started and/or completed in FY 2014; 4) the pass point set for 1 test and 1 T&E review, significantly screened out minorities; and 5) the band eligible for hiring interview from a certification list had insufficient representation of minorities (4 out of 17 or 17.00%) and most minorities were at the bottom of the certification list and therefore unreachable. While minority availability for this job group was 46.00%, the representation of minorities in the applicant pools for 2 out of 4 recruitments was between 23.00% and 29.20%. For 3 recruitments, the pass point set for the written or performance tests or T&E reviews significantly reduced the representation of minorities in the applicant pool. The written test on 1 recruitment reduced the representation from 23.00% to 10.00%, the performance test on another recruitment reduced the representation from 52.70% to 33.00%, and the T&E review on another recruitment reduced the representation from 44.80% to 39.00%.

### **FY 2016 AAP Goals:**

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability set forth in Exhibit 5, Placement Goals Analysis. In addition to meeting the female placement goal for the Laboratory and Quality Control Technicians job group in FY 2015, no female placement goal was needed for this job group for FY 2016 due to an increase in female incumbency and a decrease in female availability. The female availability decreased from 59.00% to 54.9% and the female incumbency increased

from 39.58% to 45.3%. The increase in female incumbency was due to the addition of 5 positions, the hiring of 6 females and the retirement of a 1 male and 1 female during FY 2015.

While the female placement goal for the Electrical/Structural Maintenance job group was not met in FY 2015, there is no female placement goal for this job group for FY 2016. This is because female availability for this job group decreased from 15.40% to 4.40%,

The specific Placement Goals for FY 2016 are set forth below:

#### **FY 2016 Placement Goal Summary**

<b>JOB GROUP</b>	<b>PLACEMENT GOAL*</b>	
	<b>MINORITY</b>	<b>FEMALE</b>
General Clerical		90.10%
Rangers	65.80%	
Pipeline Maintenance	61.00%	
Heavy Equipment/Truck Operators	68.00%	
Electrical/Structural Maintenance	51.40%	
Mechanical Maintenance	46.20%	
Service Maintenance	74.90%	

\*Under the Exact Binomial Test, when comparing the incumbency to availability, if a job group displays a probability value of .05 or lower than the result is considered significant and the result is listed with the respective goal. Placement goals are established within each of the job groups at no less than the current availability data for the job group.

The female placement goal for the General Clerical job group was not a placement goal for the FY 2015 AAP. The female placement goal for this job group is due to the female incumbency rate dropping from 86.54% to 82.70%, making the difference between availability and incumbency statistically significant. This was due to the addition of 5 positions in the job group and replacement of 13 positions, for a total of 18 hires in FY 2015. 6 of the hires were male and 12 were female. The overall incumbency of males increased by 5, while the incumbency of females did not change.

The General Clerical job group had the following problem areas: 1) insufficient representation of females in the applicant pool; 2) insufficient representation of females on the certification list; 3) the majority of the placements in FY 2015 were from recruitments started and/or completed in FY 2014; and 4) 2 certification lists where males were at the top of the list. The problems noted are based on a review of applicant flows and supporting documentation from recruitments for the General Clerical job groups.

The balance of the problem areas for the FY 2016 placement goals were discussed in the FY 2015 Goals Progress above.

The following is a table setting forth the planned correction of deficiencies for the repairable problem areas discussed above.

Areas of Concern	Corrective Actions
Insufficient representation of females in the applicant pools for the Electrical/Structural Workers, General Clerical, and Plant Operators Leads/Supervisors job group recruitments	<ul style="list-style-type: none"> <li>• The District has already begun reaching out to organizations representing females from the newly created outreach list.</li> <li>• The District will evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of women in the applicant pool.</li> </ul>
Insufficient representation of minorities in the applicant pools for the Electrical/Structural Maintenance, Service Maintenance, Heavy Equipment/Truck Operators, Pipeline Maintenance, and Mechanical Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District has already begun reaching out to organizations representing minorities from the newly created outreach list.</li> <li>• The District will evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of minorities in the applicant pool.</li> </ul>
Insufficient representation of females on the certification lists for the Electrical/Structural Maintenance, General Clerical, and Plant Operator Leads/Supervisors job group recruitments	<ul style="list-style-type: none"> <li>• The District has already begun reaching out to organizations representing females from the newly created outreach list.</li> <li>• The District will evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of women in the applicant pool.</li> </ul>
Insufficient pools of minorities on certification list for Electrical/Structural Workers, Service Maintenance, Heavy Equipment/Truck Operator, Pipeline Maintenance, Mechanical Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District has already begun reaching out to organizations representing minorities from the newly created outreach list.</li> <li>• The District will evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of minorities in the applicant pool.</li> </ul>
Pass points for tests significantly screening out females for the Electrical/Structural Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District will research and evaluate the use of alternative tests or alternative methodologies for setting cut-off scores for tests to avoid a significant negative impact on female representation in applicant pools.</li> </ul>

Areas of Concern	Corrective Actions
Pass points for tests significantly screening out minorities for the Electrical/Structural Maintenance and Mechanical Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District will research and evaluate the use of alternative tests or alternative methodologies for setting cut-off scores for tests to avoid a significant negative impact on minority representation in applicant pools.</li> </ul>
Pass points for T&E review significantly screening out females for the Electrical/Structural Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District will research and evaluate the use of alternative methodologies for setting cut-off scores for tests to avoid a significant negative impact on female representation in applicant pools.</li> </ul>
Pass points for T&E review significantly screening out minorities for the Service Maintenance and Mechanical Maintenance job group recruitments	<ul style="list-style-type: none"> <li>• The District will research and evaluate the use of alternative methodologies for setting cut-off scores for tests to avoid a significant negative impact on minority representation in applicant pools.</li> </ul>

In addition to comparing incumbency to availability within job groups, the District has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). The District will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Section C of this AAP.

#### **41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit**

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of *Exhibit 1, Organization Display*. The only issue identified was the lack of recent minority hires among the division management in the Wastewater Department. Accordingly, the District will be more thoughtful in its future recruitments to assure that its outreach efforts attract sufficient qualified minority candidates.

#### **41 C.F.R. § 60-2.17(b)(2): Personnel Activity**

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or cohort analysis. Hiring disparities were statistically identified for the Mechanical Maintenance, Pipeline Maintenance, Service Maintenance and General Clerical job groups. The reasons for such disparities were discussed previously in this section and were reasonably explained and/or can potentially be corrected as discussed in Section C, Development and Execution of Action-Oriented Programs. In addition, the Programmers job group also showed a hiring discrepancy for minorities. The discrepancy was due to small certification pools and single hires for each recruitment. It came down to a 50/50 change of hiring a minority or white almost every time. Higher rates of female terminations were also found for the Plant Operator Leads/Supervisors job group. This was

due to the retirement of 2 females out of a total of 3 retirements during the reporting period, which were wholly voluntary.

The *Summary of Personnel Transactions Report* for each job group is retained by the Diversity and Inclusion Office.

### ***C. Development and Execution of Action-Oriented Programs***

41 C.F.R. § 60-2.17(c)

#### **Progress on FY 2015 Action-Oriented Programs:**

In late FY 2015, the District developed numerous strategies to streamline recruitment and increase outreach, including diversity outreach. The strategies included the following:

- Researching and compiling a list of organizations, primarily in the District's largest recruitment area (Contra Costa and Alameda Counties), that represent females, minorities, veterans and individuals with disabilities, to which to send notices of upcoming and current job openings.
- Organizing and building a strategy for job information sessions, career/job fairs, speaking engagements, college and high school presentations, and math and science fairs to reach out to potential candidates, including females, minorities, protected veterans and individuals with disabilities.
- Identifying employees with relevant trade union, professional organization and competitor organization contacts and utilize these employee connections to these organizations to develop a pool of diverse candidates and referrals.
- Identifying organizations from the outreach list discussed in bullet one above, to develop partnerships with for exam preparation, training/education, curriculum development, recruitment, etc. in order to develop a pool of well qualified diverse applicants.
- Researching and applying for grant funding for internships, hires, projects, temporary hires, training, etc. in order to develop a diverse pool and recruit well qualified diverse applicants.
- Utilizing the District's Affinity Groups<sup>4</sup> to support the District's mission, goals and values of diversity. Specifically, having group members act as Ambassadors to assist with recruitment, training and retention of minorities and females.

The District completed the research and updated the list of diverse organizations for outreach efforts in the later part of FY 2015. The list consists of over 100 organizations and continues to grow. Because the research and creation of the list was not completed until late FY 2015, the District has had insufficient time to analyze the impact of the list on the attraction of female and minority applicants. It is anticipated that outreach to these organizations in FY 2016 will positively impact the representation of females and minorities in applicant pools for the year.

The District also explored grant funding in FY 2015. The District partnered with the Foundation for California Community Colleges to apply for grant funding for apprentices for the classifications of

automotive mechanic, instrument technician, and maintenance machinist, which are part of the Mechanical Maintenance and Electrical/Structural Maintenance job groups. Unfortunately, the Foundation for California Community Colleges was not among the grant awardees. In addition, the District has begun discussions with RichmondBUILD regarding grant funding for limited term training programs. Further discussions are occurring in FY 2016, with the expectation of use of grant funding for a training program to be launched late FY 2016.

Additionally, research was conducted regarding the use of Employee Affinity Groups in public sector employment to recruit, train and retain diverse groups. This research looked at a variety of factors including how affinity groups are organized; under what circumstances such groups are recognized as a company affinity group; what type of support, monetary or otherwise, affinity groups are provided by the company; and the types of activities engaged in by such groups.

Finally, in FY 2015, the DIO partnered with both Laney College and Swords to Plowshares (STP) for the Water Distribution Plumber (WDP) internship. STP performed the recruitment for this internship, screened applicants' mathematical, reading comprehension and mechanical spacial abilities, and for the successful candidates, prepared them for the WDPI written test. For the first time in the history of the WDP internship, the interns passed the written test, the performance test and made the certification list. In late Spring 2015, the Diversity and Inclusion Office (DIO) worked with the District's Laboratory Services Division to place 2 summer female interns from Girls Inc. due to the female placement goal in the FY 2015 AAP.

### **FY 2016 Action-Oriented Programs:**

The District tailors its action-oriented programs each year to ensure they are specific to the problems identified. The action-oriented programs designed to address the problem areas are listed below and will be implemented over the next three (3) years. The Manager of HR, the D&I Officer, the Manager of Recruitment and Classification (Manager of R&C), the Manager of Employee and Organizational Development (Manager of EOD), and managers and supervisors are responsible for ensuring that the following are implemented.

To increase female and minority representation in the applicant pools for the General Clerical, Rangers, Plant Operator Leads/Supervisors, Electrical/Structural Workers, Service Maintenance, Mechanical Maintenance, Heavy Equipment/Truck Operator, and Pipeline Maintenance job groups, the District has already implemented the following in FY 2016:

- Details in job postings regarding the length of certification lists (1 ½ to 2 years) so potential applicants understand the importance of applying for a position when they see it posted.
- A Workforce Development retreat with DIO, R&C and EOD to develop further outreach strategies, internal employee development strategies, and an outreach protocol for "key exams."

In addition, the District will be pursuing the following action-oriented programs starting in FY 2016:

- Implementation of the outreach protocol developed during the Workforce Development retreat.
- A District hosted Career and Resource Fair on January 23, 2016.



- The balance of the strategies set forth above under Progress on FY 2015 Action-Oriented Programs (bullets 2 through 5) and other outreach and development strategies identified during the Workforce Development retreat.
- Encouraging and supporting Employee Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce.
- Revision of the District civil service rules and/or practices to remove potential barriers in the recruitment process, where feasible.

In December 2015, the District held a retreat to develop additional outreach strategies, including additional strategies to recruit and prepare minorities and females, internal employee development strategies, including development of minority and female employees, and an outreach protocol for key exams. Key exams includes classifications within job groups with minority and females placement goals.

The Career and Resource Fair will be focused on veterans, minorities, females and individuals with disabilities. The District will advertise regarding the Career and Resource Fair to organizations on the outreach list and will invite select organizations from the outreach list, to provide support to the relevant attendees, e.g., females and minorities. Workshops during the Career and Resource Fair will include a presentation on the District's civil service process and instruction on how to fill out the District's application, including how to answer supplemental questions. These workshops will also be provided throughout the year to both District employees and members of the public.

The strategy to organize and build a plan to reach out to females and minorities at job information sessions, career/job fairs, speaking engagements, college and high school presentations, and math and science fairs, is underway and should be completed by January 2016. Numerous HR Analysts in DIO and R&C are working on the strategy to develop partnerships with select organizations from the outreach list.

Two HR Analysts in R&C are tasked with identifying District employees with contacts at trade unions, professional organizations and competitor organizations. The District will then utilize these employee connections to recruit for open position in order to develop a pool of diverse qualified candidates and referrals.

Grant funding is being discussed with RichmondBUILD and STP to help pay for the limited-term training program planned for Water Distribution Plumber Is, a classification within the Pipeline Maintenance job group, in late FY 2016. During or following their training program, trainees will have the opportunity to compete for permanent Water Distribution Plumber I positions.

The District has identified some barriers within its Civil Service Rules and practices that may have an impact on hiring of female and minority applicants. One barrier is the practice related to the longevity of a certification list. With certification lists lasting between 1 ½ to 2 years, the ability to impact recruitments with the correction of deficiencies and action-oriented programs within an AAP year is sorely limited. The reason for the long time-frame for certification lists is the significant time and number of staff required to prepare and implement tests for open classifications. The District is in the process of an Organizational Improvements review and is creating subcommittees to address a number of issues, including hiring. Human Resources will work with the subcommittee tasked with looking at hiring, i.e., the Performance

Work Group, to look at potential barriers to the District's civil service rules and/or practices and adjust where feasible.

To increase the female and minority representation on the certification lists for the General Clerical, Rangers, Electrical/Structural Maintenance, Service Maintenance, Mechanical Maintenance, Heavy Equipment/Truck Operators, and Pipeline Maintenance job groups, the District will be pursuing the following action-oriented programs starting in FY 2016:

- Providing details in job descriptions regarding the testing procedure in order to allow applicants to better prepare for the tests so they can adequately compete to get on the certification list.
- Providing interview workshops to employees and to potential applicants, including potential minority and female applicants.
- Providing interview feedback to employees and applicants, including minority and female applicants.
- Partnering with organizations, including organizations representing minorities and females, to provide interview workshops, interview feedback and test preparation services, such as the services successfully provided by STP in FY 2015, for District jobs.
- Evaluating the potential of sponsoring a class at a community college on application, test taking and interviews for our entry level trade positions.
- Working with the Performance Work Group from the Organizational Improvement Team, whose focus includes the hiring process, to identify potential barriers to the District's civil service rules and/or practices and adjust where feasible.

The action-oriented programs listed above will be evaluated and/or implemented over a three (3) year period. Action-oriented programs to be evaluated and/or implement in Year 1 (Calendar Year 2016) are as follows:

- Evaluating the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of females, minorities, protected veterans and/or individuals with disabilities in the applicant pool.
- Researching and evaluating the use of alternative tests or alternative methodologies for setting cut-off scores for T&E reviews and tests to avoid a significant negative impact on minority and/or female representation.
- Holding a District hosted Career and Resource Fair on January 23, 2016 catering to minorities, women, protected veterans, and individuals with disabilities, which will include:
  - workshops on the civil service process, application process, translating military experience, and interviewing; and
  - community resource tables for minorities, women, protected veterans and/or IWDs, e.g., Tradeswomen, Inc., Richmond Build, Swords to Plowshares (STP), Rubicon Programs and Laney College.

- Organizing and building a strategy for outreach events to reach out to potential candidates, including women, minorities, protected veterans and individuals with disabilities, i.e., a toolkit and annual event calendar aligned with recruitments.
- Identifying employees with relevant trade union, professional organization and competitor organization contacts and utilizing these employee connections to develop a pool of diverse candidates and referrals.
- Encouraging and supporting Employee Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce.
- Holding quarterly application process and interview workshops to potential applicants, including potential minority, female, protected veteran and/or individual with a disability applicants.
- Evaluating and/or implementing a partnership with RichmondBUILD or STP for an “internship program” with the District utilizing Special Employment Program (SEP) positions for short-term work experience for the plumber classification. This partnership would include grant funding and recruitment, selection and exam preparation services.
- Working with the Performance Work Group of the Organizational Improvement Team, whose focus includes the hiring process, to identify potential barriers to the District’s civil service rules and/or practices and adjust where feasible.

The District will continue to engage in the following action-oriented programs, particularly for those job groups where it has a placement goal.

#### **Recruitment:**

1. The District will continue to contact minority and women’s organizations for referrals including the following:
  - Tradeswomen, Inc.
  - National Association of Women in Construction
  - The CA Women’s Ventures Project
  - Girl’s Inc. of Alameda County
  - Girls to Women
  - National Coalition of 100 Black Women
  - National Institute for Women in Trades, Technology & Sciences (IWITTS)
  - Organization of Women Architects
  - The Women’s Building
  - US Department of Labor, Women’s Bureau, Region 9
  - US Department of Veteran’s Affairs – SF Branch
  - Pacific Asian American Women Bay Area Coalition (PAAWBAC)
  - The Unity Council, A Latino Community Development Corporation
  - Cypress/Mandela Training Center, Inc.
  - NAACP San Mateo
  - Oakland Asian Cultural Center

- Lao Family Community Development, Inc.
  - Institute for Business and Technology
  - Oakland International High School
  - Oakland Workers Collective – Street Level Health Project
  - The Unity Council Multicultural One-Stop Career Center
  - Treasure Island Job Corps
  - Tri-Cities One Stop Career Center – Fremont and Hayward
  - Tri-Valley One-Stop Career Center
  - SparkPoint
  - The Spot – Oakland
  - Upwardly Global
  - West Oakland Job Resource Center
  - Peralta College
  - Skyline College
  - West Valley College
2. The District holds formal briefing sessions on company premises with representatives of recruiting sources. These sessions include presentations by minority and female employees, and provide clear and concise explanations of current and future job openings, as well as of the District’s selection process. The District has made classification descriptions, worker specifications and recruiting literature available to these representatives by email or on-line. The District has also made formal arrangements with some of these recruiting sources for referral of applicants.
  3. The District actively encourages minority and female employees to refer applicants.
  4. The District includes minorities and women on its Employee Relations and Recruitment staff.
  5. The District encourages minority and female employees to participate in Career Days, Youth Motivation Programs, and related outreach activities in the community, to represent EBMUD’s diversity, including but not limited to the following:
    - a. Serving as judges in Richmond High School’s Robotics competition.
    - b. Serving as mentors for high school engineering students in several Alameda and Contra Costa County schools.
    - c. Supporting Mathematics, Engineering, Science Achievement (MESA) and the Minority Engineering Program (MEP).
    - d. Serving as judges at the Alameda County and Contra Costa County Science Fairs
    - e. Attending the Annual Tradeswomen Inc. Celebration
    - f. Participating in the Helms Middle School Career Fair
    - g. Participating in the San Leandro African American Business Council’s (SLAABC) 11<sup>th</sup> Annual Career Day
    - h. Participating in the Laney College Manufacturing Career Fair

- i. Participating in the Los Medanos College's Industrial Technologies Job Fair
  - j. Participating in the BAYWORK STEM Career Fair
  - k. Participating in CSU East Bay's STEM Career Awareness Day
- 6. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
  - 7. District advertisements always carry the EEO clause.
  - 8. The District participates in job fairs if there are sufficient numbers of job openings to warrant participation.
  - 9. The District continues to recruit at several local colleges and universities. The District targets community colleges and universities based in part on the high-level of diversity of their student body.
  - 10. The District includes minority and female members of the workforce in recruiting brochures which pictorially present work situations.
  - 11. In the Spring and Summer, the District offers internships for students at diverse high schools in its service area to help develop a pipeline of future talent.
  - 12. The District offers trade internships/training programs to diverse populations. Classifications/job groups include: Water Distribution Plumber I/Pipeline Maintenance job group; Instrument Worker II and Electrical Worker II / Electrical/Structural Maintenance job group; Machining and Maintenance Worker II, Plant Maintenance Worker II and Mechanical Maintenance Worker/Mechanical Maintenance II; and Wastewater Plant Operator Trainee, Water Treatment/Distribution Operator Trainee. Such internships are tied to upcoming job openings in related classifications.

**Job Specifications/Selection Process:**

- 1. The District will continue to develop classification descriptions that accurately reflect classification functions, and are consistent for the same classification from one location to another.
- 2. The District will continue to develop classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identify, sexual orientation, religion, national origin, disability or veteran status.

3. Approved classification specifications and worker specifications will continue to be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. The District will continue to use only worker specifications that include job-related criteria.

**Job Advancement:**

1. The District will continue to post or announce promotional opportunities in accordance with civil service rules.
2. The District will continue to offer the LEAD Academy, for employees interested in first line supervisory positions and the Pathways Academy, for first line supervisors interested in mid-level management positions. These programs provide employees with tools to assess their current academic, skill, and experience level and provide training for promotional opportunities.
3. The District continues to provide career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation programs; coaching/mentoring programs; and similar programs.
4. The District will continue to use the Performance Plan and Appraisal Procedure for the annual performance review of all employees.
5. Hiring managers will continue to prepare and submit to HR written justifications for all promotions and hires, including hires/promotions where they do not upgrade seemingly qualified minority or female employees.
6. Employees can choose training courses through the Training Schedule and include them in their career development plan.
7. The Tuition Refund Program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee.

**Welfare:**

1. The District will continue to actively encourage all employees to participate in facilities and District-sponsored social and recreational activities.
2. The District will continue to encourage the design of various programs, such as training and mentorship programs, to improve employment opportunities for minorities and females.

## ***D. Design and Implementation of Internal Audit and Reporting Systems***

41 C.F.R. § 60-2.17(d)

As stated previously, the D&I Officer is responsible for implementing the auditing and reporting system. The District's auditing and reporting system measures the effectiveness of its total AAP. Together with the Manager of HR, the Manager of R&C, and the Manager of EOD, the D&I Officer periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and sex to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.
4. Review of selections, promotions and training to ensure that they are nondiscriminatory.
5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

## ***E. Organizational Profile***

41 C.F.R. § 60-2.11

Pursuant to 41 C.F.R. § 60-2.11, we have provided an Organizational Display of the District. Specifically, the Organizational Display shows four fields of information in each organizational box displaying an organizational unit:

1. Name of each organizational unit being displayed;
2. The job title, gender, race, and ethnicity of the unit supervisor;
3. Total number of employees in each organizational unit; and
4. Total number of employees in each organizational unit displayed by race/ethnicity and gender.

See the ***Organizational Display*** at Exhibit 1.

***F. Job Group Analysis: Job Titles and Placement of Incumbent in Job Groups***

41 C.F.R. §§ 60-2.12-2.13

**Disclaimer**

**The grouping of job titles into given job groups does not suggest that the District believes the jobs so grouped are of comparable worth.**

Pursuant to 41 C.F.R. § 60-2.12, we have supplied a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities. As a result, we have grouped 1780 employees as of June 30, 2015, into 22 job groups. See ***Job Group Analysis*** at Exhibit 2. Pursuant to 41 C.F.R. § 60-2.13, we have placed all 1780 employees into the job groups by race and gender to determine the percentage of females and minorities per job group. See ***Job Group Summary*** at Exhibit 3.

***G. Availability Analysis***

41 C.F.R. § 60-2.14

**Disclaimer**

**The comparison of incumbency to availability contained within this AAP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.**

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating EEO into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed



versus our current employment (from Exhibit 3, Job Group Summary), identify problem areas or areas of deficiency, and establish goals to correct the problems.

### Steps in Comparison of Incumbency to Availability

#### I. Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

- A. External Factor: The external requisite skills data comes from the 2010 5-year EEO Tabulation, which is based on the 2006 – 2010 American Community Survey from the U.S. Census Bureau.
  - 1. Local Labor Area: The District's Local Labor Area is 50% Alameda County and 50% Contra Costa County.
  - 2. Reasonable Labor Area: The reasonable recruitment area is defined as the geographical area from which the District usually seeks or reasonably could seek workers to fill the position in question. The reasonable recruitment area varies by job group.
- B. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the District. Trainable refers to those employees within the District who could, with appropriate training which the District is reasonably able to provide, become promotable or transferable during the AAP year. The internal factors are based on feeder job groups and vary by job group.

#### II. Identify Final Availability

- A. Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.
- B. Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.<sup>5</sup>

See the *Availability Analysis* at Exhibit 4 for the availability breakdown for each job group.

## **H. Placement Goal Analysis**

41 C.F.R. §§ 60-2.15-2.16

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2015, and that group's final availability.

### **Disclaimer**

*The establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and women in a workforce.*

The District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. The District used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. Goals are not rigid inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make the entire AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the District hire a specified number of minorities or women.

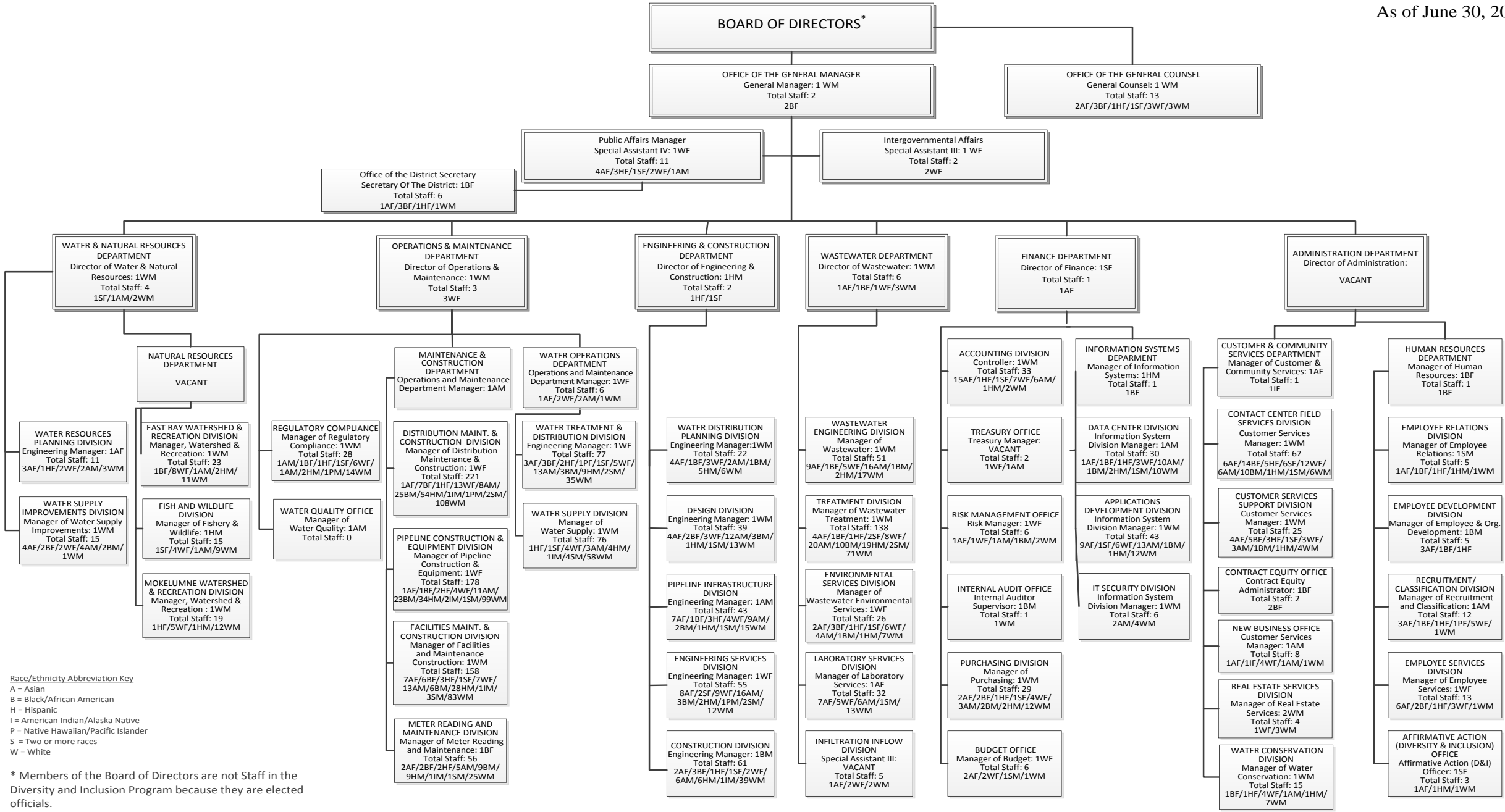
See **Placement Goals Analysis** at Exhibit 5 for each job group.

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<sup>5</sup> In most cases, the final availability report (and most other technical reports in this AAP) only include data/information for females and minorities in the aggregate.

# EXHIBITS

As of June 30, 2015



## Job Group Analysis

## Exhibit 2

### Directors/Managers

Assistant General Counsel	Manager of Employee & Organizational Development	Manager of Security and Emergency Preparedness
Chief Trial Attorney	Manager of Employee Relations	Manager of Source Control
Controller	Manager of Employee Services	Manager of Wastewater Engineering
Customer Services Manager	Manager of Environmental Compliance	Manager of Wastewater Environmental Svcs.
Director of Administration	Manager of Facilities Maint. & Construction	Manager of Wastewater Treatment
Director of Engineering & Construction	Manager of Fishery & Wildlife	Manager of Water Conservation
Director of Finance	Manager of Fleet & Construction Support	Manager of Water Meters
Director of Operations & Maintenance	Manager of Human Resources	Manager of Water Quality
Director of Wastewater	Manager of Information Systems	Manager of Water Supply
Director of Water & Natural Resources	Manager of Laboratory Services	Manager of Water Supply Improvements
Engineering Manager	Manager of Meter Reading and Maintenance	Manager of Water System
Environmental Affairs Officer	Manager of Natural Resources	Manager of Water Treatment
General Counsel	Manager of Operations/Maintenance Planning	Manager of Watershed & Recreation
General Manager	Manager of Pipeline Construction	Manager of Workplace Health and Safety
Information Systems Division Manager	Manager of Purchasing	Operations and Maint. Department Manager
Manager of Budget	Manager of Real Estate Services	Risk Manager
Manager of Business Continuity		
Manager of Customer & Community Services	Manager of Recruitment & Classification	Secretary of the District
Manager of Customer Services	Manager of Regulatory Compliance	Special Assistant I-V
Manager of Distribution Maintenance & Const.	Manager of Regulatory Planning and Analysis	Treasury Manager

### Programmers

Information Services Supervisor
Information Systems Administrator I-II
Information Systems Support Analyst I-II
Network Analyst I-III
Principal Information Systems Analyst
Programmer Analyst I-II
Senior Programmer Analyst
Senior Systems Programmer
Supervising Systems Programmer
Systems Programmer I-II

### Analysts

Classification and Pay Administrator	Risk Management Analyst
Community Affairs Representative I-II	Senior Community Affairs Representative
HRIS Analyst I-II	Senior HRIS Analyst
HR Regulatory Coordinator	Senior Human Resources Analyst
Human Resources Analyst I-II	Senior Public Information Representative
Management Analyst I-III	Technical Trainer
Principal Management Analyst	Technical Training & Writing Administrator
Public Information Representative I-III	Workers' Comp. Manager & Risk Specialist

## Job Group Analysis

## Exhibit 2

### Other Professionals

Accountant I-III	Building Tenant Services Supervisor	Purchasing Contract Supervisor
Accounting & Financial Systems Analyst	Business Development Representative	Real Estate Representative I-II
Accounting Systems Supervisor	Buyer I-II	Security & Emergency Preparedness Spec.
Affirmative Action Officer	Contract Equity Administrator	Senior Acctng. & Financial Systems Analyst
Assistant Capital Projects Coordinator	Cost Estimator	Senior Real Estate Representative
Assistant Planner	Industrial Water Conservation Representative	Supervising Accountant
Assistant Water Resources Specialist	Internal Auditor	Supervisor of Water Conservation
Associate Architect	Internal Auditor Supervisor	Water Conservation Administrator/Supv.
Associate Planner	Junior Water Resources Specialist	Water Conservation Representative
Associate Water Resources Specialist	Law Clerk	Water System Planning Analyst
Attorney I-III		

### Science Professionals

Chemist I-II	Quality Assurance Officer	Senior Environmental Health & Safety Specialist
Environmental Health & Safety Spec. I-II	Research Chemist	Senior Microbiologist
Fisheries/Wildlife Biologist I-II	Research Microbiologist	Supervising Microbiologist
Laboratory Supervisor	Senior Chemist	Supervising Fisheries/Wildlife Biologist
Microbiologist I-II		

### General Clerical

Account Clerk I-III	Senior Administrative Clerk	Senior Word Processing Specialist
Administrative Clerk	Senior Administrative Confidential	Telephone/Radio Operator
Administrative Clerk, Confidential	Senior Messenger-Mail Clerk	Word Processing Specialist II
Messenger-Mail Clerk		

### Administrative Assistants

Accounting Technician	Executive Assistant I-II	Paralegal
Administrative Assistant	Human Resources Technician	Public Affairs Specialist
Administrative Secretary I-II	Legal Secretary I-II	Risk Management Assistant
Administrative Secretary I-II, Confidential	Litigation Secretary	Senior Legal Secretary
Administrative Services Supervisor	Office Assistant, General Manager's Office	Supervising Legal Secretary
Assistant To The General Manager		

## Job Group Analysis

## Exhibit 2

### Customer Services

Customer Services Representative I-III	Meter Reader I-II	Senior Field Services Representative
Customer Services Supervisor	Meter Reading Foreman	Senior New Business Representative
Dispatch/Contact Center Representative	New Business Representative I-II	Water Conservation Technician
Field Services Representative I-II	Senior Customer Services Representative	

### Technicians

Computer Operations Supervisor	Fisheries/Wildlife Technician	Printing Technician I-II
Computer Operations Technician	Information Systems Specialist I-III	Senior Facility Technician
Corrosion Control Technician	Materials Inspector	Senior Printing Technician
Electronic Technician	Materials Testing Supervisor	Supervising Information Syst. Supp. Spec.
Fisheries/Wildlife Aide	Materials Testing Technician I-II	

### Plant Operator Leads/Supervisors

Assistant Superintendent		
Aqueduct/Pardee	Power Treatment Plant Maintenance Supt.	Wastewater Operations Coordinator
Assistant Supt., Water Treatment & Dist.	Power Plant Supervisor	Wastewater Shift Supervisor
Assistant Wastewater Shift Supervisor	Superintendent of Aqueduct Section	Wastewater Treatment Superintendent
Hydroelectric Power Plant Supervisor	Superintendent of Pardee Section	Water Distribution Supervisor
Pardee Water/Wastewater Supervisor	Superintendent of Water Trtmnt. & Distribution	Water Treatment Supervisor

### Plant Operators

Hydroelectric Power Plant Mechanic	Senior Water Treatment Operator	Water Distribution Operator
Hydroelectric Power Plant Operator I-II	Treatment Plant Specialist	Water Treatment Operator
Power Plant Mechanic/Operator	Wastewater Plant Operator I-II	Water Trtmnt/Dist. Operator Trainee
Senior Water Distribution Operator	Wastewater Plant Operator Trainee	

### Laboratory and Quality Control Technicians

Laboratory Technician I-III	Supervising Wastewater Control Representative	Wastewater Control Representative
Senior Wastewater Control Inspector	Wastewater Control Inspector I-II	Water Sampler
Supervising Wastewater Control Inspector	Wastewater Control Operator	Water Systems Inspector I-II

## Job Group Analysis

## Exhibit 2

### Engineers

Assistant Civil Engineer	Associate Civil Engineer	Associate Electrical Engineer
Assistant Electrical Engineer	Associate Control Systems Engineer	Associate Mechanical Engineer
Assistant Mechanical Engineer	Associate Corrosion Control Specialist	Junior Engineer

### Supervising Engineers

Senior Civil Engineer	Senior Electrical Engineer	Senior Mechanical Engineer
Senior Control Systems Engineer	Senior Engineering Planner	Supervising Administrative Engineer
Senior Corrosion Control Engineer		

### Engineering Technicians

Assistant Surveying Supervisor	Graphic Designer I-II	Senior Pipeline Designer
Chief of Party	Hydrographer I-III	Supervising Construction Inspector
Construction Inspector	Pipeline Designer I-II	Supervising Hydrographer
Drafter I-III	Senior Construction Inspector	Supervising Plant Inspector
Drafting Supervisor	Senior Drafter	Survey Technician I-II
Engineering Aide	Senior Graphic Designer	Surveying Supervisor
Graphic Design Supervisor		

### Mechanical Maintenance

Automotive Maintenance Worker I-III	Maintenance Specialist I-III	Meter Mechanic/Backflow Tester
Automotive Mechanic A&B	Maintenance Superintendent	Meter Repair and Testing Supervisor
Equipment Superintendent	Maintenance Supervisor	Plant Maintenance Mechanic
Equipment Supervisor	Mechanical Maintenance Worker I-III	Plant Maintenance Superintendent
General Equipment Mechanic	Mechanical Supervisor	Plant Maintenance Supervisor
Heavy Equipment Maintenance Worker I-III	Meter Mechanic I-II	Plant Maintenance Worker I-III
Heavy Equipment Mechanic	Meter Reader/Mechanic	Plant Mechanical Maintenance Supervisor
Machining & Maintenance Worker I-III	Meter Reader/Mechanic Foreman	Senior Mechanic
Maintenance Machinist	Meter Reader & Maintenance Supervisor	Senior Meter Mechanic/Backflow Tester



## Job Group Analysis

## Exhibit 2

### Pipeline Maintenance Leads/Supervisors

Assistant C& M Superintendent	Paving Crew Foreman
Construction & Maintenance Scheduler	Pipeline Welding Supervisor
Construction & Maintenance Superintendent	Senior Supervisor of Maint. Shift Ops.
General Pipe Supervisor	Water Distribution Crew Foreman
Maintenance Shift Supervisor	

### Pipeline Maintenance

Concrete Finisher I-II
Paving Raker A-B
Pipeline Welder I-III
Water Distribution Plumber I-IV

### Electrical/Structural Maintenance

Carpenter	Facility Specialist I-II	Painter
Carpenter Supervisor	Facility Supervisor	Painter Foreman
Carpentry Worker I-III	Facility Technician	Painting Worker I-III
Electrical Supervisor	Instrument Maintenance Supervisor	Plant Electrical Maintenance Supervisor
Electrical Technician	Instrument Supervisor	Plant Structures Maintenance Supervisor
Electrical Worker I-III	Instrument Technician	Security Shift Supervisor
Facility Foreman	Instrument Worker I-III	

### Service Maintenance

Automotive Services Attendant I-II	Janitor Foreman	Recreation Area Attendant
Gardener I-II	Janitor Supervisor	Storekeeper I-II
Gardener Foreman	Materials Specialist	Stores Supervisor
Housekeeper	Materials Storage Foreman	Utility Laborer
Janitor	Materials Storage Supervisor	

### Heavy Equipment/Truck Operators

Crane Operator	Heavy Transport Operator
Dispatcher	Truck Driver II
Heavy Equipment Operator	Truck Driver II Trainee
Heavy Forklift Operator	

### Rangers

Ranger Supervisor
Ranger/Naturalist I-II
Senior Ranger/Naturalist

## Job Group Summary

**Exhibit 3**  
**As of June 30, 2015**

<b>Job Group</b>	<b>Total Number Incumbents</b>	<b>Total Number Females</b>	<b>Total Number Minorities</b>	<b>Total Percentage Females</b>	<b>Total Percentage Minorities</b>
Directors/Managers	62	22	20	35.48%	32.26%
Programmers	93	32	55	34.41%	59.14%
Analysts	44	29	23	65.91%	52.27%
Other Professionals	50	27	29	54.00%	58.00%
Science Professionals	39	14	12	35.90%	30.77%
Administrative Assistants	57	54	40	94.74%	70.18%
General Clerical	110	91	65	82.73%	59.09%
Customer Services	104	58	63	55.77%	60.58%
Technicians	25	4	13	16.00%	52.00%
Plant Operators	117	11	49	9.40%	41.88%
Plant Operators Leads/Supervisors	37	4	14	10.53%	37.84%
Laboratory & Quality Control Techs	53	24	24	45.28%	45.28%
Rangers	33	7	5	21.21%	15.15%
Engineers	156	48	92	30.77%	58.97%
Supervising Engineers	41	8	18	19.51%	43.90%
Engineering Technicians	91	12	38	13.19%	41.76%
Pipeline Maintenance	194	3	93	1.55%	47.94%
Heavy Equipment/Truck Operators	85	3	27	3.53%	31.76%
Pipeline Maintenance Leads/Supervisors	66	2	35	3.03%	53.03%
Electrical/Structural Maintenance	108	3	29	2.78%	26.85%
Mechanical Maintenance	141	2	51	1.42%	36.17%
Service Maintenance	74	20	39	27.03%	52.70%
<b>Totals</b>	<b>1780</b>	<b>477</b>	<b>834</b>		

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Directors/Managers

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	37.3	39.5	30.00	11.2	11.9	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	35.3	21.4	20.00	7.1	4.3	National
Internal Factors:						
Feeders	32.5	47.7	50.00	16.3	23.9	Analysts, Professional, Plant Operators Leads/ Supervisors and Supervising Engineers
<b>Final Availability %</b>			<b>100.00</b>	<b>34.5</b>	<b>40.0</b>	

Job Group: Programmers

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	26.7	50.5	44.30	11.8	22.4	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	23.5	46.5	29.60	7.0	13.8	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	60.7	59.3	26.10	15.9	15.5	Administrative Assistants, General Clerical, Technicians, Laboratory & Quality Control Technicians, Engineering
<b>Final Availability %</b>			<b>100.00</b>	<b>34.6</b>	<b>51.6</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Analysts

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	59.5	45.5	53.40	31.8	24.3	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	60.3	40.5	13.30	8.0	5.4	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	90.7	66.5	33.30	30.2	22.1	Administrative Assistants, General Clerical
<b>Final Availability %</b>			<b>100.00</b>	<b>70.0</b>	<b>51.8</b>	

Job Group: Other Professionals

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	55.4	47.2	55.00	30.5	26.0	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	57.7	46.6	23.60	13.6	11.0	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	56.4	59.5	21.40	12.1	12.7	General Clerical, Customer Service, Engineering
<b>Final Availability %</b>			<b>100.00</b>	<b>56.2</b>	<b>49.7</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Science Professionals

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	46.7	36.3	53.80	25.1	19.5	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	41.7	21.0	23.10	9.6	4.8	Arizona - 20 %, California - 20 %, Nevada - 20 %, Oregon - 20 %, Washington - 20 %
Internal Factors:						
Feeders	57.8	49.9	23.10	13.3	11.5	General Clerical, Laboratory & Quality Control Technicians
<b>Final Availability %</b>			<b>100.00</b>	<b>48.1</b>	<b>35.9</b>	

Job Group: Administrative Assistants

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	86.5	48.8	30.00	25.9	14.7	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	83.5	47.8	20.00	16.7	9.6	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	82.7	59.1	50.00	41.4	29.5	General Clerical
<b>Final Availability %</b>			<b>100.00</b>	<b>84.0</b>	<b>53.8</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: General Clerical

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	90.7	49.6	60.0	54.4	29.7	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	89.0	49.1	40.00	35.6	19.6	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	0	0	0	0	0	
<b>Final Availability %</b>			<b>100.00</b>	<b>90.1</b>	<b>49.4</b>	

Job Group: Customer Services

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	56.8	61.5	53.20	30.2	32.7	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	54.3	59.4	22.80	12.4	13.6	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	69.2	57.2	24.00	16.6	13.7	General Clerical, Water Distribution Plumber & Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>59.2</b>	<b>60.0</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Technicians

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	29.6	53.2	53.30	15.8	28.3	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	33.1	57.7	35.60	11.8	20.5	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	55.8	60.6	11.10	6.2	6.7	Customer Service
<b>Final Availability %</b>			<b>100.00</b>	<b>33.7</b>	<b>55.6</b>	

Job Group: Plant Operators

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	5.1	32.7	53.80	2.7	17.6	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	4.8	23.5	23.10	1.1	5.4	Arizona - 20 %, California - 20%, Nevada - 20 %, Oregon - 20 %, Washington - 20%
Internal Factors:						
Feeders	28.1	49.8	23.10	6.5	11.5	Customer Service, Mechanical Maintenance, Service Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>10.4</b>	<b>34.5</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Plant Operators Leads/Supervisors

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	22.3	52.0	65.00	14.5	33.8	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	18.0	34.8	30.00	5.4	10.4	Arizona - 20 %, California - 20%, Nevada - 20 %, Oregon - 20 %, Washington - 20%
Internal Factors:						
Feeders	13.4	42.3	5.00	0.7	2.1	Plant Operators, Laboratory & Quality Control Technicians
<b>Final Availability %</b>			<b>100.00</b>	<b>20.5</b>	<b>46.3</b>	

Job Group: Laboratory & Quality Control Technicians

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	55.7	50.2	70.00	39.0	35.1	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	53.0	52.2	30.00	15.9	15.7	San Francisco-Oakland-Fremont, CA Metro Area - 100 %
Internal Factors:						
Feeders	0	0	0	0	0	
<b>Final Availability %</b>			<b>100.00</b>	<b>54.9</b>	<b>50.8</b>	



## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Rangers

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	8.5	78.6	60.00	5.1	47.1	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	20.6	46.6	40.00	8.2	18.6	Arizona - 20 %, California - 20%, Nevada - 20 %, Oregon - 20 %, Washington - 20%
Internal Factors:						
Feeders	0	0	0	0	0	
<b>Final Availability %</b>			<b>100.00</b>	<b>13.3</b>	<b>65.8</b>	

Job Group: Engineers

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	14.8	52.8	63.20	9.4	33.4	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	14.2	44.8	34.10	4.8	15.3	California – 100%
Internal Factors:						
Feeders	13.2	41.8	2.70	0.4	1.1	Engineering Technicians
<b>Final Availability %</b>			<b>100.00</b>	<b>14.6</b>	<b>49.7</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Supervising Engineers

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	15.8	54.9	25.00	3.9	13.7	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	12.0	22.6	15.00	1.8	3.4	National
Internal Factors:						
Feeders	30.8	59.0	60.00	18.5	35.4	Engineering
<b>Final Availability %</b>			<b>100.00</b>	<b>24.2</b>	<b>52.5</b>	

Job Group: Engineering Technicians

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	23.4	47.9	51.40	12.0	24.6	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	22.8	26.4	34.30	7.8	9.1	Arizona - 20 %, California - 20 %, Nevada - 20 %, Oregon - 20 %, Washington - 20 %
Internal Factors:						
Feeders	1.5	47.9	14.30	0.2	6.9	Water Distribution Plumbers & Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>20.1</b>	<b>40.5</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Pipeline Maintenance

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	0.9	62.0	63.10	0.6	39.1	San Francisco-Oakland-Fremont, CA Metro Area - 100 %
Reasonable	1.5	59.8	34.00	0.5	20.3	California – 100%
Internal Factors:						
Feeders	27.0	52.7	2.90	0.8	1.5	Service Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>1.9</b>	<b>61.00</b>	

Job Group: Heavy Equipment/Truck Operators

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	6.8	76.1	48.50	3.3	36.9	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	4.9	78.7	20.80	1.0	16.4	San Francisco-Oakland-Fremont, CA Metro Area - 100%
Internal Factors:						
Feeders	1.5	47.9	30.70	0.5	14.7	Water Distribution Plumbers & Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>4.8</b>	<b>68.0</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Pipeline Maintenance Leads/Supervisors

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	5.5	44.1	8.20	0.5	3.6	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	5.9	43.3	3.50	0.2	1.5	San Francisco-Oakland-Fremont, CA Metro Area - 109%
Internal Factors:						
Feeders	5.2	47.5	88.30	4.6	42.0	Professionals, Water Distribution Plumbers & Maintenance, Heavy Equipment/Truck Operators
<b>Final Availability %</b>			<b>100.00</b>	<b>5.2</b>	<b>47.1</b>	

Job Group: Electrical/Structural Maintenance

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	3.6	52.0	57.30	2.1	29.8	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	4.3	50.3	38.20	1.7	19.2	San Francisco-Oakland-Fremont, CA Metro Area - 109%
Internal Factors:						
Feeders	16.0	52.0	4.50	0.7	2.3	Technicians
<b>Final Availability %</b>			<b>100.00</b>	<b>4.4</b>	<b>51.4</b>	

## Availability Analysis

**Exhibit 4**  
**As of June 30, 2015**

Job Group: Mechanical Maintenance

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	4.2	50.0	59.3	2.5	29.6	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	4.2	44.4	32.00	1.3	14.2	San Francisco-Oakland-Fremont, CA Metro Area - 109%
Internal Factors:						
Feeders	2.8	26.9	8.70	0.2	2.3	Electrical/Structural Workers
<b>Final Availability %</b>			<b>100.00</b>	<b>4.1</b>	<b>46.2</b>	

Job Group: Service Maintenance

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	27.3	73.1	62.60	17.1	45.8	Alameda, California - 50%, Contra Costa, California - 50%
Reasonable	27.8	75.1	33.70	9.4	25.3	San Francisco-Oakland-Fremont, CA Metro Area - 109%
Internal Factors:						
Feeders	1.5	47.9	3.70	0.1	1.8	Water Distribution Plumbers & Maintenance
<b>Final Availability %</b>			<b>100.00</b>	<b>26.5</b>	<b>72.9</b>	

## Placement Goal Analysis

**Exhibit 5**  
**As of June 30, 2015**

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Directors/Managers	62	32.3	40.0	35.5	34.5	NO	NO
Programmers	93	59.1	51.6	34.4	34.6	NO	NO
Analysts	44	52.3	51.8	65.9	70.0	NO	NO
Other Professionals	50	58.0	49.7	54.0	56.2	NO	NO
Science Professionals	39	30.8	35.9	35.9	48.1	NO	NO
Administrative Assistants	57	70.2	53.8	94.7	84.0	NO	NO
<b>General Clerical</b>	<b>110</b>	<b>59.1</b>	<b>49.4</b>	<b>82.7</b>	<b>90.1</b>	<b>NO</b>	<b>YES</b>
Customer Services	104	60.6	60.0	55.8	59.2	NO	NO

\* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

## Placement Goal Analysis

**Exhibit 5**  
**As of June 30, 2015**

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Technicians	25	52.00	55.6	16.0	33.7	NO	NO
Plant Operators	117	41.9	34.5	9.4	10.4	NO	NO
Plant Operators Leads/Supervisors	37	37.8	46.3	10.5	20.5	NO	NO
Laboratory & Quality Control Techs.	53	45.3	50.8	45.3	54.9	NO	NO
<b>Rangers</b>	<b>33</b>	<b>15.2</b>	<b>65.8</b>	<b>21.2</b>	<b>13.3</b>	<b>YES</b>	<b>NO</b>
Engineers	156	59.0	49.7	30.8	14.6	NO	NO
Supervising Engineers	41	43.9	52.5	19.5	24.2	NO	NO
Engineering Technicians	91	41.8	40.5	13.2	20.1	NO	NO

\* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

## Placement Goal Analysis

**Exhibit 5**  
**As of June 30, 2015**

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
<b>Pipeline Maintenance</b>	<b>194</b>	<b>47.9</b>	<b>61.0</b>	<b>1.5</b>	<b>1.9</b>	<b>YES</b>	<b>NO</b>
<b>Heavy Equipment / Truck Operators</b>	<b>85</b>	<b>31.8</b>	<b>68.0</b>	<b>3.5</b>	<b>4.8</b>	<b>YES</b>	<b>NO</b>
Pipeline Maintenance Leads/Supervisors	66	53.0	47.1	3.0	5.2	NO	NO
<b>Electrical/Structural Maintenance</b>	<b>108</b>	<b>26.9</b>	<b>51.4</b>	<b>2.8</b>	<b>4.4</b>	<b>YES</b>	<b>NO</b>
<b>Mechanical Maintenance</b>	<b>141</b>	<b>36.2</b>	<b>46.2</b>	<b>1.4</b>	<b>4.1</b>	<b>YES</b>	<b>NO</b>
<b>Service Maintenance</b>	<b>74</b>	<b>52.7</b>	<b>72.9</b>	<b>27.0</b>	<b>26.5</b>	<b>YES</b>	<b>NO</b>

\* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.



**VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT AND SECTION 503  
OF THE REHABILITATION ACT AFFIRMATIVE ACTION PROGRAM FOR  
PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES**

**EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT or EBMUD)**

375 11th Street  
Oakland, CA 94607

**July 1, 2014 – June 30, 2015**

**Contractor Facility**

**Dun's # for Water:** 05-190-4423

**EIN (tax) #:** 94-6000590

**EEO-4 #:** 06505230

**NAICS:** 2213 Water, Sewage and Other Systems

**MSA:** 41860 San Francisco-Oakland-Fremont, CA

**AA/EEO Contact:** Dorian West Blair  
Diversity and Inclusion Officer  
East Bay Municipal Utility District  
PO Box 24055  
Oakland, CA 94623-9979  
Attn: Diversity and Inclusion Office/MS 601  
(510) 287-0710

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## **A. *Policy Statement***

41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, domestic partnership status, gender, genetic information, gender identity, gender expression, sexual orientation, military or veteran status, or family or medical leave status, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee regardless of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, domestic partnership status, gender, genetic information, gender identity, gender expression, sexual orientation, military or veteran status, or family or medical leave status, status to any position for which the applicant or employee is qualified.

In addition, the District is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran (Protected Veteran) employees and individuals with disability (IWDs). Such affirmative action shall apply to all employment practices, including, but not limited to hiring, promotion, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. The District will make every effort to provide reasonable accommodations to any physical and mental limitations of IWDs and to disabled Protected Veterans.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans (Protected Veterans) or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or

(4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

District obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or an individual with disability. The District's EEO policy and affirmative action (AA) obligations include the full support from General Manager, Alexander R. Coate and are set forth in Policy 2.02, Accommodations for Individuals with Disabilities in the Workplace and Policy 2.25, Equal Employment Opportunity and Policy 2.26, Prevention of Sexual Harassment in the Workplace.

The District will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the VEVRAA and Section 503 AA Program (AAP), identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in District-sponsored activities were extended to all employees and applicants.

If you have any questions regarding our EEO, harassment policies or the complaint procedure, you may contact the AA Office. The AAP may be reviewed by making an appointment with the AA Office.

## ***B. Review of Personnel Processes***

41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes EEO for all known Protected Veterans and employees and applicants with disabilities, reviews are periodically made of the District's examination and selection methods to identify barriers to employment, training, and promotion.

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The District uses an online application system to accept applications for

employment and potential applicants with disabilities either can use the system or can submit an application in a timely manner through alternative means such as a paper application.

4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes, unless such accommodations will cause undue hardship to the District.

### ***C. Physical and Mental Qualifications***

41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements of job classifications are job-related and promote EEO for all known Protected Veterans and employees and applicants with qualified disabilities, the District reviews the physical and mental qualifications of a job classification before it announces an examination to establish an open and/or internal eligible list for a classification.

The District's physical and mental job classification requirements are reviewed by the Manager of R&C, the hiring manager and the unions to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.) or if a class study is requested.

### ***D. Reasonable Accommodation to Physical and Mental Limitations***

41 C.F.R §§ 60-300.44(d); 60-741.44(d)

The District will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities, or who are disabled veterans. Such reasonable accommodations are explained and documented in District's Procedure 201. The District ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the on-line job application system, are provided equal opportunities to apply and be considered for all jobs.

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 3) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following person at any time to formally request an accommodation:

Name: Roger Wapner  
Title: HR Regulatory Coordinator  
Phone: (510) 287-0380  
Email: rwapner@ebmud.com

***E. Harassment***

41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

The District has developed and implemented a set of procedures to ensure that its employees with disabilities and Protected Veterans are not harassed due to those conditions. The District's Policy 2.25 on EEO includes a section prohibiting harassment of IWDs or Protected Veterans, and is available for distribution to new as well as to existing employees. The Districts' Procedure 227 on EEO Discrimination/Harassment Complaints outlines the complaint and investigation process.

***F. External Dissemination of Policy, Outreach, and Positive Recruitment***

41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

**Evaluation of FY 2015 outreach activities:**

FY 2015 was the first full year the District collected Protected Veterans' and IWDs' data from applicants and employees. Accordingly, for FY 2016, the District is not in a position to fully evaluate the impact of its outreach activities on the percentage of hired and incumbent Protected Veterans and IWDs. In FY 2016, when the District has comparator data for FY 2015, it will be in a position to evaluate the success of its outreach activities. The one criteria the District is in a position to use in order to evaluate the success of a FY 2015 activity is the extent the activity expanded the District's outreach to Protected Veterans and IWDs in the community. As discussed earlier, the District conducted research on organizations primarily in the Contra Costa and Alameda Counties that it could send notices to regarding upcoming and current recruitments as well as receive referrals from for open positions. That research generated a list of over 100 organizations, which is still growing, and includes the following organizations representing Protected Veterans and IWDs:

- Swords to Plowshares
- Cypress Mandel Training Center
- Napa Valley College
- ReBoot Camp
- The Unity Council Multicultural On-Stop Career Center
- Treasure Island Job Corps,
- Tri-Cities One Stop Career Center,
- US DOL Women's Bureau Region 9,
- US Department of Veterans – SF Branch
- Veterans Resource Centers of America
- West Valley College

- Skyline College
- Toolworks – Berkeley, SF and Contra Costa Counties

This research substantially expanded the District's outreach to Protected Veterans and IWDs.

In addition, the FY 2015 WDP internship was a veteran's cohort and, as discussed above, it not only attracted qualified Protected Veterans, but for the first time we had interns make the certification list thereby making them eligible for hire. The District is hiring approximately 3 to 4 WDPI academies of approximately 10 people each from the certification list as well as limited term positions.

### **FY 2016 outreach activities:**

In FY 2016 we are holding the Career and Resource Fair which will include a focus on veterans. We will be advertising the event to organizations representing veterans and IWDs and to military organizations. We will also be inviting organizations representing veterans and IWDs to provide support and services to these constituencies. In addition, we will be providing workshops to veterans on how to translate their military experience into language that will assist them in obtaining jobs at the District. We will also offer workshops on the civil services process, completion of the District application, and interviewing, and provide feedback on resumes/applications and interviews to Protected Veterans and IWDs. We will additionally partner with organizations representing Protected Veterans and IWDs to provide such services, as well as recruitment and exam preparation services.

In late FY 2016, we will be focusing/including veterans in the limited-term training program for WDPs. We will also pursue advertising recruitments in veteran's publications. In FY 2017, we will additionally be exploring the possibility of launching a Disability Pilot Program to provide temporary positions to IWDs with the goal of such positions leading to permanent employment at the District.

Based upon the District's review of its personnel policies as described in subpart B, the following activities will be continued to further enhance our AA efforts. All activities are the responsibility of the Diversity and Inclusion Officer, Manager of R&C, and the Contract Equity Administrator.

1. The District will initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's AA policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings.

The exemptions for posting jobs are when positions are:

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization, and

(3) positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the local State Employment Service Delivery System is kept current.

5. The District sends written notification of the District's AA policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.
6. The District conducts formal briefing sessions with representatives from recruiting sources. Included as part of the briefing sessions are clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the District's selection process, and recruiting literature. The District arranges for referral of applicants.
7. The District participates in veterans' job fairs.
8. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

***G. Internal Dissemination of Policy***

41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the AAP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Diversity and Inclusion Officer and Manager of Employee Relations. The following policies and procedures are designed to foster support and understanding from District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 2.25, and 2.26 and the AAP in both employee orientation and management training programs.
2. Inform union officials of Policies 2.02, 2.25, and 2.26 and the AAP, and request their cooperation.
3. Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.
4. Post Policies 2.02, 2.25, and 2.26 and the AAP policy on District bulletin boards, along with the District's harassment policy which includes protection from harassment on the basis of disability.



## ***H. Audit and Reporting System***

41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

The District has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of the District's overall AAP and whether the District is in compliance with specific obligations.
2. Indicates the need for remedial action. Any corrective actions will be the responsibility of the subject matter manager with oversight by the Diversity and Inclusion Officer and the Manager of HR.
3. Measures the degree to which the District's objectives are being met.
4. Considers whether there are any undue hurdles for Protected Veterans and IWDs regarding District sponsored educational, training, recreational, and social activities. This will also include, but not be limited, to the review of the on-line and electronic application system to determine its accessibility and ensure that procedures to request accommodations are displayed and that individuals with disabilities can readily obtain the reasonable accommodation.

## ***I. Responsibility for Implementation***

41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the General Manager, Manager of HR, Affirmative Action Officer, HR Regulatory Coordinator, Risk Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

### **Board of Directors (Board)**

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board of Directors) The Board adopts the VEVRAA and Section 503 AAP annually and EEO policies, Policies 2.02 and 2.25, are updated and presented for adoption by the Board on a prescribed schedule.

### **General Manager (GM)**

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement and

administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

*Manager of Human Resources (Manager of HR)*

The Manager of HR is responsible for overall supervision of the AAP and EEO programs. The Manager of HR has delegated the EEO and AA programs to the Affirmative Action Officer. The Manager of HR ensures, through the D&I Officer and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

*Diversity and Inclusion Officer (D&I Officer)*

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AA and EEO programs. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP and EEO programs are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of EEO programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and AAP are displayed properly. Conduct audits to ensure that the Invitation to Self-Identify (pre and post offer) for Protected Veterans and IWDs, the District's EEO, and AAP policies are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Keep managers informed of the latest developments in the equal opportunity area.

*Human Resources Regulatory Coordinator and Risk Manager*

The HR Regulatory Coordinator (HRRC) acts as the District's ADAAA Compliance Officer. The HRRC responds to requests for reasonable accommodation of physical or mental disabilities covered under ADAAA and FEHA. The Risk Manager responds to requests for reasonable accommodations of physical or mental disabilities covered under ADAAA and FEHA when a claim originates with a worker compensation injury.

### Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AA and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- Familiarize himself or herself with the District's policies on discrimination and harassment (Policies 2.25 and 2.26), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.
- Be familiar with the EEO Discrimination/ Harassment Complaint Procedure and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AA and EEO programs and make good faith efforts by considering alternate methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

### All District Employees

Employees at all levels are responsible for supporting to the District's AA and EEO programs, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment.

## ***J. Training***

41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

The District trains all employees involved in any way with the recruitment, selection, promotion, training, and related processes regarding IWDs or Protected Veterans to ensure commitment to the District's stated AA goals.

## ***K. Data Collection Analysis***

41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

The District has adopted the current national percentage of veterans in the civilian labor force of 7.0% as its hiring benchmark for protected veterans. The District will update its hiring benchmark as new data is published and updated via the OFCCP's website. The 7.0% hiring benchmark is applied to each job group within the District.

The District also adopted the current national utilization goal of 7.0% for qualified individuals with disabilities. The District will update its utilization goal as new data becomes available, updated and published. The 7.0% utilization goal is applied to each job group within the District. Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets.

The District has collected the required data and conducted studies to identify areas of opportunities in the employment of Protected Veterans and IWDs. The District's incumbency rates for Protected Veterans are at or above the benchmark for 3 job groups: Technicians, Plant Operator Leads/Supervisors and Electrical/Structural Maintenance. The incumbency rates for Protected Veterans for the remainder of the job groups were below the benchmark. The District's placement rates for Protected Veterans are at or above the benchmark for 5 job groups: Programmers, Customer Services, Technicians, Laboratory and Quality Control Technicians and Engineering Technicians. The placement rates for Protected Veterans for the remainder of the job groups were below the benchmark. The District's incumbency rates for IWDs is at or above the utilization goal for 4 job groups: Analysts, Professionals, Science Professionals, and Laboratory and Quality Control Technicians. The incumbency rates for IWDs for the remainder of the job groups were below the utilization goal. The District's placement rates for IWDs is at or above the utilization goal for 7 job groups: Programmers, Professionals, Customer Services, Engineering, Engineering Technicians, Pipeline Maintenance, and Service Maintenance. The placement rates for IWDs for the remainder of the job groups were below the utilization goal.

The following problem areas were noted, based on a review of aggregated applicant flows and data reports, for the job groups where Protected Veteran benchmarks and IWD utilization goals were not reached.

- There were no hires for the Ranger job group in FY 2015, preventing any improvement in the placement and/or incumbency rates for Protected Veterans or IWDs.
- The following job groups had LOPs:
  - Plant Operators Leads/Supervisor
  - Heavy Equipment/Truck Operators
  - Laboratory and Quality Control Technicians
  - Electrical/Structural Maintenance
  - Mechanical Maintenance

- Service Maintenance
- Directors/Managers
- Programmers
- Analysts
- Professionals
- Science Professionals
- General Clerical
- Technicians
- Plant Operators
- Supervising Engineers.
- Engineering Technicians
- Pipeline Maintenance Leads/Supervisors

In addition to the above, the representation of Protected Veterans in the applicant pools were insufficient – the pools consisted of less than 1.00% Protected Veterans. However, the District actually hired Protected Veterans at a rate above the applicant pool rate, i.e., the placement rate was 3.76%. In addition to the above, the representation of IWDs in the applicant pools were insufficient – the pools consisted of 1.61% IWDs. However, the District actually hired IWDs at a rate above the applicant pool rate, i.e., the placement rate was 6.45%. The District hired IWDs at a rate just under the 7.00% utilization goal.

Besides the activities listed in Section 6, External Dissemination of Policy, Outreach, and Positive Recruitment, the District will evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is insufficient representation of protected veterans and/or IWDs in the applicant pool.

The District will continue to monitor and update these studies periodically during each AAP year. In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in subpart F (External Dissemination of Policy and Outreach and Positive Recruitment) and measures described in subpart H (Internal Audit and Reporting) of this AAP.

See the *Hiring Benchmark and Utilization Goals Analyses* at Exhibits 6 and 7.

# EXHIBITS

## Hiring Benchmark Analysis

**Exhibit 6**  
**As of June 30, 2015**

### **DATA METRICS FOR PROTECTED VETERANS** **41 C.F.R. §§ 60-300.44(k)**

		<b>FY15</b>	<b>FY16</b>	<b>FY17</b>
1	Total number/% of all "Applicants"* who self-identified as a protected veteran	115 of 11,657 (.99%)		
2	Total number of job openings in AAP Year in establishment	263		
3	Total number of jobs filled	238		
4	Total number of all "Applicants" to the establishment	11,657		
5	Total number/% of protected veterans "Applicants" (external and competitive promotions) hired	7 of 186 (3.76%)		
6	Total number of "Applicants" hired (external and competitive promotions)	186		
*The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job.				

## Utilization Goal Analysis

**Exhibit 7**  
**As of June 30, 2015**

**DATA METRICS FOR INDIVIDUALS WITH  
DISABILITIES**  
**41 C.F.R. § 60-741.44(k)**

		<b>FY15</b>	<b>FY16</b>	<b>FY17</b>
1	Total number/% of all “Applicants”* who self-identified as an individual with a disability	188 of 11,657 (1.61%)		
2	Total number of job openings in AAP Year in establishment	263		
3	Total number of jobs filled	238		
4	Total number of all "Applicants"	11,657		
5	Total number/% of "Applicants" (external and competitive promotions) with disabilities hired	12 of 186 (6.45%)		
6	Total number of "Applicants" hired (external and competitive promotions)	186		
*The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job.				



## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: January 7, 2016

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Federal Legislative Initiatives for 2016

### RECOMMENDED ACTION

Approve the proposed federal legislative initiatives for 2016 which focus on: 1) seeking federal funding opportunities for EBMUD projects via any new and existing federal programs, 2) advancing EBMUD's interests in the context of federal drought legislation, 3) advancing EBMUD's Delta needs, and 4) continuing to investigate federal efforts to promote healthy forests and watersheds and identifying opportunities for EBMUD to engage.

### OVERVIEW

The second session of the 114<sup>th</sup> Congress re-convened this month amidst a challenging political environment stemming from a number of policy issues which remain outstanding, including emergency drought relief and forest management, which will be compounded by an election year. At the same time, the session begins with some fiscal certainty since Congress reached agreement on a fiscal year 2016 (FY16) omnibus spending bill in late 2015 that funds the government through September of 2016.

The FY16 omnibus spending bill provides FY16 funding for the federal government and includes funding for water resources with \$100 million to the United States Bureau of Reclamation for drought relief projects, such as water recycling, to be distributed through competitive solicitations and continued funding for existing key water infrastructure programs, including the state revolving fund loan programs. The omnibus spending measure also provides a one-time boost in wildfire suppression funds to reduce the need for borrowing forest management funds for wildfire suppression in 2016. Of note, the omnibus spending bill does not include policy language from any of the drought measures such as language that would have the direct or practical effect of altering water allocation priorities for Central Valley Project contractors or the environment nor was language included to overturn the recently adopted Waters of the United States regulation, which EBMUD supported.

In 2016, Congress is likely to continue to explore ways to develop new federal infrastructure funding assistance programs. This may include initiating work on a reauthorization of the Water Resources and Reform Development Act (WRRDA) to provide some form of direct or indirect project funding, though this effort may take more time than is available this year. Given the current lack of a clear pathway for securing federal funding, it will continue to be important to advance EBMUD's project funding needs, irrespective of whether the projects have existing Water Resources Development Act (WRDA) authorizations, with the Administration and EBMUD's congressional delegation.

On the policy front, attempts to pass emergency drought legislation were unsuccessful in 2015, as they were in prior years. Senator Feinstein has recently indicated that she will continue to pursue drought legislation in 2016 that seeks to provide assistance in a manner that preserves environmental protections. The House will likely continue with efforts to change existing environmental standards and the priority currently given to ecosystem needs versus water supply for agriculture. Overall, these discussions could have important consequences for EBMUD's water supply and its commitment to natural resources as an integral part of EBMUD's primary role to provide water supply and wastewater treatment services. In addition, efforts to finalize the Bay Delta Conservation Plan will continue in 2016, including the preparation of the final Environmental Impact Report/Environmental Impact Statement at the state level, which may spur further debate in Congress regarding the appropriate federal response.

With regard to forest health, while Congress considered several approaches in 2015 to ensure adequate funding for both forest management and wildfire suppression, and included a one-time increase of wildfire suppression funding in the recently passed FY16 omnibus spending bill, no agreement was reached on how to address the issue in the long-term. It is expected that Congress will continue to consider this issue in 2016.

EBMUD's 2016 federal legislative initiatives have been developed consistent with the past year's goals and objectives with the understanding that the manner in which Congress and the Administration approach federal funding assistance and policymaking continues to evolve.

EBMUD's 2016 federal legislative initiatives are focused on four items of highest priority for EBMUD:

- 1) funding,
- 2) advancing EBMUD's interests in the context of federal drought legislation,
- 3) advancing EBMUD's Delta needs, and
- 4) continuing to investigate federal efforts to promote healthy forests and watersheds and identifying opportunities for EBMUD to engage.

These four initiatives are summarized in the table below and described in detail in the attachment. Additionally, staff will closely monitor congressional activities and work with EBMUD's congressional delegation to advance EBMUD's interests on other relevant water and wastewater-related issues as they arise.

FEDERAL INITIATIVE	ACTION
1. Seek federal funding opportunities for EBMUD projects via any new and existing federal programs.	<ul style="list-style-type: none"> <li>• Pursue FY17 federal funding for WRDA authorized projects: the San Ramon Valley Recycled Water Project, the Integrated Regional Recycled Water Program, and seek to leverage the Bay Area Regional Desalination Project authorization as a component of the Bay Area Regional Reliability Project.</li> <li>• Seek any available federal funding opportunities for EBMUD's infrastructure projects consistent with EBMUD's priorities including, but not limited to, EBMUD's Capital Improvement Program, the Regional EBMUD Seismic Component Upgrade (RESCU) program, recycled water projects, projects to facilitate regional and/or local water supply reliability, and projects or programs to facilitate climate change mitigation and resiliency, including water and energy conservation. Seek project assistance opportunities within the context of any discussions regarding drought or emergency relief.</li> </ul>
2. Advance EBMUD's interests in the context of any federal drought legislation with Congress and the Administration.	<ul style="list-style-type: none"> <li>• Staff will focus on EBMUD's priority issues: <ul style="list-style-type: none"> <li>○ Existing regional water supply programs and projects, including the Freeport Regional Water Project, should not be impacted due to policies that change or have the practical effect of altering long-standing contractual allocation priorities.</li> <li>○ Expedited approvals for water transfers should be available to all Central Valley Project contractors, not just for a subset of contractors.</li> <li>○ Any changes to administrative approaches to reviewing natural resource impacts of critical water supply projects should preserve the integrity, goals, and objectives of the Endangered Species Act (ESA) and the ESA should not be bypassed or suspended.</li> <li>○ Data collection and evaluation intended to assess impacts to fisheries should include Central Valley fall run chinook to capture impacts to Mokelumne River salmon.</li> </ul> </li> </ul>
3. Advance EBMUD's Delta needs.	<ul style="list-style-type: none"> <li>• Staff will focus on EBMUD's priority issues: <ul style="list-style-type: none"> <li>○ EBMUD's ratepayers should not be held responsible for the flow obligations, project mitigation, or expected habitat restoration success of others, including the state and federal projects.</li> <li>○ EBMUD's ratepayers should not be asked to pay for costs that are the responsibility of others, or for any user fee or surcharge that subsidizes other parties.</li> <li>○ Any project or project-related activity that would impact the Mokelumne salmonid fishery should include mitigation by the responsible parties for the impacts.</li> </ul> </li> </ul>

<p>4. Continue to investigate federal efforts to promote healthy forests and watersheds and identify opportunities for EBMUD to engage.</p>	<ul style="list-style-type: none"><li>• Support the State Administration in its advocacy that federal forest management funding is spent on forest management and not redirected to suppression or other efforts.</li><li>• Monitor federal legislation on forest and watershed health and identify potential opportunities for EBMUD to engage.</li><li>• Continue to gather information at the federal level on efforts to fund both forest management and wildfire suppression, as well as efforts to promote forest and watershed health, and provide updates to the Board as appropriate.</li></ul>
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Attachment

## **FEDERAL INITIATIVES - 2016**

### **INITIATIVE #1 – SEEK FEDERAL FUNDING OPPORTUNITIES FOR EBMUD PROJECTS VIA ANY NEW AND EXISTING FEDERAL PROGRAMS**

#### **Background**

The 114<sup>th</sup> Congress is expected to continue to discuss water and wastewater infrastructure and how to address providing federal assistance. It is anticipated that these discussions will occur largely in the context of both the ongoing drought and providing assistance programmatically through federal agencies, as well as what role private sector financing, tax-exempt financing tools, conventional funding via the State Revolving Fund Loan Program, Water Infrastructure Financing Innovation Act assistance, infrastructure banks, or other innovative financing approaches may play.

In 2015, EBMUD pursued federal funding opportunities administratively and legislatively for EBMUD projects, including projects with existing Water Resources Development Act (WRDA) authorizations, such as the San Ramon Valley Recycled Water Project and the Bay Area Regional Desalination Project as a component of the Bay Area Regional Reliability Project (BARR). Though congressional efforts to provide water resources project assistance legislatively were unsuccessful, EBMUD successfully secured a \$200,000 grant from the United States Bureau of Reclamation (USBR) for BARR's Drought Contingency Plan.

The new funding approach, ushered in by the Water Resources Reform Development Act (WRRDA) of 2014, will require continuing to work directly with federal agencies to pursue funding through the federal budget process and/or through any discretionary funding opportunities, as well as to communicate to EBMUD's congressional delegation the importance of EBMUD projects and how those projects would benefit from funding. Congress will likely continue to consider ways to provide specific assistance for water supply reliability and emergency drought relief, though it is unclear whether Congress intends to provide any direct project assistance. In addition, Congress may begin work to reauthorize WRRDA. Staff will work with federal agencies and EBMUD's delegation to pursue any funding that may become available for EBMUD's infrastructure funding needs, including the projects described below.

#### **San Ramon Valley Recycled Water Project**

The San Ramon Valley Recycled Water Project is estimated to provide approximately 6,400 acre-feet of recycled water per year for irrigation uses within the San Ramon Valley. Total joint project costs for the participating agencies (EBMUD and Dublin San Ramon Services District) are estimated to be more than \$150 million. Staff will continue to pursue the remaining \$450,000 (out of \$15 million) in the existing WRDA authorization for this project, as well as any level of additional funding that may become available, via federal agencies and EBMUD's delegation.

#### **Integrated Regional Recycled Water Program**

The 2008 enactment of WRDA provided a \$25 million funding authorization for the Integrated Regional Recycled Water Program project, though an appropriation for this project has not yet been

secured. EBMUD staff will continue to pursue initial funding which would be used for the design and construction of the East Bayshore Recycled Water Project, which could ultimately supply up to approximately 2.5 million gallons per day of recycled water, and would include replacing the use of some potable water in portions of Alameda, Oakland, Emeryville, Berkeley and Albany.

#### Bay Area Regional Reliability Project (BARR)

BARR is a comprehensive regional reliability effort of eight water agencies, including Alameda County Water District, Bay Area Water Supply and Conservation Agency, Contra Costa Water District, EBMUD, Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District and Alameda County Flood Control and Water Conservation District – Zone 7, to identify projects that provide water supply benefits and drought resiliency to the region. This effort will include evaluation of the Bay Area Regional Desalination Project which has an existing authorization of \$4 million that the project partners may seek to leverage as a potential avenue to secure funding for BARR.

While an appropriation from the authorization has not yet been secured, in 2015, EBMUD secured a \$200,000 grant from USBR for the development of the BARR Drought Contingency Plan. The BARR Drought Contingency Plan will evaluate how regionally focused water supply, water exchange, water treatment, and intertie projects can build drought resiliency for the Bay Area and is expected to be completed in fall of 2017, at which time additional work will be needed to develop a feasibility study. EBMUD staff will continue to pursue funding on behalf of the project partners and seek to leverage the existing authorization to secure additional future funding for BARR.

#### RESCU

EBMUD's RESCU program recognizes the presence of several active earthquake faults that run through its service area in the East Bay and on-going seismic risks in the Delta. This program is intended to increase the seismic stability of the water system, including water storage reservoirs, pipelines, and facilities to treat and pump water. This would help protect the proximate densely populated urban communities from flooding during a major earthquake and enhance EBMUD's water supply reliability. Components of the RESCU program include:

- Briones, Chabot, Upper San Leandro, and Lafayette Tower Seismic Upgrades;
- Dam Seismic, Operational, Surveillance, and Instrumentation Upgrades;
- Walnut Creek Treatment Plant Upgrades;
- West of Hills Master Plan Upgrades; and
- Mokelumne Aqueduct Protection, including ongoing levee upgrades.

The cost of the RESCU program is estimated to be \$250 million or more. Staff will continue to seek any level of funding that may become available via federal agencies and EBMUD's delegation.

### **Recommended Actions**

Work with EBMUD's delegation, appropriate committee staff and the Administration to:

1. Pursue FY17 federal funding for WRDA authorized projects the San Ramon Valley Recycled Water Project, the Integrated Regional Recycled Water Program, and seek to leverage the Bay Area Regional Desalination Project authorization as a component of the Bay Area Regional Reliability Project.
2. Advance EBMUD's infrastructure funding needs, including but not limited to, the Capital Improvement Program, the RESCU program, recycled water projects, projects to facilitate regional and/or local water supply reliability, and projects or programs to facilitate climate change mitigation and resiliency, including water and energy conservation. Seek project assistance opportunities within the context of any discussions regarding drought or emergency relief.

### **INITIATIVE #2 – ADVANCE EBMUD'S INTERESTS IN THE CONTEXT OF ANY FEDERAL DROUGHT LEGISLATION WITH CONGRESS AND THE ADMINISTRATION**

It is expected that Congress will continue to debate drought-related water resources policies even if 2016 is a wet year. In 2015, EBMUD staff worked with its congressional delegation and relevant stakeholders to support the development of a balanced and reasonable approach to provide both short- and long-term solutions to stretch water supplies, including funding for water infrastructure, without undermining environmental protections, preempting state laws, or redirecting impacts. It is likely that Congress will continue to focus on drought and water resources issues in 2016, including an appropriate federal response to address water supply, water quality and ecosystem protection needs. There will likely be continued efforts to aid agricultural exporters, as there was in 2014 and 2015, and provide drought relief or emergency assistance. It is vital that EBMUD continue to work to protect the security of its primary and supplemental water supply. Staff will continue to engage with EBMUD's delegation and others to closely monitor the development of any drought-related legislation or policies and communicate EBMUD's needs.

### **Recommended Actions**

Work with EBMUD's congressional delegation, the Administration, relevant congressional committees, and others, as appropriate, to advance EBMUD's interests in the context of any federal drought legislation. Staff will focus on EBMUD's priority issues:

1. Existing regional water supply programs and projects, including the Freeport Regional Water Project, should not be impacted due to policies that change or have the practical effect of altering long-standing contractual allocation priorities.

2. Expedited approvals for water transfers should be available to all Central Valley Project contractors, not just for a subset of contractors.
3. Any changes to administrative approaches to reviewing natural resource impacts of critical water supply projects should preserve the integrity, goals, and objectives of the Endangered Species Act (ESA), and the ESA should not be bypassed or suspended.
4. Data collection and evaluation intended to assess impacts to fisheries should include Central Valley fall run chinook to capture impacts to Mokelumne River salmon.

### **INITIATIVE #3 – ADVANCE EBMUD’S DELTA NEEDS**

The process to finalize the Bay Delta Conservation Plan (BDCP) will continue in 2016, with key anticipated actions at the state level, including preparation of the final Environmental Impact Report/Environmental Impact Statement and hearings on proposed new points of diversion for the preferred BDCP project, alternative 4a (aka WaterFix). These actions are likely to spur debate in Congress on the appropriate federal response.

Over the past several years, EBMUD has worked with its congressional delegation and relevant stakeholders to ensure that any Delta-related federal policy or legislation does not negatively impact EBMUD ratepayers. Congress and the Administration are expected to continue to consider Delta-related issues in 2016, including the progress of the BDCP and issues related to overall water supply reliability and the health of the ecosystem. Actions taken relative to the BDCP may affect EBMUD’s water supply and delivery systems, as well as the Mokelumne River fishery. As part of its commitment to the Mokelumne River fishery, which is integral to EBMUD’s long-term water supply reliability, EBMUD has invested tens of millions of dollars and undertaken ongoing activities, including habitat restoration projects and the use of pulse flows, to restore and enhance the Mokelumne River ecosystem and its fish hatchery.

Staff will continue to closely monitor the development of Delta-related federal legislation and administration policies and work to ensure that EBMUD’s Delta needs and perspective on any Delta-related legislation and administration policies are effectively communicated.

#### **Recommended Actions**

Work with EBMUD’s congressional delegation, the Administration, relevant congressional committees, and others, as appropriate, to advance EBMUD’s Delta needs and provide information on how any related legislative proposals or policies may impact EBMUD. Staff will focus on EBMUD’s priority issues:

1. EBMUD’s ratepayers should not be held responsible for the flow obligations, project mitigations, or expected habitat restoration success of others, including the state and federal projects.



2. EBMUD's ratepayers should not be asked to pay for costs that are the responsibility of others, or for any user fee or surcharge that subsidizes other parties.
3. Any project or project-related activity that would impact the Mokelumne salmonid fishery should include mitigation by the responsible parties for the impacts.

#### **INITIATIVE #4 – CONTINUE TO INVESTIGATE FEDERAL EFFORTS TO PROMOTE HEALTHY FORESTS AND WATERSHEDS AND IDENTIFY OPPORTUNITIES FOR EBMUD TO ENGAGE**

Federal efforts with regard to forest and watershed health are primarily focused on congressional attempts to fund both forest management and wildfire suppression. In 2015, Congress considered several approaches to address funding for forest management in a way that ensures adequate wildfire suppression funding levels and eliminates borrowing from wildfire preparedness, forest management, and other accounts, to make up for shortfalls. The FY16 omnibus spending bill Congress passed in late 2015 included a one-time increase in funding for fire suppression, and while this is not considered to be a permanent fix, it is expected to provide short term relief by reducing the amount of borrowing from forest management funds that would otherwise have occurred. This action signals the issue has traction and Congress is expected to continue to debate a more permanent solution in 2016. The legislative approaches to date, while seeking to address the funding issue, have also contained various provisions that seek to bypass environmental protections or set a higher threshold to challenge a project.

Staff is continuing to investigate federal efforts in the Mokelumne River Watershed. Of note, at this time, is that the United States Bureau of Land Management (BLM) has secured over \$3 million to fund restoration efforts in a portion of the Butte Fire zone. It is anticipated that the funds will be used for restoration efforts focusing on BLM managed areas most severely burned, mainly areas in the Calaveras River watershed, though this will include a modest portion of BLM property in the Mokelumne River watershed.

#### **Recommended Actions**

Work with EBMUD's congressional delegation, the Administration, relevant congressional committees, and others, as appropriate, to:

1. Support the State Administration in its advocacy that federal forest management funding is spent on forest management and not redirected to suppression or other efforts.
2. Monitor federal legislation on forest and watershed health and identify potential opportunities for EBMUD to engage.
3. Continue to gather information at the federal level on efforts to fund both forest management and wildfire suppression, as well as efforts to promote forest and watershed health, and provide updates to the Board as appropriate.

