



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440


Notice of Time Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

**10:00 a.m.
Tuesday, February 14, 2017**

Notice is hereby given that on Tuesday, February 14, 2017 the Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m. The meeting will be held in the Training Resource Center of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: February 14, 2017


Lynelle M. Lewis
Secretary of the District

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

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

Legislative/Human Resources Committee

Tuesday, February 14, 2017

10:00 a.m.

Training Resource Center

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

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. Legislative Update: (Dumaine)
 - Receive Legislative Report No. 01-17 and consider positions on SB 206, SB 207, SB 208 (Committee on Governance and Finance) Validations and H.R. 448 (Huffman) Water Conservation Rebate Tax Parity Act
 - Update on Legislative Issues of Interest to EBMUD
2. Fiscal Year 2017 Diversity and Inclusion Program (Brunson)
3. District Employee Recognition and Service Award Program (Brunson)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

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, and can be viewed on our website at www.ebmud.com.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017
MEMO TO: Board of Directors
FROM: Alexander R. Coate, General Manager *ARC*
SUBJECT: Legislative Report No. 01-17

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support SB 206 (Committee on Governance and Finance) Validations; 2) Support SB 207 (Committee on Governance and Finance) Validations; 3) Support SB 208 (Committee on Governance and Finance) Validations; and 4) Support H.R. 448 (Huffman) Water Conservation Rebate Tax Parity Act.

STATE LEGISLATION

RECOMMENDED POSITION

**SB 206, SB 207,
SB 208
(Committee on
Governance and
Finance)**

VALIDATIONS

SUPPORT

SB 206, SB 207, and SB 208 (Committee on Governance and Finance) would enact the Validating Acts of 2017. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional

actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

EBMUD has historically supported the Validating Acts. Most recently, in 2016, EBMUD adopted a “support” position on the Validating Acts of 2016, SB 971, SB 972, and SB 973, which were signed into law (Chapter 15, Chapter 16, and Chapter 17, respectively). There are currently no entities listed in support or opposition to SB 206, SB 207, and SB 208.

FEDERAL LEGISLATION

H.R. 448	WATER CONSERVATION REBATE TAX	SUPPORT
(Huffman)	PARITY ACT	

The Comprehensive National Energy Policy Act of 1992 provides that public utility subsidies, or rebates, paid to residential customers for energy conservation measures are exempt from federal income tax. The Act defines energy conservation measure as “any installation or modification primarily designed to reduce consumption of electricity or natural gas or to improve the management of energy demand with respect to a dwelling unit.”

H.R. 448 (Huffman) would ensure that rebates for water conservation improvements are exempt from federal taxes, similar to energy conservation rebates. Specifically, H.R. 448 would amend the Internal Revenue Code to exempt from federal taxes rebates provided to public utility customers for the purchase or installation of any water conservation or stormwater management measure.

According to the author’s office, water utilities are increasingly “offering rebates to incentivize private investment to reduce water use and ease the strain on public infrastructure. These rebates are not income, but an effort to defray upfront consumer costs. Encouraging residents to reduce water usage by replacing water-thirsty lawns, installing “gray water” capture systems, or purchasing new water-efficient appliances can provide significant water savings.” However, these water conservation improvements can be too expensive for property owners to install without a financial incentive. Many water utilities have established rebate programs to encourage the installation of water conservation improvements. H.R. 448 would ensure that rebates for these improvements are not subject to federal taxes.

EBMUD provides rebates to its residential customers for the installation of water conservation improvements, such as lawn conversion and irrigation equipment upgrades. H.R. 448 would promote water conservation by clarifying that water conservation rebates provided by a public utility, such as the rebates provided by EBMUD, are not subject to federal taxes.

EBMUD has previously supported legislation to encourage water conservation efforts. In 2015, EBMUD supported S. 176 (Boxer) and H.R. 291 (Napolitano), identical companion measures

known as the Water in the 21st Century Act, that among other things would have provided funding for the WaterSense program. The WaterSense program is a voluntary labeling program to recognize water-using products that are 20 percent more water-efficient and perform as well or better than standard products. The measures did not advance out of Congress.

ARC:MD:JW

I:\SEC\2017 Board Related Items\021417 LEG/HR Committee\OGM – Legislative Report No. 01-17.docx

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the First Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 First Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

10 Air quality management districts.

11 Airport districts.

12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.

14 Bridge and highway districts.

15 California water districts.

16 Citrus pest control districts.

17 City maintenance districts.

18 Community college districts.

19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission’s authority to act
23 as a community redevelopment agency.

24 Community facilities districts.

25 Community rehabilitation districts.

26 Community revitalization and investment authorities.

27 Community services districts.

28 Conservancy districts.

29 Cotton pest abatement districts.

30 County boards of education.

31 County drainage districts.

32 County flood control and water districts.

33 County free library systems.

34 County maintenance districts.

35 County sanitation districts.

36 County service areas.

37 County transportation commissions.

38 County water agencies.

39 County water authorities.

40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Drainage districts.
- 7 Enhanced infrastructure financing districts.
- 8 Fire protection districts.
- 9 Flood control and water conservation districts.
- 10 Flood control districts.
- 11 Garbage and refuse disposal districts.
- 12 Garbage disposal districts.
- 13 Geologic hazard abatement districts.
- 14 Harbor districts.
- 15 Harbor improvement districts.
- 16 Harbor, recreation, and conservation districts.
- 17 Health care authorities.
- 18 Highway districts.
- 19 Highway interchange districts.
- 20 Highway lighting districts.
- 21 Housing authorities.
- 22 Improvement districts or improvement areas of any public body.
- 23 Industrial development authorities.
- 24 Infrastructure financing districts.
- 25 Integrated financing districts.
- 26 Irrigation districts.
- 27 Joint highway districts.
- 28 Levee districts.
- 29 Library districts.
- 30 Library districts in unincorporated towns and villages.
- 31 Local agency formation commissions.
- 32 Local health care districts.
- 33 Local health districts.
- 34 Local hospital districts.
- 35 Local transportation authorities or commissions.
- 36 Maintenance districts.
- 37 Memorial districts.
- 38 Metropolitan transportation commissions.
- 39 Metropolitan water districts.
- 40 Mosquito abatement and vector control districts.

- 1 Multifamily improvement districts.
- 2 Municipal improvement districts.
- 3 Municipal utility districts.
- 4 Municipal water districts.
- 5 Nonprofit corporations.
- 6 Nonprofit public benefit corporations.
- 7 Open-space maintenance districts.
- 8 Parking and business improvement areas.
- 9 Parking authorities.
- 10 Parking districts.
- 11 Permanent road divisions.
- 12 Pest abatement districts.
- 13 Police protection districts.
- 14 Port districts.
- 15 Property and business improvement areas.
- 16 Protection districts.
- 17 Public cemetery districts.
- 18 Public utility districts.
- 19 Rapid transit districts.
- 20 Reclamation districts.
- 21 Recreation and park districts.
- 22 Regional justice facility financing agencies.
- 23 Regional park and open-space districts.
- 24 Regional planning districts.
- 25 Regional transportation commissions.
- 26 Resort improvement districts.
- 27 Resource conservation districts.
- 28 River port districts.
- 29 Road maintenance districts.
- 30 Sanitary districts.
- 31 School districts of any kind or class.
- 32 School facilities improvement districts.
- 33 Separation of grade districts.
- 34 Service authorities for freeway emergencies.
- 35 Sewer districts.
- 36 Sewer maintenance districts.
- 37 Small craft harbor districts.
- 38 Special municipal tax districts.
- 39 Stone and pome fruit pest control districts.
- 40 Storm drain maintenance districts.

- 1 Storm drainage districts.
- 2 Storm drainage maintenance districts.
- 3 Storm water districts.
- 4 Toll tunnel authorities.
- 5 Traffic authorities.
- 6 Transit development boards.
- 7 Transit districts.
- 8 Unified and union school districts' public libraries.
- 9 Vehicle parking districts.
- 10 Water agencies.
- 11 Water authorities.
- 12 Water conservation districts.
- 13 Water districts.
- 14 Water replenishment districts.
- 15 Water storage districts.
- 16 Watermaster districts.
- 17 Wine grape pest and disease control districts.
- 18 Zones, improvement zones, or service zones of any public body.
- 19 (2) Notwithstanding paragraph (1), a "public body" does not
- 20 include any of the following:
 - 21 (A) A community redevelopment agency formed pursuant to
 - 22 the Community Redevelopment Law (Part 1 (commencing with
 - 23 Section 33000) of Division 24 of the Health and Safety Code).
 - 24 (B) A community development commission, with respect to its
 - 25 exercise of the powers of a community redevelopment agency.
 - 26 (C) A joint powers authority that includes a community
 - 27 redevelopment agency or a community development commission
 - 28 as a member, with respect to its exercise of the powers of a
 - 29 community redevelopment agency.
- 30 (3) "Public body" includes both of the following:
 - 31 (A) The successor agency to the Redevelopment Agency of the
 - 32 City and County of San Francisco, solely for the purpose of issuing
 - 33 bonds or incurring other indebtedness pursuant to the provisions
 - 34 of Section 34177.7 of the Health and Safety Code.
 - 35 (B) A successor agency, as defined in subdivision (j) of Section
 - 36 34171 of the Health and Safety Code, solely for the purpose of
 - 37 issuing bonds or incurring other indebtedness pursuant to the
 - 38 provisions of Section 34177.5 of the Health and Safety Code.
 - 39 (b) "Bonds" means all instruments evidencing an indebtedness
 - 40 of a public body incurred or to be incurred for any public purpose,

1 all leases, installment purchase agreements, or similar agreements
2 wherein the obligor is one or more public bodies, all instruments
3 evidencing the borrowing of money in anticipation of taxes,
4 revenues, or other income of that body, all instruments payable
5 from revenues or special funds of those public bodies, all
6 certificates of participation evidencing interests in the leases,
7 installment purchase agreements, or similar agreements, and all
8 instruments funding, refunding, replacing, or amending any thereof
9 or any indebtedness.

10 (c) "Hereafter" means any time subsequent to the effective date
11 of this act.

12 (d) "Heretofore" means any time prior to the effective date of
13 this act.

14 (e) "Now" means the effective date of this act.

15 SEC. 3. All public bodies heretofore organized or existing
16 under any law, or under color of any law, are hereby declared to
17 have been legally organized and to be legally functioning as those
18 public bodies. Every public body, heretofore described, shall have
19 all the rights, powers, and privileges, and be subject to all the duties
20 and obligations, of those public bodies regularly formed pursuant
21 to law.

22 SEC. 4. The boundaries of every public body as heretofore
23 established, defined, or recorded, or as heretofore actually shown
24 on maps or plats used by the assessor, are hereby confirmed,
25 validated, and declared legally established.

26 SEC. 5. All acts and proceedings heretofore taken by any public
27 body or bodies under any law, or under color of any law, for the
28 annexation or inclusion of territory into those public bodies or for
29 the annexation of those public bodies to any other public body or
30 for the detachment, withdrawal, or exclusion of territory from any
31 public body or for the consolidation, merger, or dissolution of any
32 public bodies are hereby confirmed, validated, and declared legally
33 effective. This shall include all acts and proceedings of the
34 governing board of any public body and of any person, public
35 officer, board, or agency heretofore done or taken upon the question
36 of the annexation or inclusion or of the withdrawal or exclusion
37 of territory or the consolidation, merger, or dissolution of those
38 public bodies.

39 SEC. 6. (a) All acts and proceedings heretofore taken by or
40 on behalf of any public body under any law, or under color of any

1 law, for, or in connection with, the authorization, issuance, sale,
2 execution, delivery, or exchange of bonds of any public body for
3 any public purpose are hereby authorized, confirmed, validated,
4 and declared legally effective. This shall include all acts and
5 proceedings of the governing board of public bodies and of any
6 person, public officer, board, or agency heretofore done or taken
7 upon the question of the authorization, issuance, sale, execution,
8 delivery, or exchange of bonds.

9 (b) All bonds of, or relating to, any public body heretofore issued
10 shall be, in the form and manner issued and delivered, the legal,
11 valid, and binding obligations of the public body. All bonds of, or
12 relating to, any public body heretofore awarded and sold to a
13 purchaser and hereafter issued and delivered in accordance with
14 the contract of sale and other proceedings for the award and sale
15 shall be the legal, valid, and binding obligations of the public body.
16 All bonds of, or relating to, any public body heretofore authorized
17 to be issued by ordinance, resolution, order, or other action adopted
18 or taken by or on behalf of the public body and hereafter issued
19 and delivered in accordance with that authorization shall be the
20 legal, valid, and binding obligations of the public body. All bonds
21 of, or relating to, any public body heretofore authorized to be issued
22 at an election and hereafter issued and delivered in accordance
23 with that authorization shall be the legal, valid, and binding
24 obligations of the public body. Whenever an election has heretofore
25 been called for the purpose of submitting to the voters of any public
26 body the question of issuing bonds for any public purpose, those
27 bonds, if hereafter authorized by the required vote and in
28 accordance with the proceedings heretofore taken, and issued and
29 delivered in accordance with that authorization, shall be the legal,
30 valid, and binding obligations of the public body.

31 SEC. 7. (a) This act shall operate to supply legislative
32 authorization as may be necessary to authorize, confirm, and
33 validate any acts and proceedings heretofore taken pursuant to
34 authority the Legislature could have supplied or provided for in
35 the law under which those acts or proceedings were taken.

36 (b) This act shall be limited to the validation of acts and
37 proceedings to the extent that the same can be effectuated under
38 the California Constitution and the United States Constitution.

39 (c) This act shall not operate to authorize, confirm, validate, or
40 legalize any act, proceeding, or other matter being legally contested

1 or inquired into in any legal proceeding now pending and
2 undetermined or that is pending and undetermined during the
3 period of 30 days from and after the effective date of this act.

4 (d) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter that has heretofore
6 been determined in any legal proceeding to be illegal, void, or
7 ineffective.

8 (e) This act shall not operate to authorize, confirm, validate, or
9 legalize a contract between any public body and the United States.

10 SEC. 8. Any action or proceeding contesting the validity of
11 any action or proceeding heretofore taken under any law, or under
12 color of any law, for the formation, organization, or incorporation
13 of any public body, or for any annexation thereto, detachment or
14 exclusion therefrom, or other change of boundaries thereof, or for
15 the consolidation, merger, or dissolution of any public bodies, or
16 for, or in connection with, the authorization, issuance, sale,
17 execution, delivery, or exchange of bonds thereof upon any ground
18 involving any alleged defect or illegality not effectively validated
19 by the prior provisions of this act and not otherwise barred by any
20 statute of limitations or by laches shall be commenced within six
21 months of the effective date of this act, otherwise each and all of
22 those matters shall be held to be valid and in every respect legal
23 and incontestable. This act shall not extend the period allowed for
24 legal action beyond the period that it would be barred by any
25 presently existing valid statute of limitations.

26 SEC. 9. Nothing contained in this act shall be construed to
27 render the creation of any public body, or any change in the
28 boundaries of any public body, effective for purposes of assessment
29 or taxation unless the statement, together with the map or plat,
30 required to be filed pursuant to Chapter 8 (commencing with
31 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
32 Code, is filed within the time and substantially in the manner
33 required by those sections.

34 SEC. 10. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

- 1 In order to validate the organization, boundaries, acts,
- 2 proceedings, and bonds of public bodies as soon as possible, it is
- 3 necessary that this act take immediate effect.

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Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 207, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Second Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Second Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

1 paragraph (2), “public body” also means all cities, counties, cities
2 and counties, districts, authorities, agencies, boards, commissions,
3 and other entities, whether created by a general statute or a special
4 act, including, but not limited to, the following:

5 Agencies, boards, commissions, or entities constituted or
6 provided for under or pursuant to the Joint Exercise of Powers Act
7 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
8 1 of the Government Code).

9 Air pollution control districts of any kind.

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- 18 Zones, improvement zones, or service zones of any public body.
- 19 (2) Notwithstanding paragraph (1), a "public body" does not
- 20 include any of the following:
- 21 (A) A community redevelopment agency formed pursuant to
- 22 the Community Redevelopment Law (Part 1 (commencing with
- 23 Section 33000) of Division 24 of the Health and Safety Code).
- 24 (B) A community development commission, with respect to its
- 25 exercise of the powers of a community redevelopment agency.
- 26 (C) A joint powers authority that includes a community
- 27 redevelopment agency or a community development commission
- 28 as a member, with respect to its exercise of the powers of a
- 29 community redevelopment agency.
- 30 (3) "Public body" includes both of the following:
- 31 (A) The successor agency to the Redevelopment Agency of the
- 32 City and County of San Francisco, solely for the purpose of issuing
- 33 bonds or incurring other indebtedness pursuant to the provisions
- 34 of Section 34177.7 of the Health and Safety Code.
- 35 (B) A successor agency, as defined in subdivision (j) of Section
- 36 34171 of the Health and Safety Code, solely for the purpose of
- 37 issuing bonds or incurring other indebtedness pursuant to the
- 38 provisions of Section 34177.5 of the Health and Safety Code.
- 39 (b) "Bonds" means all instruments evidencing an indebtedness
- 40 of a public body incurred or to be incurred for any public purpose,

1 all leases, installment purchase agreements, or similar agreements
2 wherein the obligor is one or more public bodies, all instruments
3 evidencing the borrowing of money in anticipation of taxes,
4 revenues, or other income of that body, all instruments payable
5 from revenues or special funds of those public bodies, all
6 certificates of participation evidencing interests in the leases,
7 installment purchase agreements, or similar agreements, and all
8 instruments funding, refunding, replacing, or amending any thereof
9 or any indebtedness.

10 (c) "Hereafter" means any time subsequent to the effective date
11 of this act.

12 (d) "Heretofore" means any time prior to the effective date of
13 this act.

14 (e) "Now" means the effective date of this act.

15 SEC. 3. All public bodies heretofore organized or existing
16 under any law, or under color of any law, are hereby declared to
17 have been legally organized and to be legally functioning as those
18 public bodies. Every public body, heretofore described, shall have
19 all the rights, powers, and privileges, and be subject to all the duties
20 and obligations, of those public bodies regularly formed pursuant
21 to law.

22 SEC. 4. The boundaries of every public body as heretofore
23 established, defined, or recorded, or as heretofore actually shown
24 on maps or plats used by the assessor, are hereby confirmed,
25 validated, and declared legally established.

26 SEC. 5. All acts and proceedings heretofore taken by any public
27 body or bodies under any law, or under color of any law, for the
28 annexation or inclusion of territory into those public bodies or for
29 the annexation of those public bodies to any other public body or
30 for the detachment, withdrawal, or exclusion of territory from any
31 public body or for the consolidation, merger, or dissolution of any
32 public bodies are hereby confirmed, validated, and declared legally
33 effective. This shall include all acts and proceedings of the
34 governing board of any public body and of any person, public
35 officer, board, or agency heretofore done or taken upon the question
36 of the annexation or inclusion or of the withdrawal or exclusion
37 of territory or the consolidation, merger, or dissolution of those
38 public bodies.

39 SEC. 6. (a) All acts and proceedings heretofore taken by or
40 on behalf of any public body under any law, or under color of any

1 law, for, or in connection with, the authorization, issuance, sale,
2 execution, delivery, or exchange of bonds of any public body for
3 any public purpose are hereby authorized, confirmed, validated,
4 and declared legally effective. This shall include all acts and
5 proceedings of the governing board of public bodies and of any
6 person, public officer, board, or agency heretofore done or taken
7 upon the question of the authorization, issuance, sale, execution,
8 delivery, or exchange of bonds.

9 (b) All bonds of, or relating to, any public body heretofore issued
10 shall be, in the form and manner issued and delivered, the legal,
11 valid, and binding obligations of the public body. All bonds of, or
12 relating to, any public body heretofore awarded and sold to a
13 purchaser and hereafter issued and delivered in accordance with
14 the contract of sale and other proceedings for the award and sale
15 shall be the legal, valid, and binding obligations of the public body.
16 All bonds of, or relating to, any public body heretofore authorized
17 to be issued by ordinance, resolution, order, or other action adopted
18 or taken by or on behalf of the public body and hereafter issued
19 and delivered in accordance with that authorization shall be the
20 legal, valid, and binding obligations of the public body. All bonds
21 of, or relating to, any public body heretofore authorized to be issued
22 at an election and hereafter issued and delivered in accordance
23 with that authorization shall be the legal, valid, and binding
24 obligations of the public body. Whenever an election has heretofore
25 been called for the purpose of submitting to the voters of any public
26 body the question of issuing bonds for any public purpose, those
27 bonds, if hereafter authorized by the required vote and in
28 accordance with the proceedings heretofore taken, and issued and
29 delivered in accordance with that authorization, shall be the legal,
30 valid, and binding obligations of the public body.

31 SEC. 7. (a) This act shall operate to supply legislative
32 authorization as may be necessary to authorize, confirm, and
33 validate any acts and proceedings heretofore taken pursuant to
34 authority the Legislature could have supplied or provided for in
35 the law under which those acts or proceedings were taken.

36 (b) This act shall be limited to the validation of acts and
37 proceedings to the extent that the same can be effectuated under
38 the California Constitution and the United States Constitution.

39 (c) This act shall not operate to authorize, confirm, validate, or
40 legalize any act, proceeding, or other matter being legally contested

1 or inquired into in any legal proceeding now pending and
2 undetermined or that is pending and undetermined during the
3 period of 30 days from and after the effective date of this act.

4 (d) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter that has heretofore
6 been determined in any legal proceeding to be illegal, void, or
7 ineffective.

8 (e) This act shall not operate to authorize, confirm, validate, or
9 legalize a contract between any public body and the United States.

10 SEC. 8. Any action or proceeding contesting the validity of
11 any action or proceeding heretofore taken under any law, or under
12 color of any law, for the formation, organization, or incorporation
13 of any public body, or for any annexation thereto, detachment or
14 exclusion therefrom, or other change of boundaries thereof, or for
15 the consolidation, merger, or dissolution of any public bodies, or
16 for, or in connection with, the authorization, issuance, sale,
17 execution, delivery, or exchange of bonds thereof upon any ground
18 involving any alleged defect or illegality not effectively validated
19 by the prior provisions of this act and not otherwise barred by any
20 statute of limitations or by laches shall be commenced within six
21 months of the effective date of this act, otherwise each and all of
22 those matters shall be held to be valid and in every respect legal
23 and incontestable. This act shall not extend the period allowed for
24 legal action beyond the period that it would be barred by any
25 presently existing valid statute of limitations.

26 SEC. 9. Nothing contained in this act shall be construed to
27 render the creation of any public body, or any change in the
28 boundaries of any public body, effective for purposes of assessment
29 or taxation unless the statement, together with the map or plat,
30 required to be filed pursuant to Chapter 8 (commencing with
31 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
32 Code, is filed within the time and substantially in the manner
33 required by those sections.

34 SEC. 10. This act shall become operative on September 1,
35 2017.

36 SEC. 11. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

1 In order to validate the organization, boundaries, acts,
2 proceedings, and bonds of public bodies as soon as possible, it is
3 necessary that this act take immediate effect.

O

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen)

February 1, 2017

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Third Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Third Validating Act of 2017.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in
7 paragraph (2), "public body" also means all cities, counties, cities
8 and counties, districts, authorities, agencies, boards, commissions,

- 1 and other entities, whether created by a general statute or a special
- 2 act, including, but not limited to, the following:
- 3 Agencies, boards, commissions, or entities constituted or
- 4 provided for under or pursuant to the Joint Exercise of Powers Act
- 5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
- 6 1 of the Government Code).
- 7 Air pollution control districts of any kind.
- 8 Air quality management districts.
- 9 Airport districts.
- 10 Assessment districts, benefit assessment districts, and special
- 11 assessment districts of any public body.
- 12 Bridge and highway districts.
- 13 California water districts.
- 14 Citrus pest control districts.
- 15 City maintenance districts.
- 16 Community college districts.
- 17 Community development commissions in their capacity to act
- 18 as a housing authority for other community development purposes
- 19 of the jurisdiction in which the commission operates, except for
- 20 any action taken with respect to the commission's authority to act
- 21 as a community redevelopment agency.
- 22 Community facilities districts.
- 23 Community rehabilitation districts.
- 24 Community revitalization and investment authorities.
- 25 Community services districts.
- 26 Conservancy districts.
- 27 Cotton pest abatement districts.
- 28 County boards of education.
- 29 County drainage districts.
- 30 County flood control and water districts.
- 31 County free library systems.
- 32 County maintenance districts.
- 33 County sanitation districts.
- 34 County service areas.
- 35 County transportation commissions.
- 36 County water agencies.
- 37 County water authorities.
- 38 County water districts.
- 39 County waterworks districts.

- 1 Department of Water Resources and other agencies acting
- 2 pursuant to Part 3 (commencing with Section 11100) of Division
- 3 6 of the Water Code.
- 4 Distribution districts of any public body.
- 5 Drainage districts.
- 6 Enhanced infrastructure financing districts.
- 7 Fire protection districts.
- 8 Flood control and water conservation districts.
- 9 Flood control districts.
- 10 Garbage and refuse disposal districts.
- 11 Garbage disposal districts.
- 12 Geologic hazard abatement districts.
- 13 Harbor districts.
- 14 Harbor improvement districts.
- 15 Harbor, recreation, and conservation districts.
- 16 Health care authorities.
- 17 Highway districts.
- 18 Highway interchange districts.
- 19 Highway lighting districts.
- 20 Housing authorities.
- 21 Improvement districts or improvement areas of any public body.
- 22 Industrial development authorities.
- 23 Infrastructure financing districts.
- 24 Integrated financing districts.
- 25 Irrigation districts.
- 26 Joint highway districts.
- 27 Levee districts.
- 28 Library districts.
- 29 Library districts in unincorporated towns and villages.
- 30 Local agency formation commissions.
- 31 Local health care districts.
- 32 Local health districts.
- 33 Local hospital districts.
- 34 Local transportation authorities or commissions.
- 35 Maintenance districts.
- 36 Memorial districts.
- 37 Metropolitan transportation commissions.
- 38 Metropolitan water districts.
- 39 Mosquito abatement and vector control districts.
- 40 Multifamily improvement districts.

- 1 Municipal improvement districts.
- 2 Municipal utility districts.
- 3 Municipal water districts.
- 4 Nonprofit corporations.
- 5 Nonprofit public benefit corporations.
- 6 Open-space maintenance districts.
- 7 Parking and business improvement areas.
- 8 Parking authorities.
- 9 Parking districts.
- 10 Permanent road divisions.
- 11 Pest abatement districts.
- 12 Police protection districts.
- 13 Port districts.
- 14 Property and business improvement areas.
- 15 Protection districts.
- 16 Public cemetery districts.
- 17 Public utility districts.
- 18 Rapid transit districts.
- 19 Reclamation districts.
- 20 Recreation and park districts.
- 21 Regional justice facility financing agencies.
- 22 Regional park and open-space districts.
- 23 Regional planning districts.
- 24 Regional transportation commissions.
- 25 Resort improvement districts.
- 26 Resource conservation districts.
- 27 River port districts.
- 28 Road maintenance districts.
- 29 Sanitary districts.
- 30 School districts of any kind or class.
- 31 School facilities improvement districts.
- 32 Separation of grade districts.
- 33 Service authorities for freeway emergencies.
- 34 Sewer districts.
- 35 Sewer maintenance districts.
- 36 Small craft harbor districts.
- 37 Special municipal tax districts.
- 38 Stone and pome fruit pest control districts.
- 39 Storm drain maintenance districts.
- 40 Storm drainage districts.

- 1 Storm drainage maintenance districts.
- 2 Storm water districts.
- 3 Toll tunnel authorities.
- 4 Traffic authorities.
- 5 Transit development boards.
- 6 Transit districts.
- 7 Unified and union school districts' public libraries.
- 8 Vehicle parking districts.
- 9 Water agencies.
- 10 Water authorities.
- 11 Water conservation districts.
- 12 Water districts.
- 13 Water replenishment districts.
- 14 Water storage districts.
- 15 Watermaster districts.
- 16 Wine grape pest and disease control districts.
- 17 Zones, improvement zones, or service zones of any public body.
- 18 (2) Notwithstanding paragraph (1), a "public body" does not
- 19 include any of the following:
 - 20 (A) A community redevelopment agency formed pursuant to
 - 21 the Community Redevelopment Law (Part 1 (commencing with
 - 22 Section 33000) of Division 24 of the Health and Safety Code).
 - 23 (B) A community development commission, with respect to its
 - 24 exercise of the powers of a community redevelopment agency.
 - 25 (C) A joint powers authority that includes a community
 - 26 redevelopment agency or a community development commission
 - 27 as a member, with respect to its exercise of the powers of a
 - 28 community redevelopment agency.
- 29 (3) "Public body" includes both of the following:
 - 30 (A) The successor agency to the Redevelopment Agency of the
 - 31 City and County of San Francisco, solely for the purpose of issuing
 - 32 bonds or incurring other indebtedness pursuant to the provisions
 - 33 of Section 34177.7 of the Health and Safety Code.
 - 34 (B) A successor agency, as defined in subdivision (j) of Section
 - 35 34171 of the Health and Safety Code, solely for the purpose of
 - 36 issuing bonds or incurring other indebtedness pursuant to the
 - 37 provisions of Section 34177.5 of the Health and Safety Code.
- 38 (b) "Bonds" means all instruments evidencing an indebtedness
- 39 of a public body incurred or to be incurred for any public purpose,
- 40 all leases, installment purchase agreements, or similar agreements

1 wherein the obligor is one or more public bodies, all instruments
2 evidencing the borrowing of money in anticipation of taxes,
3 revenues, or other income of that body, all instruments payable
4 from revenues or special funds of those public bodies, all
5 certificates of participation evidencing interests in the leases,
6 installment purchase agreements, or similar agreements, and all
7 instruments funding, refunding, replacing, or amending any thereof
8 or any indebtedness.

9 (c) "Hereafter" means any time subsequent to the effective date
10 of this act.

11 (d) "Heretofore" means any time prior to the effective date of
12 this act.

13 (e) "Now" means the effective date of this act.

14 SEC. 3. All public bodies heretofore organized or existing
15 under any law, or under color of any law, are hereby declared to
16 have been legally organized and to be legally functioning as those
17 public bodies. Every public body, heretofore described, shall have
18 all the rights, powers, and privileges, and be subject to all the duties
19 and obligations, of those public bodies regularly formed pursuant
20 to law.

21 SEC. 4. The boundaries of every public body as heretofore
22 established, defined, or recorded, or as heretofore actually shown
23 on maps or plats used by the assessor, are hereby confirmed,
24 validated, and declared legally established.

25 SEC. 5. All acts and proceedings heretofore taken by any public
26 body or bodies under any law, or under color of any law, for the
27 annexation or inclusion of territory into those public bodies or for
28 the annexation of those public bodies to any other public body or
29 for the detachment, withdrawal, or exclusion of territory from any
30 public body or for the consolidation, merger, or dissolution of any
31 public bodies are hereby confirmed, validated, and declared legally
32 effective. This shall include all acts and proceedings of the
33 governing board of any public body and of any person, public
34 officer, board, or agency heretofore done or taken upon the question
35 of the annexation or inclusion or of the withdrawal or exclusion
36 of territory or the consolidation, merger, or dissolution of those
37 public bodies.

38 SEC. 6. (a) All acts and proceedings heretofore taken by or
39 on behalf of any public body under any law, or under color of any
40 law, for, or in connection with, the authorization, issuance, sale,

1 execution, delivery, or exchange of bonds of any public body for
2 any public purpose are hereby authorized, confirmed, validated,
3 and declared legally effective. This shall include all acts and
4 proceedings of the governing board of public bodies and of any
5 person, public officer, board, or agency heretofore done or taken
6 upon the question of the authorization, issuance, sale, execution,
7 delivery, or exchange of bonds.

8 (b) All bonds of, or relating to, any public body heretofore issued
9 shall be, in the form and manner issued and delivered, the legal,
10 valid, and binding obligations of the public body. All bonds of, or
11 relating to, any public body heretofore awarded and sold to a
12 purchaser and hereafter issued and delivered in accordance with
13 the contract of sale and other proceedings for the award and sale
14 shall be the legal, valid, and binding obligations of the public body.
15 All bonds of, or relating to, any public body heretofore authorized
16 to be issued by ordinance, resolution, order, or other action adopted
17 or taken by or on behalf of the public body and hereafter issued
18 and delivered in accordance with that authorization shall be the
19 legal, valid, and binding obligations of the public body. All bonds
20 of, or relating to, any public body heretofore authorized to be issued
21 at an election and hereafter issued and delivered in accordance
22 with that authorization shall be the legal, valid, and binding
23 obligations of the public body. Whenever an election has heretofore
24 been called for the purpose of submitting to the voters of any public
25 body the question of issuing bonds for any public purpose, those
26 bonds, if hereafter authorized by the required vote and in
27 accordance with the proceedings heretofore taken, and issued and
28 delivered in accordance with that authorization, shall be the legal,
29 valid, and binding obligations of the public body.

30 SEC. 7. (a) This act shall operate to supply legislative
31 authorization as may be necessary to authorize, confirm, and
32 validate any acts and proceedings heretofore taken pursuant to
33 authority the Legislature could have supplied or provided for in
34 the law under which those acts or proceedings were taken.

35 (b) This act shall be limited to the validation of acts and
36 proceedings to the extent that the same can be effectuated under
37 the California Constitution and the United States Constitution.

38 (c) This act shall not operate to authorize, confirm, validate, or
39 legalize any act, proceeding, or other matter being legally contested
40 or inquired into in any legal proceeding now pending and

1 undetermined or that is pending and undetermined during the
2 period of 30 days from and after the effective date of this act.

3 (d) This act shall not operate to authorize, confirm, validate, or
4 legalize any act, proceeding, or other matter that has heretofore
5 been determined in any legal proceeding to be illegal, void, or
6 ineffective.

7 (e) This act shall not operate to authorize, confirm, validate, or
8 legalize a contract between any public body and the United States.

9 SEC. 8. Any action or proceeding contesting the validity of
10 any action or proceeding heretofore taken under any law, or under
11 color of any law, for the formation, organization, or incorporation
12 of any public body, or for any annexation thereto, detachment or
13 exclusion therefrom, or other change of boundaries thereof, or for
14 the consolidation, merger, or dissolution of any public bodies, or
15 for, or in connection with, the authorization, issuance, sale,
16 execution, delivery, or exchange of bonds thereof upon any ground
17 involving any alleged defect or illegality not effectively validated
18 by the prior provisions of this act and not otherwise barred by any
19 statute of limitations or by laches shall be commenced within six
20 months of the effective date of this act, otherwise each and all of
21 those matters shall be held to be valid and in every respect legal
22 and incontestable. This act shall not extend the period allowed for
23 legal action beyond the period that it would be barred by any
24 presently existing valid statute of limitations.

25 SEC. 9. Nothing contained in this act shall be construed to
26 render the creation of any public body, or any change in the
27 boundaries of any public body, effective for purposes of assessment
28 or taxation unless the statement, together with the map or plat,
29 required to be filed pursuant to Chapter 8 (commencing with
30 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
31 Code, is filed within the time and substantially in the manner
32 required by those sections.

115TH CONGRESS
1ST SESSION

H. R. 448

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2017

Mr. HUFFMAN (for himself, Mr. ROHRABACHER, Mr. DOGGETT, Ms. MCSALLY, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Water Conservation
5 Rebate Tax Parity Act".

1 **SEC. 2. MODIFICATIONS TO INCOME EXCLUSION FOR CON-**
2 **SERVATION SUBSIDIES.**

3 (a) IN GENERAL.—Subsection (a) of section 136 of
4 the Internal Revenue Code of 1986 is amended—

5 (1) by striking “any subsidy provided” and in-
6 serting “any subsidy—

7 “(1) provided”,

8 (2) by striking the period at the end and insert-
9 ing a comma, and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(2) provided (directly or indirectly) by a public
13 utility to a customer, or by a State or local govern-
14 ment to a resident of such State or locality, for the
15 purchase or installation of any water conservation or
16 efficiency measure, or

17 “(3) provided (directly or indirectly) by a storm
18 water management provider to a customer, or by a
19 State or local government to a resident of such State
20 or locality, for the purchase or installation of any
21 storm water management measure.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) DEFINITION OF WATER CONSERVATION OR
24 EFFICIENCY MEASURE AND STORM WATER MANAGE-
25 MENT MEASURE.—Section 136(c) of the Internal
26 Revenue Code of 1986 is amended—

1 (A) by striking "ENERGY CONSERVATION
2 MEASURE" in the heading thereof and inserting
3 "DEFINITIONS",

4 (B) by striking "IN GENERAL" in the
5 heading of paragraph (1) and inserting "EN-
6 ERGY CONSERVATION MEASURE", and

7 (C) by redesignating paragraph (2) as
8 paragraph (4) and by inserting after paragraph
9 (1) the following:

10 "(2) WATER CONSERVATION OR EFFICIENCY
11 MEASURE.—For purposes of this section, the term
12 'water conservation or efficiency measure' means any
13 evaluation of water use, or any installation or modi-
14 fication of property, the primary purpose of which is
15 to reduce consumption of water or to improve the
16 management of water demand with respect to one or
17 more dwelling units.

18 "(3) STORM WATER MANAGEMENT MEASURE.—
19 For purposes of this section, the term 'storm water
20 management measure' means any installation or
21 modification of property primarily designed to re-
22 duce or manage amounts of storm water with re-
23 spect to one or more dwelling units."

24 (2) DEFINITION OF PUBLIC UTILITY.—Section
25 136(c)(4) of such Code (as redesignated by para-

graph (1)(C)) is amended by striking subparagraph (B) and inserting the following:

“(B) PUBLIC UTILITY.—The term ‘public utility’ means a person engaged in the sale of electricity, natural gas, or water to residential, commercial, or industrial customers for use by such customers.

“(C) STORM WATER MANAGEMENT PROVIDER.—The term ‘storm water management provider’ means a person engaged in the provision of storm water management measures to the public.

“(D) PERSON.—For purposes of subparagraphs (B) and (C), the term ‘person’ includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.”.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 136 of such Code is amended—

(i) by inserting “**AND WATER**” after “**ENERGY**”, and

(ii) by striking “**PROVIDED BY PUBLIC UTILITIES**”.

1 (B) The item relating to section 136 in the
2 table of sections of part III of subchapter B of
3 chapter 1 of such Code is amended—

4 (i) by inserting “and water” after
5 “energy”, and

6 (ii) by striking “provided by public
7 utilities”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to amounts received after Decem-
10 ber 31, 2015.

11 (d) NO INFERENCE.—Nothing in this Act or the
12 amendments made by this Act shall be construed to create
13 any inference with respect to the proper tax treatment of
14 any subsidy received directly or indirectly from a public
15 utility, a storm water management provider, or a State
16 or local government for any water conservation measure
17 or storm water management measure before January 1,
18 2017.

○

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 9, 2017

MEMO TO: Board of Directors

THROUGH: Alexander R Coate, General Manager *ARC*

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

SUBJECT: Fiscal Year 2017 Diversity and Inclusion Program

SUMMARY

The Diversity and Inclusion Program supports the District's Strategic Plan Workforce Planning goal of attracting and hiring quality candidates that reflect the diversity of our community. An overview of the Fiscal Year (FY) 2017 Diversity and Inclusion Program will be presented to the Legislative/Human Resources Committee on February 14, 2017. In FY 2016, of the 22 job groups, efforts were focused on the 7 groups where the incumbency of minorities or women was below availability in the recruitment area. The placement goal was achieved for one group and notable progress was made for two other groups. For FY 2017, efforts will be focused on 6 job groups where the incumbency of minorities was below availability.

DISCUSSION

The District is proud to be a leader in taking legal, proactive steps in support of a diverse workforce and upholding equal employment opportunity. As a federal contractor, the District is mandated by federal regulations to have an affirmative action plan (AAP) and program that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation Act.

Pursuant to these regulations, on an annual basis the District establishes placement goals by job group for minorities and/or women. These placement goals are based on the results of a utilization analysis comparing District incumbency to availability in the District's recruitment area. The District also analyzes its hires against the national hiring benchmark for protected veterans (currently set at 6.9 percent and its workforce by job group against the national utilization goal of 7.0 percent for qualified individuals with disabilities (IWDs). The District makes good faith efforts toward reaching its minority and/or 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 on program effectiveness and recommends action-oriented programs to improve performance.

In FY 2016, the District continued to make progress towards reaching its annual placement goals. For the Service Maintenance job group, the 66.7 percent placement rate was a 36.7 percent increase over the previous year's placement rate of 30.0 percent. The FY 2016 actual placement rate of 66.7 percent was just below the placement rate goal of 74.9 percent. In addition, the District increased the female placement rate for the General Clerical job group by 9.8 percent and the minority placement rate for the Pipeline Maintenance job group by 5.8 percent. Total job placements in FY 2016 were 365, with the District placing 97 women and 205 minorities.

The District also made progress towards reaching its hiring benchmark for protected veterans and its utilization goal for IWDs in FY 2016. The District increased the percentage of protected veterans in the applicant pools from 1 percent to 2.7 percent and the percentage of protected veterans hired from 3.8 percent to 4.5 percent. For the IWD utilization goal, the District increased the job groups meeting the utilization goal from four to five.

The District's good faith efforts in implementing its annual action-oriented program contributed to this progress. In FY 2016, the District increased its outreach efforts by attending 25 events with diverse community attendance; hosted a District Career and Resource Fair with community partner attendees from diverse communities; and increased applicant pool diversity by adjusting pass points on exams, when appropriate. As a result, for recruitments initiated during FY 2016, the majority – 8 out of 9 or 88.8 percent – had qualified applicant pools at or above availability for female and minorities. Additionally, 52 diverse registrants from the District Career and Resource Fair applied for District jobs.

The FY 2017 placement goals further demonstrate the District's progress in increasing diversity, as the number of goals decreased from seven to six. Minority placement goals remain for the Rangers, Pipeline Maintenance, Heavy Equipment/Truck Operators, Electrical/Structural Maintenance, Mechanical Maintenance and Service Maintenance job groups. In calculating the FY 2017 placement goals the District continued to use the U.S. Census. This year, the District made two major updates to improve the quality of the availability data used to compare to District incumbency: 1) conducted a zip code analysis of applicants by job group; and 2) updated the job census codes used for each classification. These updates allowed the District to precisely determine its relevant labor market and weight factors for each market segment and assured that data was pulled from the appropriate job type for each job group.

An analysis of applicant flow, placements and terminations was conducted to determine why the District continues to have minority placement goals in the above job groups and why the District has not reached the hiring benchmark for protected veterans or the utilization goal for IWDs for the majority of job groups. The analysis showed the primary obstacle for minority representation to be insufficient representation of minorities in applicant pools, pass points on training and

education, exams and panel interviews screening out minorities, despite generous pass points, and civil service interview rules impacting the District's ability to hire minorities. These obstacles are compounded by the fact that the voluntary terminations (primarily retirements) of minorities within all but one of the job groups, outpaced the number of hires. For protected veterans and IWDs, the analysis showed the primary obstacle continues to be insufficient representation in applicant pools.

The FY 2017 Diversity and Inclusion Program is focused on addressing these problem areas and targeted towards the problem job groups/classifications. Proposed actions include endeavoring to develop exam workshops, exploring development of an apprentice internship and an internship for developmentally-disabled individuals, and exploring the establishment of a District-wide outreach committee to implement program activities.

NEXT STEPS

The Board of Directors will be asked to consider adoption of the FY 2017 Diversity and Inclusion Program at the regular meeting on February 14, 2017.

ARC:LB:dwb

Attachment: FY 2017 Diversity and Inclusion Program

I:\SEC\2017 Board Related Items\021417 LEG-HR Committee\HRD\FY 2017 Diversity and Inclusion Program

**FY 2017
Diversity and Inclusion Program**

Embrace Diversity



East Bay Municipal Utility 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 Civil Service Rules, or portions thereof, have been incorporated into the memoranda of understanding (MOUs) of the unions contracted with the District.

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, 2015 – June 30, 2016

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
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Exhibits

- Exhibit 1 – Organization Profile
- Exhibit 2 – Job Group Analysis
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A. Designation of Responsibility

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 is 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

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 2016 (FY 2016) AAP Placement Goals:

In FY 2016, of the 22 District job groups, the District had 7 placement goals where the incumbency of minorities or women within the group was below the availability in the recruitment area. The table below shows the progress on those goals by comparing the placement rate goal to the actual placement rate. Placements consist of hires and promotions into the target job group between July 1, 2015 and June 30, 2016.

FY 2016 AAP Placement Goals Progress

JOB GROUP	PLACEMENT RATE GOAL (%)*		TOTAL FY16 PLACEMENTS	FY16 FEMALE OR MINORITY PLACEMENTS	ACTUAL PLACEMENT RATE (%)	
	MINORITY	FEMALE			MINORITY	FEMALE
General Clerical		90.10%	17	13		76.47%
Rangers	65.80%		2	0	0%	
Pipeline Maintenance	61.00%		40	19	47.50%	
Heavy Equipment/Truck Operators	68.00%		10	3	30.00%	
Electrical/Structural Maintenance	51.40%		10	4	40.00%	
Mechanical Maintenance	46.20%		14	4	28.57%	
Service Maintenance	74.90%		9	6	66.7%	

*Placement goals are established within each of the job groups at no less than the availability data for the job group.

While the District did not technically achieve its minority placement goal for the Service Maintenance job group, the difference between the actual placement rate and the placement rate goal was not significant. To achieve the 74.90% placement goal the District would have had to hire a partial person, specifically .7 of a person. In addition, the 66.7% placement rate was a 36.7% increase over last year's placement rate for this job group.

While the District did not meet its minority placement goals for the job groups below, the District did make progress in the two job groups.

FY 2016 AAP – Placement Goals Partially Met

Job Group	Category	FY16 Actual Placement Rate (%)	FY17 Actual Placement Rate (%)	FY16 Placement Rate Goal (%)
General Clerical	Women	66.70%	76.47%	90.10%
Pipeline Maintenance	Minority	41.80%	47.50%	61.00%

The District strongly improved on its placement rate from last year for the General Clerical job group

increasing by 9.8%. The District had a minor increase its placement rate from last year for the Pipeline Maintenance job group increasing by 5.7%. These improvements were made despite significant obstacles.

In the General Clerical job group, 6 recruitments served the basis for the FY 2016 placements. Two out of six of the recruitments only had one hire. In both cases a male was hired rather than a female. For the Account Clerk III recruitment, 6 people made the eligible list. Of those, 4 were female and 2 were male. Two females declined the hiring interview, as they were in contention and ultimately hired as Accountant Is. This left a pool of 2 females and 2 males. With a 50/50 chance of hiring a male or female, it is not statistically significant that with only one hire off this list a male was hired. For one of the Account Clerk II recruitments, the top 3 ranks were interviewed, in accordance with the controlling MOU. The top 3 ranks consisted of 2 males and 1 female. With only one hire, it is not statistically significant that the male was hired.

The other four recruitments had multiple hires. Three recruitments resulted in hires at or above female availability. The two Administrative Clerk recruitments hired a total of 7 people - 6 off the eligible list and one off the reinstatement list. All 6 hires off the eligible list were female. The hire off the reinstatement list was for a limited-term position. The male hired, had previously worked as an administrative clerk in the hiring division. The Senior Administrative Clerk recruitment hired a total of 10 people off the eligible list - 9 of 10 were female. Only one recruitment resulted in hires below female availability. For the other Account Clerk II recruitment, the department was hiring 2 people so they were allowed to interview the top 4 ranks in accordance with the MOU. The top 4 people on the list were 3 females and 1 male. One female and one male were hired for a female hire rate of 50%.

In the Pipeline Maintenance job group, the two recruitments serving the basis for the FY 2016 placements were rank order hires. For the Water Distribution Plumber recruitment, which had the majority of hires for this job group, the minority representation of the candidates on the eligible list available for hire was 40.5%. The District still had a minority hiring rate above this, at 50%, but this was still well under the goal of 61%. However, for the Paving Raker recruitment, despite an eligible list of 54% minorities, the District had an 83.3% minority hire rate for this recruitment.

While the District did not meet or improve on the balance of the FY 2016 AAP placement goals, the difference between the actual placement rate and the placement rate goal was not statistically significant pursuant to the Exact Binomial Test for 3 out of the 4 job groups - Rangers, Electrical/Structural Maintenance and Mechanical Maintenance - either due to the small sample group or the degree of margin.¹ To put this in context, in FY 2016 there were 365 total placements. Only 51 placements were in the aforementioned job groups, which is less than 14% of the total placements for the year. The rest of the placements were across the other 17 job groups.

In addition, the ability for the District's action-oriented programs initiated in FY 2016 to impact the hiring in FY 2016 was sorely impacted. Of the 29 recruitments serving as the basis for placements across the 7 job groups, 21 of the recruitments, or 72.4%, were initiated prior to FY 2016. Any efforts

¹ 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.

to increase the diversity of applicant pools in FY 2016 could not have impact the demographics of an applicant pool recruited for prior to that fiscal year. In 4 of 7 of the jobs groups – Rangers, Pipeline Maintenance, Heavy Equipment/Truck Operators and Service Maintenance – 100% of the recruitments serving as the basis for hires were initiated prior to FY 2016. For those recruitments initiated in FY 2016, the majority - 8 out of 9 or 88.8% - had qualified applicant pools at or above availability, demonstrating that the outreach efforts initiated in FY 2016 increased the female and minority representation in applicant pools.

The following problem areas were noted, based on a review of applicant flows and supporting documentation from recruitments:

For recruitments initiated prior to FY 2016

- Insufficient representation of females or minorities in applicant pools
- Pass points for Training and Education (T&E) reviews or tests (written, performance or oral) significantly screened out females or minorities
- Insufficient representation of minorities in an interview/hire band²
- Pass points for panel interview screened out females or minorities resulting in an eligible list under availability
- Ranks of minorities on the bottom of an eligible list thereby making the minorities unreachable due to the limited number of hires in a year³

For recruitments initiated in FY 2016

- Pass points for T&E reviews or tests (written, performance or oral) significantly screened out females or minorities
- Pass points for panel interview screened out females or minorities resulting in a eligible list under availability

In the Rangers job group, the one recruitment serving the basis for FY 2016 placements was from a recruitment initiated prior to FY 2016. The minority representation in the applicant pool was far below availability at a rate of 11.36%. The eligible list consisting of 10 candidates only had one minority. With only two candidates hired, it is not statistically significant that both were Caucasian.

In the Heavy Equipment Operators/Truck Drivers job group, once again, the recruitments serving the basis for FY 2016 placements were from recruitments initiated prior to FY 2016. All three recruitments had minority representation in the applicant pool significantly under availability - between 39.4% and 53.3%. And, the cut off scores for the T&E and performance tests decreased the minority representation even more - down to 21.4% to 30%. The District hired at the availability percentage of the eligible list.

² For example, candidates passing the performance exam and interviewed are placed on the eligible list and hired in rank order for each Plumber Academy. Candidates available to hire during an academy often have an insufficient representation of minority candidates due to minority candidates being hired in previous years or minority candidates declining an offer.

³ Under the District Civil Service rules, only the top 5 ranks (or top 3 for Local 2019 represented classifications) on an eligible list are interviewed for an opening.

In the Electrical/Structural Workers job group, the recruitments were split between being above and below availability. For 6 of the 7 recruitments, however, the T&E and written and performance tests decreased the minority representation significantly below availability – three to 0%, two to 20/25% and one to 36%. The District hired above that availability percentage of the eligible list.

In the Mechanical Maintenance job group, 8 recruitments for 8 different classifications served the basis for the FY 2016 placements. Six recruitments only had one hire; one recruitment, Maintenance Specialist II, had 2 hires; and one, Meter Reader/Mechanic, had 5 hires. Five of the 6 recruitments with only one hire hired a Caucasian. In 3 of the 5 recruitments, the T&E and/or written test significantly decreased the minority representation – from between 8.3% to 14.3%. For the remaining two recruitments, while the pool was at a availability for minorities, with a 50/50 chance of hiring either a minority or non-minority it's not statistically significant that a non-minority was hired. For the Maintenance Specialist II Recruitment, no minorities were hired. Not only was the applicant pool below availability, but the oral panel eliminated all minorities. For the Meter Reader/Mechanic recruitment, while the applicant pool was above availability, the minority representation of the eligible list of candidates available for hire at the time of the placements was only 23% minority. The District hired above the availability percentage of the list at that time – 2 of 5 hires, for a minority hire rate of 40%.

FY 2017 AAP Goals:

For the FY 2017 AAP, the District made two major changes to improve the quality of the availability data used to compare to District incumbency. First, the District conducted a zip code analysis of all applicants for District jobs (including internal applicants) by job group over a 3-year period. This allowed the District to precisely determine its relevant labor market (external and internal) and weight factors for each market segment. Second, the District updated the job census codes used for each classification to assure that accurate availability data was pulled for each job group. These changes resulted in some shifts in the availability data between the last AAP year and this AAP year.⁴ For example, while the female placement goal for the General Clerical job group was not met in the FY 2016 AAP, there is no female placement goal for this job group for the FY 2017 AAP. This is because female availability for this job group decreased from 90.1% to 84.2%, a 5.9% decrease. Moreover, the incumbency in this group increased from 82.73% in FY 2015 to 84.4% in FY 2016. The availability analysis is set forth in detail in Exhibit 4, Availability Analysis.

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.

⁴ The Ranger job group availability decreased from 65.8% to 64.6% (a 1.2% decrease); the Pipeline Maintenance job group availability decreased from 61% to 6.4% (a 4.6% decrease); the Heavy Equipment/Truck Operators availability decreased from 6% to 56% (a 12% decrease); the Electrical/Structural Workers availability decreased from 51.4% to 49.0% (a 2.4% decrease); the mechanical Maintenance job group availability decrease from 46.2% to 44.0% (a 2.2% decrease) and the Service Maintenance job group availability decreased from 72.9% to 68.2% (a 4.7% decrease).

The specific Placement Goals for FY 2017 are set forth below:

FY2017 Placement Goal Summary

JOB GROUP	MINORITY INCUMBENCY⁵	MINORITY PLACEMENT GOAL*
Rangers	14.7%	64.6%
Pipeline Maintenance	47.7%	56.4%
Heavy Equipment/Truck Operators	28.9%	56.0%
Electrical/Structural Maintenance	29.1%	49.0%
Mechanical Maintenance	33.6%	44.0%
Service Maintenance	51.9%	68.2%

*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 problem areas for the FY 2017 AAP placement goals were discussed in the FY 2016 Goals Progress section above.

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* as well as representative utilization analyses and hiring trends. The only issues identified were low historical hires of women or minorities coupled with insufficient recent hires for four Operations and Maintenance Department divisions, the Mokelumne Watershed (up country), the Design Division of the Engineering Department, the Data Center, and the Water Conservation unit in the Customer Services Department. Accordingly, the District will be more thoughtful in its future recruitments in these divisions to assure that their recruitment efforts attract sufficient qualified minority and females 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

⁵ Across all job groups except Electrical/Structural Workers there was a decrease in minority incumbency. This is due to the fact that voluntary terminations of minorities across these job groups outpaced minority hires.

accomplished by a thorough examination of transaction data and/or cohort analysis. Hiring disparities for minorities were statistically identified for the General Clerical, Customer Services, Plant Operators, Mechanical Maintenance, Pipeline Maintenance, and Service Maintenance 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. The *Summary of Personnel Transactions Report* for each job group is retained by the Diversity and Inclusion Office.

C. Action-Oriented Programs

41 C.F.R. § 60-2.17(c)

Progress on the FY 2016 Action-Oriented Program:

In FY 2016, the District put forth an Action-Oriented Program (Program) to be initiated/executed over a three-year period. Even under the best of circumstances, this was a very ambitious program. In FY 2016, 146 employees separated from the District, 94 of which were retirements. This, along with the addition of new positions, resulted in 114 recruitments and 365 hires and promotions. Furthermore, the DIO had a spike in EEO complaints requiring investigation. These retirements, promotions and investigations increased the workload for less staff limiting the District's ability to tackle all aspects of the Program.

Despite the severe conflicting workload demands and staff shortages, the District was able to accomplish or begin several impactful actions. Below is the progress on actions set forth in the FY 2016 AAP (portions accomplished or in progress are highlighted in green):

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Increase outreach to female and minorities through organizations and outreach events	Accomplished – sent upcoming recruitments and open recruitments to a list of 100+ female and minority organizations and attended 25 diverse outreach events (career/job fairs, presentations, etc.)	88.8% of the qualified applicant pools for recruitments initiated in FY 2016 that fed the job groups with placement goals in the FY 2016 and FY 2017 AAPs were at or above availability for women and/or minorities, as relevant.
Evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is an insufficient representation of women or minorities in the applicant pool	Not accomplished.	

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Evaluation of alternative tests for recruitment with less impact on minority and/or female representation	In progress – R&C has begun researching/exploring alternative tests.	R&C is exploring the use of video tests in lieu of written exams for entry level and operator jobs and the use of job simulation performance exams in lieu of written exams where possible.
Evaluation of alternative methodologies for setting cut-off scores with less impact on minority and/or female representation	In progress – recruitment has reduced pass points to include additional diverse candidates when doing so will not compromise competency standards.	For example, R&C reduced pass points for the Customer Services Representative (CSR), Laboratory Technician II (Lab Tech II), Wastewater (WW) Plant Operator I and Water System Inspector I exams. This action increased the diversity of the CSR and Lab Tech pools. The action did not make a significant difference in diversity for the WW Plant Operator and Water System Inspector pools.
Implementation of outreach protocol developed at HR retreat	Not accomplished.	
District hosted Career and Resource Fair	Accomplished.	195 diverse participants attended the Fair and learned about the District's civil service process (including application, testing and interview requirements), upcoming recruitments and current job openings. 52 of the Fair registrants applied for FY 2016 District jobs. As a result, 88.8% of the qualified applicant pools for recruitments initiated in FY 2016 that fed the job groups with placement goals in the FY 2016 and FY 2017 AAPs were at or above availability for women and/or minorities, as relevant.

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Outreach/event strategy	Not accomplished.	
Employee candidate referral list	Not accomplished.	
Outreach/Workforce Development partnership development	In progress.	<ul style="list-style-type: none"> • Partnered with Rising Sun, participating in numerous events throughout FY2016. • Partnered with BAYWORK on an accelerator grant to compile data to be used to develop internship and/or apprenticeship programs. • Explored partnership with Cal State University East Bay (CSUEB) to perform Capstone projects in support of outreach/workforce development projects. • Held numerous exploratory partnership meetings.
Explore and apply for grant funding in support of workforce development programs	Not accomplished.	
Encourage and support the District Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce	Not accomplished.	
Identify potential barriers to diversity in the District's civil service rules and/or practices and adjust where feasible	Not accomplished. Performance Values Team, which was assigned this goal, started with other priorities – probationary period and onboarding.	
Interview feedback for job candidates	Accomplished.	R&C offers interview feedback to any unsuccessful candidate that requests such feedback.
Development of or partnership for Civil Service test prep classes/workshops	Not accomplished.	

FY 2016 Proposed Action	FY 2016 Progress	FY 2016 Results
Evaluating partnership using SEP positions for plumber work experience	In progress.	This goal was expanded to all trades. The District considered partnerships with RichmondBUILD, Swords to Plowshares and CSUEB. Programs offered by these organizations did not meet the District's needs. The District is now exploring a partnership with Peralta.
Industrial Maintenance Internship Program	Accomplished.	Had 3 interns – 2 females, 1 minority (Black). 2 out of 3 or 66.7% passed the Plant Maintenance Worker II exam and of the 2 eligible candidates, one (a female) was hired for a 50% hire rate.
Summer Youth Program	Accomplished.	Increased number of diverse interns from 24 to 31, increased number of partner agencies from 3 to 4, and expanded internship participants across all wards.

In addition, during the first half of FY 2017, the District accomplished the following:

FY 2016 Proposed Action	FY 2017 Progress	FY 2017 Results
Outreach/Workforce Development partnership development	In progress.	<ul style="list-style-type: none"> • The District has explored partnerships with 6 organizations to date. • The District is actively exploring partnership opportunities with Peralta for curriculum development, a Trades Apprenticeship Program, and test prep workshops.
Increase outreach to female and minorities through organizations and outreach events	In progress.	The District has attended and/or coordinated 21 outreach events to date.

FY2017 Action-Oriented Programs:

The District tailors its action-oriented program each year to ensure it is specific to the problems identified. This year the District is being more pragmatic about its goals and timeline and focusing in on the problem areas to have the biggest impact. Staff will be responsible for ensuring that the following actions are initiated.

For certain actions, the District will focus on the classifications listed below because these are classifications within the job groups with placement goals, historically have large numbers of placements in a year, and/or historically have a low number of female and/or minority hires.

- Ranger/Naturalist – all levels
- Water Distribution Plumber I and Paving Raker
- Heavy Transport Operator, Heavy Equipment Operator and Truck Driver
- Electrical and Instrument Technician and Worker (all levels)
- Meter Reader/Mechanic
- Machining and Maintenance Worker and Plant Maintenance Worker
- Janitor
- Recreation Area Attendant
- Customer Services and Field Services Representative – all levels
- Wastewater Plant Operator and Water Treatment Operator Trainee
- Water Distribution/Treatment Operator – all levels

FY 2017 actions:

- Focused on the job classifications above:
 - Aim to increase outreach and attendance at/focus on job fairs/events with candidates for these jobs.
 - Explore partnerships with female/minority organizations with these candidates for these jobs.
 - Endeavor to develop and focus application and interview workshops towards these job candidates.
 - Endeavor to develop test prep workshops to assist candidates interested in these classifications.
- Explore development of a District-wide Outreach Committee to do the assist with the above and to do the following (note that a large portion of the below was contained in the outreach protocol developed in FY 2015):
 - Encourage and support the District Affinity Groups to partner with the District to recruit, develop and retain a diverse workforce by having Group representatives on the committee
 - Develop an annual outreach strategy and coordinate/staff outreach events
 - Develop and facilitate workshops on the civil service recruitment process
 - Develop application, interview and test prep workshops

- Develop FAQs/videos to post on the District internet and other sites, e.g., civil service recruitment process, completing an application with supplemental questions, interviewing for a District job
- Vet partners/explore partnerships for workforce development projects such as test prep workshops
- Develop a referral list of current employees with contacts with unions, competitor organizations and professional associations
- Explore the implementation of a full blind recruitment process, i.e., applicant identification numbers rather than names for minimum qualification and T&E review, exam and panel interview to mitigate unconscious race and/or gender bias
- Continue to offer interview feedback to unsuccessful candidates
- Continue to explore development of a new and improved Trade Apprenticeship Program
- Identify potential barriers to diversity in 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:
 - Bay Area Business Roundtable
 - Boy and Men of Color
 - Bay Area Council
 - Cypress/Mandela Training Center, Inc.
 - East Bay Earn and Learn
 - Girl's Inc. of Alameda County
 - Girls to Women
 - Institute for Business and Technology
 - Lao Family Community Development, Inc.
 - NAACP San Mateo
 - National Coalition of 100 Black Women
 - National Association of Women in Construction
 - National Institute for Women in Trades, Technology & Sciences (IWITTS)
 - Oakland Asian Cultural Center
 - Oakland Black Caucus
 - Oakland International High School
 - Oakland Promise
 - Oakland Unified School District
 - Oakland Workers Collective – Street Level Health Project
 - Organization of Women Architects

- Pacific Asian American Women Bay Area Coalition (PAAWBAC)
 - Peralta College
 - Rising Sun
 - Skyline College
 - SparkPoint
 - The CA Women's Ventures Project
 - The Spot – Oakland
 - The Unity Council, A Latino Community Development Corporation
 - The Unity Council Multicultural One-Stop Career Center
 - The Women's Building
 - Tradeswomen, Inc.
 - Treasure Island Job Corps
 - Tri-Cities One Stop Career Center – Fremont and Hayward
 - Tri-Valley One-Stop Career Center
 - Upwardly Global
 - US Department of Labor, Women's Bureau, Region 9
 - US Department of Veteran's Affairs – SF Branch
 - West Oakland Job Resource Center
 - West Valley College
 - Yes We Code
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 school
 - 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. Presenting at the East Bay Consortium's (EBC's) Pre-Collegiate Academy Math Summer Enrichment Program Participating in the Helms Middle School Career Fair
 - g. Participating in the San Leandro African American Business Council's (SLAABC) 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
 - l. Participating in the Oakland Youth Career Expo
 - m. Participating in San Lorenzo High School's annual career fair
 - n. Participating in Arroyo High School's Career Day and Design Challenge
 - o. Presenting at Rising Sun events.
 - p. Participating in the City and County of San Francisco's Trades, Crafts and Skilled Labor Career Fair
 - q. Participating in SJSU's Fall '16 Engineering & Science Undergraduate Students Job & Internship Fair
 - r. Attending the Department of Labor's "Women Building the Bay" conference.
6. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
 7. The District's 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 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 has partnered with Peralta College District to develop two job advancement programs to assist employees in obtaining the requisite college education for promotional opportunities, including: 1) certification of the Plumber Training Academy to provide academic credit for employee participants; and 2) an on-site cohort program focused on general education and supervisory technical classes. These programs will have a Basic Skills assessment up front to determine suitability for the programs and will recommend and provide a remediation program to prepare employees for the above programs at a later time. Efforts to implement these programs will begin in FY 2017 and/or FY 2018.
4. 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.
5. The District will continue to use the Performance Plan and Appraisal Procedure for the annual performance review of all employees.

6. 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.
7. Employees can choose training courses through the Training Schedule and include them in their career development plan. The District has revised its Manager and Supervisor Training (MAST) program to include three tiers of training to better prepare employees for promotional opportunities: 1) Tier 1 – Leading People and Performance (Supervisors’ Series); Tier 2 – Leading Processes and for Outcomes (Superintendents and Managers’ Series); and Tier 3 – Leading with Vision and Strategy (Senior Leaders and high-level Division Managers’ Series). The Tier 1 and Tier 2 levels correspond with the LEAD and Pathways academies, respectively, which are discussed in para. 2 above.
8. 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 Incumbents 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 1821 employees as of June 30, 2016, 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: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions: 1) it includes all counties/county sets where 5% or more of the employees/applicants resided, and 2) when summed, those

counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%. Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.

2. Reasonable Labor Area: California and/or National depending on the job group.

B. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the District's organization. See the **Internal Availability Analysis**, which is retained by the DIO, for more detail.

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.

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, 2016, 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.

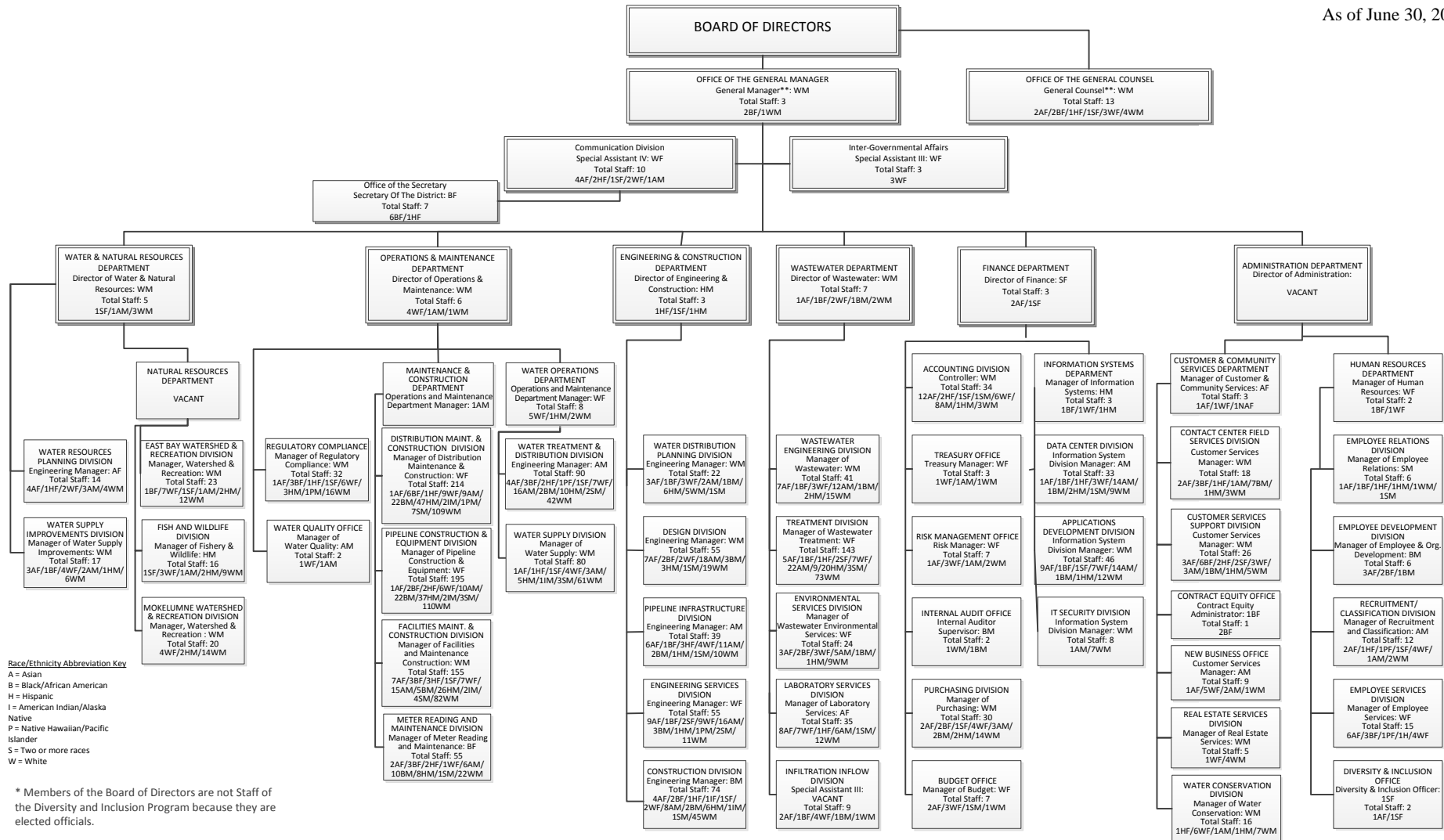
⁵ In most cases, the final availability report (and most other technical reports in this AAP) only include data/information for females and minorities in the aggregate.

EXHIBITS

Organizational Display

Exhibit 1

As of June 30, 2016



Race/Ethnicity Abbreviation Key

A = Asian
B = Black/African American
H = Hispanic
I = American Indian/Alaska Native
P = Native Hawaiian/Pacific Islander
S = Two or more races
W = White

* Members of the Board of Directors are not Staff of the Diversity and Inclusion Program because they are elected officials.

Job Group Analysis

Exhibit 2

Directors/Managers

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

Programmers

Information Services Supervisor
Information Systems Administrator I-II
Information Systems Support Analyst I-II
Information Technology Intern 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	Senior Community Affairs Representative
Community Affairs Representative I-II	Senior HRIS Analyst
HRIS Analyst I-II	Senior Human Resources Analyst
HR Regulatory Coordinator	Senior Public Information Representative
Human Resources Analyst I-II	Technical Trainer
Management Analyst I-III	Technical Training & Writing Administrator
Principal Management Analyst	Workers' Comp. Manager & Risk Specialist
Public Information Representative I-III	

Job Group Analysis

Exhibit 2

Other Professionals

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

Science Professionals

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

Administrative Assistants

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

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	Senior Dispatch/Contact Center Representative
Field Services Representative I-II	Senior Customer Services Representative	Water Conservation Technician

Technicians

Computer Operations Supervisor	Fisheries/Wildlife Technician	Printing Technician I-II
Computer Operations Technician	Information Systems Specialist I-III	Senior Printing Technician
Corrosion Control Technician	Materials Inspector	Supervising Information Syst. Supp. Spec.
Electronic Technician	Materials Testing Supervisor	
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
	Superintendent of Water Trtmnt. & Distribution	
Pardee Water/Wastewater Supervisor		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

	Supervising Wastewater Control Representative	
Laboratory Technician I-III		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 Mechanical Engineer
Assistant Engineer	Associate Control Systems Engineer	Junior Electric Engineer
Assistant Electrical Engineer	Associate Corrosion Control Specialist	Junior Engineer
Assistant Mechanical Engineer	Associate Electrical Engineer	

Supervising Engineers

Senior Civil Engineer	Senior Electrical Engineer	Senior Mechanical Engineer
Senior Control Systems Engineer	Senior Engineering Planner	Supervising Administrative 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	Plant Maintenance Mechanic
Automotive Mechanic A&B	Maintenance Superintendent	Plant Maintenance Superintendent
Equipment Superintendent	Maintenance Supervisor	Plant Maintenance Supervisor
Equipment Supervisor	Mechanical Supervisor	Plant Maintenance Worker I-III
General Equipment Mechanic	Meter Mechanic I-II	Plant Mechanical Maintenance Supervisor
Heavy Equipment Maintenance Worker I-III	Meter Reader/Mechanic	Senior Mechanic
Heavy Equipment Mechanic	Meter Reader/Mechanic Foreman	Senior Meter Mechanic/Backflow Tester
HVAC Mechanic	Meter Reader & Maintenance Supervisor	
Machining & Maintenance Worker I-III	Meter Mechanic/Backflow Tester	
Maintenance Machinist	Meter Repair and Testing Supervisor	

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	Senior Facility Technician
Facility Foreman	Instrument Worker I-III	

Service Maintenance

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

Heavy Equipment/Truck Operators

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

Rangers

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

Job Group Summary

Exhibit 3
As of June 30, 2016

Job Group	Total Number Incumbents	Total Number Females	Total Number Minorities	Total Percentage Females	Total Percentage Minorities
Directors/Managers	66	26	22	39.4%	33.3%
Programmers	98	33	58	33.7%	59.2%
Analysts	43	26	25	60.5%	58.1%
Professionals	49	25	23	51.0%	46.9%
Science Professionals	39	14	12	35.9%	30.8%
Administrative Assistants	55	50	40	90.9%	72.7%
General Clerical	109	92	68	84.4%	62.4%
Customer Services	100	57	64	57.0%	64.0%
Technicians	23	4	12	17.4%	52.2%
Plant Operators	122	10	52	8.2%	42.6%
Plant Operators Leads/Supervisors	40	4	16	10.0%	40.00%
Laboratory & Quality Control Techs	53	23	23	43.4%	43.4%
Rangers	34	7	5	20.6%	14.7%
Engineering	165	50	103	30.3%	62.4%
Supervising Engineering	42	7	17	16.7%	40.5%
Engineering Technicians	102	13	45	12.7%	44.1%
Pipeline Maintenance	199	4	95	2.0%	47.7%
Heavy Equipment/Truck Operators	90	3	26	3.3%	28.9%
Pipeline Maintenance Leads/Supervisors	72	2	36	2.8%	50.0%
Electrical/Structural Maintenance	103	3	30	2.9%	29.1%
Mechanical Maintenance	140	4	47	2.9%	33.6%
Service Maintenance	77	17	40	22.1%	51.9%
Totals	1,821	474	859		

Availability Analysis

Exhibit 4

Job Group: Directors/Managers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	38.3	39.8	40.00	15.3	15.9	*See below
Reasonable	36.8	37.6	5.00	1.8	1.9	California - 100%
Reasonable	35.2	21.2	5.00	1.8	1.1	National
Internal Factors:						
Feeders	29.9	44.2	50.00	14.9	22.1	Feeders
Final Availability %			100.00	33.9	41.0	

*Local Source: Alameda Co. 45.6%, Contra Costa Co. 31.5%, San Francisco Co. 7.4%, Solano Co. 4.7%, Santa Clara Co. 4.4%, Sacramento Co. 3.5%, San Mateo Co. 2.9%

Job Group: Programmers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	25.3	50.1	67.50	17.1	33.8	*See below
Reasonable	22.3	45.5	5.00	1.1	2.3	California – 100%
Reasonable	25.1	27.6	2.50	0.6	0.7	National
Internal Factors:						
Feeders	59.6	61.0	25.00	14.9	15.2	Feeders
Final Availability %			100.00	33.7	52.1	

*Local Source: Alameda Co. 52.1%, Contra Costa Co. 31.1%, San Francisco Co. 7.6%, Solano Co. 3.2%, Santa Clara Co. 2.7%, San Mateo Co. 2.2%, San Joaquin Co. 1.2%

Availability Analysis

Exhibit 4

Job Group: Analysts

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	60.2	46.1	59.50	35.8	27.4	*See below
Reasonable	58.4	40.0	7.00	4.1	2.8	California – 100%
Reasonable	57.7	26.2	3.50	2.0	0.9	National
Internal Factors:						
Feeders	88.7	69.3	30.00	26.6	20.8	Feeders
Final Availability %			100.00	68.5	51.9	

*Local Source: Alameda Co. 51.8%, Contra Costa Co. 31.1%, San Francisco Co. 7.4%, Solano Co. 3.6%, Santa Clara Co. 3.0%, San Mateo Co. 3.0%

Job Group: Other Professionals

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	58.6	50.1	72.50	41.1	36.3	*See below
Reasonable	49.2	39.6	5.00	2.5	2.0	California – 100%
Reasonable	44.3	21.4	2.50	1.1	0.5	National
Internal Factors:						
Feeders	57.3	62.9	20.00	11.5	12.6	Feeders
Final Availability %			100.00	56.2	51.4	

*Local Source: Alameda Co. 52.3%, Contra Costa Co. 25.9%, San Francisco Co. 6.6%, Solano Co. 4.4%, Santa Clara Co. 3.0%, San Mateo Co. 3.9%, Sacramento 1.4%, San Joaquin Co., 1.4%, Sonoma Co. 1.0%

Availability Analysis

Exhibit 4

Job Group: Science Professionals

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	49.0	38.2	60.00	29.4	22.9	*See below
Reasonable	48.8	39.2	7.50	3.7	2.9	California – 100%
Reasonable	44.2	24.1	7.50	3.3	1.8	National
Internal Factors:						
Feeders	43.4	43.4	25.00	10.8	10.8	Feeders
Final Availability %			100.00	47.2	38.5	

*Local Source: Alameda Co. 39.5%, Contra Costa Co. 24.8%, San Francisco Co. 7.8%, Solano Co. 4.1%, Santa Clara Co. 5.6%, San Mateo Co. 4.2%, Sacramento Co. 4.8%, Fresno Co. 4.0%, San Joaquin Co. 2.9%, Marin Co. 2.2%

Job Group: Administrative Assistants

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	85.1	52.0	45.00	38.3	23.4	*See below
Reasonable	84.5	47.9	5.00	4.2	2.4	California – 100%
Internal Factors:						
Feeders	84.4	62.4	50.00	42.2	31.2	Feeders
Final Availability %			100.00	84.7	57.0	

*Local Source: Alameda Co. 57.5%, Contra Costa Co. 30.3%, San Francisco Co. 5.2%, Solano Co. 4.2%, San Mateo Co. 2.8%

Availability Analysis

Exhibit 4

Job Group: General Clerical

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	84.2	51.5	95.00	80.0	48.9	*See below
Reasonable	83.0	49.4	5.00	4.2	2.5	California – 100%
Internal Factors:						
Feeders	0	0	0	0	0	Feeders
Final Availability %			100.00	84.2	51.4	

*Local Source: Alameda Co. 50.8%, Contra Costa Co. 33.2%, San Francisco Co. 2.7%, Solano Co. 6.2%, San Mateo Co. 1.3%, San Joaquin Co. 4.6%, Sacramento Co. 1.1%

Job Group: Customer Services

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	56.8	61.2	70.00	39.8	42.8	*See below
Reasonable	53.5	57.6	5.00	2.7	2.9	California – 100%
Internal Factors:						
Feeders	70.6	59.9	25.00	17.7	15.0	Feeders
Final Availability %			100.00	60.1	60.7	

*Local Source: Alameda Co. 50.5%, Contra Costa Co. 34.2%, San Francisco Co. 2.4%, Solano Co. 9.2%, San Joaquin Co. 3.8%

Availability Analysis

Exhibit 4

Job Group: Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	30.8	51.8	70.00	21.6	36.3	*See below
Reasonable	32.4	56.8	10.00	3.2	5.7	California – 100%
Reasonable	35.0	31.7	10.00	3.5	3.2	National
Internal Factors:						
Feeders	57.0	64.0	10.00	5.7	6.4	Feeders
Final Availability %			100.00	34.0	51.5	

*Local Source: Alameda Co. 39.2%, Contra Costa Co. 27.4%, San Francisco Co. 5.4%, Solano Co. 4.3%, San Mateo Co. 4.3%, Santa Clara Co. 4.3%, San Joaquin Co. 6.5%, Sonoma Co. 2.7%, Sacramento Co. 3.2%, Yolo Co. 2.7%

Job Group: Plant Operators

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	5.4	41.1	65.00	3.5	26.7	*See below
Reasonable	5.1	39.1	10.00	0.5	3.9	California – 100%
Internal Factors:						
Feeders	10.7	46.8	25.00	2.7	11.7	Feeders
Final Availability %			100.00	6.7	42.3	

*Local Source: Alameda Co. 40.5%, Contra Costa Co. 32.6%, Solano Co. 10.3%, San Joaquin Co. 5.0%, San Francisco Co. 3.6%, Sacramento Co. 3.2%, San Mateo Co. 2.3%, Santa Clara Co. 2.5%

Availability Analysis

Exhibit 4

Job Group: Plant Operators Lead/Supervisors

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	20.4	50.3	85.00	17.3	42.7	*See below
Reasonable	20.0	60.2	7.50	1.5	4.5	California – 100%
Reasonable	17.3	27.1	2.50	0.4	0.7	National
Internal Factors:						
Feeders	11.7	38.7	5.00	0.6	1.9	Feeders
Final Availability %			100.00	19.8	49.9	

Local Source: Alameda Co. 24.6%, Contra Costa Co. 21.4%, Solano Co. 10.1%, San Joaquin Co. 8.4%, Sacramento Co. 5.6%, Alpine and Nearby Counties 5.2%, San Mateo Co. 3.2%, Stanislaus Co. 2.8%, Sonoma Co. 2.8%, Fresno Co. 2.0%, San Bernardino Co. 2.0%, Kern Co. 1.6%, Santa Clara Co. 1.6%, El Dorado Co. 1.2%, Marin 1.2%, Napa Co. 1.2%, San Francisco Co. 1.2%, Santa Cruz Co. 1.2%

Job Group: Laboratory & Quality Control Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	56.6	52.7	85.00	48.1	44.8	*See below
Reasonable	48.9	52.9	12.50	6.1	6.6	California – 100%
Reasonable	50.7	29.6	2.50	1.3	0.7	National
Internal Factors:						
Feeders	0	0	0	0	0	
Final Availability %			100.00	55.5	52.1	

*Local Source: Alameda Co. 47.6%, Contra Costa Co. 24.3%, San Francisco Co. 6.8%, Santa Clara Co. 5.3%, San Joaquin Co. 4.5%, Sacramento Co. 3.9%, San Mateo Co. 3.5%, Solano Co. 4.0%

Availability Analysis

Exhibit 4

Job Group: Rangers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	20.1	66.8	80.00	16.1	53.4	*See below
Reasonable	16.4	63.4	15.00	2.5	9.5	California – 100%
Reasonable	16.4	32.9	5.00	0.8	1.6	National
Internal Factors:						
Feeders	0	0	0	0	0	
Final Availability %			100.00	19.4	64.6	

*Local Source: Contra Costa Co. 32.7%, Alameda Co. 28.5%, Alpine and Nearby Counties 12.1%, Solano Co. 2.4%, San Joaquin Co. 8.5%, Sacramento Co. 3.6%, San Mateo Co. 3.6%, Santa Clara Co. 3.6%, Mariposa + Tuolumne Co. 3.0%, Stanislaus Co. 1.8%

Job Group: Engineers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	15.3	53.0	80.00	12.2	42.4	*See below
Reasonable	14.3	44.7	12.50	1.8	5.6	California – 100%
Reasonable	12.1	23.8	5.00	0.6	1.2	National
Internal Factors:						
Feeders	13.6	45.6	2.50	0.3	1.1	Feeders
Final Availability %			100.00	15.0	50.3	

*Local Source: Alameda Co. 40.5%, Contra Costa Co. 20.9%, San Francisco Co. 9.3%, Sacramento Co. 5.5%, Santa Clara Co. 8.4%, Los Angeles Co. 4.4%, San Mateo Co. 4.1%, Solano Co. 2.8%, Orange Co. 2.2%, San Joaquin Co. 2.0%

Availability Analysis

Exhibit 4

Job Group: Supervising Engineers

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	9.4	45.9	35.00	3.3	16.1	*See below
Reasonable	11.1	39.0	5.00	0.6	2.0	California – 100%
Internal Factors:						
Feeders	30.3	62.4	60.00	18.2	37.5	Feeders
Final Availability %			100.00	22.0	55.5	

*Local Source: Alameda Co. 52.5%, Contra Costa Co. 30.4%, San Francisco Co. 6.3%, San Mateo Co. 5.7%, Marin Co. 5.1%

Job Group: Engineering Technicians

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	16.5	39.5	70.00	11.6	27.7	*See below
Reasonable	16.2	37.4	10.00	1.6	3.7	California – 100%
Reasonable	15.1	19.6	5.00	0.8	1.0	National
Internal Factors:						
Feeders	2.0	47.7	15.00	0.3	7.2	Feeders
Final Availability %			100.00	20.1	40.5	

*Local Source: Alameda Co. 41.0%, Contra Costa Co. 31.6%, Solano Co. 6.8%, San Francisco Co. 5.5%, Sacramento Co. 5.2%, San Joaquin Co. 4.9%, San Mateo Co. 2.8%, Santa Clara Co 2.1%,

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	1.1	56.4	92.50	1.0	52.1	*See below
Reasonable	1.6	58.3	5.00	0.1	2.9	California – 100%
Internal Factors:						
Feeders	22.1	51.9	2.50	0.6	1.3	Feeders
Final Availability %			100.00	1.6	56.4	

*Local Source: Contra Costa Co. 43.4%, Alameda Co. 34.7%, Solano Co. 9.1%, San Joaquin Co. 6.2%, Sacramento Co. 1.6%, San Francisco Co. 1.6%, Santa Clara Co 1.2%, Stanislaus Co. 1.2%, San Mateo Co. 1.1%

Job Group: Heavy Equipment/Truck Operators

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	4.8	59.5	65.00	3.1	38.7	*See below
Reasonable	4.4	60.1	5.00	0.2	3.0	California – 100%
Internal Factors:						
Feeders	2.0	47.7	30.00	0.6	14.3	Feeders
Final Availability %			100.00	4.0	56.0	

*Local Source: Contra Costa Co. 36.7%, Alameda Co. 30.4%, Solano Co. 12.4%, San Joaquin Co. 8.0%, Alpine and Nearby Counties 2.5%, Sacramento Co. 2.0%, Santa Clara Co. 1.7%, San Mateo Co. 1.6%, Stanislaus Co. 1.4%, Napa Co. 1.3%, San Francisco Co. 1.1%, Sonoma Co. 0.8%

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance Lead/Supervisors

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	4.5	42.3	10.00	0.4	4.2	*See below
Reasonable	0	0	0	0	0	0
Internal Factors:						
Feeders	2.4	41.9	90.00	2.2	37.7	Feeders
Final Availability %			100.00	2.6	41.9	

*Local Source: Contra Costa Co. 54.4%, Alameda Co. 21.9%, Solano Co. 6.9%, San Joaquin Co. 6.9%, Stanislaus Co. 4.4%, San Mateo Co. 3.1%, Napa Co. 1.3%, Sacramento Co. 0.6%, Sonoma Co. 0.6%

Job Group: Electrical/Structural Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	3.8	48.5	85.00	3.2	41.3	*See below
Reasonable	4.3	51.0	10.00	0.4	5.1	California – 100%
Internal Factors:						
Feeders	17.4	52.2	5.00	0.9	2.6	Feeders
Final Availability %			100.00	4.5	49.0	

*Local Source: Contra Costa Co. 41.6%, Alameda Co. 33.2%, Solano Co. 10.7%, San Joaquin Co. 3.6%, San Mateo Co. 2.8%, Santa Clara Co. 2.6%, Sonoma Co. 2.2%, San Francisco Co. 1.8%, Sacramento Co. 1.4%

Availability Analysis

Exhibit 4

Job Group: Mechanical Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	1.4	42.6	80.00	1.1	34.1	*See below
Reasonable	4.7	57.6	10.00	0.5	5.8	California – 100%
Internal Factors:						
Feeders	2.3	41.1	10.00	0.2	4.1	Feeders
Final Availability %			100.00	1.8	44.0	

*Local Source: Alameda Co. 41.6%, Contra Costa Co. 38.4%, Solano Co. 9.1%, San Joaquin Co. 4.7%, Alpine and Nearby Counties 3.6%, San Francisco Co. 2.7%

Job Group: Service Maintenance

As of June 30, 2016

	Raw %			Weighted %		
Factor	Female	Minority	Factor Weight	Female	Minority	Source
External Factors:						
Local	25.0	68.7	97.50	24.4	67.0	*See below
Reasonable	0	0	0	0	0	0
Internal Factors:						
Feeders	2.0	47.7	2.50	0.1	1.2	Feeders
Final Availability %			100.00	24.4	68.2	

*Local Source: Alameda Co. 48.8%, Contra Costa Co. 31.7%, Solano Co. 6.4%, San Joaquin Co. 3.8%, San Francisco Co. 3.2%, Alpine and Nearby Counties 2.0%, Sacramento Co. 1.6%, San Mateo Co. 1.1%, Santa Clara Co. 0.9%, Stanislaus Co. 0.5%

Placement Goal Analysis

Exhibit 5
As of June 30, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Directors/Managers	66	33.3	41.0	39.4	33.9	NO	NO
Programmers	98	59.2	52.1	33.7	33.7	NO	NO
Analysts	43	58.1	51.9	60.5	68.5	NO	NO
Professionals	49	46.9	51.4	51.0	56.1	NO	NO
Science Professionals	39	30.8	38.5	35.9	47.2	NO	NO
Administrative Assistants	55	72.7	57.0	90.9	84.7	NO	NO
General Clerical	109	62.4	51.4	84.4	84.2	NO	NO
Customer Service	100	64.0	60.7	57.0	60.1	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, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Technicians	23	52.2	51.5	17.4	34.0	NO	NO
Plant Operators	122	42.6	42.3	8.2	6.7	NO	NO
Plant Operator Leads/Supervisors	40	40.0	49.9	10.0	19.8	NO	NO
Laboratory & Quality Control Techs.	53	43.4	52.1	43.4	55.5	NO	NO
Rangers	34	14.7	64.6	20.6	19.4	YES	NO
Engineers	165	62.4	50.3	30.3	15.0	NO	NO
Supervising Engineers	42	40.5	55.5	16.7	22.0	NO	NO
Engineering Technicians	102	44.1	39.6	12.7	14.2	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, 2016

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Pipeline Maintenance	199	47.7	56.4	2.0	1.6	YES	NO
Heavy Equipment / Truck Operators	90	28.9	56.0	3.3	4.0	YES	NO
Pipeline Maintenance Lead/Supervisors	72	50.0	41.9	2.8	2.6	NO	NO
Electrical/Structural Maintenance	103	29.1	49.0	2.9	4.9	YES	NO
Mechanical Maintenance	140	33.6	44.0	2.9	1.8	YES	NO
Service Maintenance	77	51.9	68.2	22.1	24.4	YES	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.

**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, 2015 – June 30, 2016

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.

The 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.

The District is also committed to abiding with the Pay Transparency Nondiscrimination Provisions and therefore, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The District's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the District's legal duty to furnish the information.

If you have any questions regarding our EEO, harassment policies or the complaint procedure, you may contact the Diversity and Inclusion Office. The AAP may be reviewed by making an appointment with the Diversity and Inclusion 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 of 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 2016 outreach activities:

Below is the District's evaluation of outreach activities set forth in the FY 2016 AAP:

Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
Increase outreach to organizations representing Protected Veteran and IWD populations	Ongoing	The District developed a list of over 100 organizations at the end of FY 2015, which included a number of organizations representing Protected Veteran and IWD constituencies. Upcoming recruitments and job openings were sent to all of these organizations. The	This activity increased the representation of Protected Veterans and IWDs in qualified applicant pools. The District went from .99% Protected Veteran applicants in FY2015 to 2.7% in FY 2017 and from 1.6% IWD applicants in FY 2015 to 2.8% in FY 2016.

		District also attended several Veterans' job fairs.	
Reposting positions with low numbers of Protected Veteran or IWD applicants	Not accomplished	Evaluate the feasibility of reposting positions to allow further outreach if a report reveals there is an insufficient representation of Protected Veterans or IWDs in the applicant pool.	
Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
District-hosted Career and Resource Fair	January 23, 2016	The District invited organizations representing Protect Veterans and IWDs, e.g., Swords to Plowshares and Rubicon Programs, to provide support and services to these constituencies and invited Protected Veterans and IWDs. The District held workshops for veterans on how to translate their military experience into language that will assist them in obtaining jobs at the District and workshops on the civil service process, including completion of the District application and interviewing.	40 of 400 registrants for the Fair, or 10%, self-identified as Protected Veterans. 18 of 400 registrants for the Fair, or 4.5%, self-identified as an IWD. This activity increased the representation of Protected Veterans and IWDs in qualified applicant pools. 52 of the Fair registrants applied for District FY 2016 District jobs. The District went from 99% Protected Veteran applicants in FY 2015 to 2.7% in FY 2017 and from 1.6% IWD applicants in FY 2015 to 2.8% in FY 2016.
Outreach/ Workforce Development partnership development	Not accomplished	Develop workshops on the civil services process, completion of the District application, interviewing, and exam preparation.	
Plumber Apprentice Internship Program with a focus on	In progress.	This goal was expanded to all trades. The District considered partnerships with RichmondBUILD, Swords to Plowshares and	

Protected Veterans		CSUEB. These options did not meet the District's needs. The District is now exploring a partnership with Peralta.	
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Outreach/ Recruitment Activity	Date of Activity	Description	Evaluation of Each Activity
Disability Pilot Program	In progress.	The District researched and recommended a worker-trainee position to pilot hosting a developmentally disabled individual in the HR Department. Due to budget constraints, the District was not able to secure funding. The District will explore the possible use of stipend funds for this pilot program this year.	

FY 2017 outreach activities:

Based on the data analysis set forth in Section K below, during FY 2017, the District should increase/improve outreach to attract more qualified Protected Veteran and IWD applicants, including identifying other organizations that represent such constituencies as well as outreach events with such candidates. Also as set forth in Section K below, the number/percentage of Protected Veteran and/or IWD applicants is not necessarily translating into such hires. Accordingly, the District will explore with its current applicant tracking vendor the ability to report the number/percentage of Protected Veteran and IWD candidates at each step of the recruitment process via the applicant flow report to help determine exactly where the obstacles exist. In addition, the District will continue to explore partnerships for application, interview and test prep workshops. Finally, the District will look into a stipend model for the Disability Pilot Program discussed above as well continue discussions with Peralta on development of a Trades Apprentice Internship Program, which will include Protected Veteran participants.

Based upon the District's review of its personnel policies as described in subpart B, the following activities will be continued to further enhance the District's 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 6.9% 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 District also adopted the current national utilization goal of 7.0% for qualified IWDs. 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 opportunity in the employment of Protected Veterans and IWDs.

During the FY 2016 AAP period, 115 job applicants out 11,657 total applicants self-identified as Protected Veterans for a total percentage of .99% Protected Veteran applicants. Of those applicants, 7 Protected Veterans out of a total of 186 applicants were hired for a hire rate of 3.8% Protected Veterans. The District improved on these rates during the FY 2017 AAP period. During this year's AAP period, 299 job applicants out 11,060 total applicants self-identified as Protected Veterans for a total percentage of 2.7% Protected Veteran applicants. Of those applicants, 14 Protected Veterans out of a total of 310 applicants were hired for a hire rate of 4.5% Protected Veterans.

During the FY 2016 AAP period, the District had 188 job applicants out 11,657 total applicants who self-identified as an IWD for a total percentage of 1.6% applicants with a disability. The District improved on the number of qualified applicants with a disability during the FY 2017 AAP period. During this year's AAP period, 305 applicants out 11,060 total applicants self-identified as an IWD for a total percentage of 2.8% applicants with a disability. The additional number/percentage of applicants, however, did not translate into additional hires. During the FY 2016 AAP period, 12 IWDs out of a total of 186 applicants were hired for a hire rate of 6.5% IWDs. The hire rate dropped during the FY 2017 AAP period. During this year's AAP period, 7 IWDs out of a total of 310 applicants were hired for a hire rate of 2.3% IWDs. This drop did not greatly impact the overall incumbency percentage of IWDs and did not negatively impact the incumbency rate when broken out by job

group. During the FY 2016 AAP period, 78 employees of 1,780 total employees (4.4%) self-identified as an IWD. During the FY 2017 AAP period, 75 employees of 1,821 total employees (4.1%) self-identified as an IWD. During the FY 2016 AAP period, the District's incumbency rate for IWDs was at or above the utilization goal for 4 job groups: Analysts, Professionals, Science Professionals, and Laboratory and Quality Control Technicians. During the FY 2017 AAP period, the District's incumbency rate for IWDs remained at or above the utilization goal for the Analysts, Science Professionals, and Laboratory and Quality Control Technicians job groups. The incumbency rate for IWDs dropped below the utilization goal for the Professionals job group to 4.1%. However, the District's incumbency rate for IWDs increased to at or above the utilization goal for the Directors/Managers and Service Maintenance job groups.

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, it was determined that the primary problem area was that the representation of Protected Veterans and IWDs in applicant pools, while greatly improved from the previous year, is still insufficient.

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, 2016

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

		FY15	FY16	FY17
1	Total number/% of all "Applicants"* who self-identified as a protected veteran	115 of 11,657 (.99%)	299 of 11,060 (2.7%)	
2	Total number of job openings in AAP Year in establishment	263	397	
3	Total number of jobs filled	238	390	
4	Total number of all "Applicants" to the establishment	11,657	11,060	
5	Total number/% of protected veterans "Applicants" (external and competitive promotions) hired	7 of 186 (3.76%)	14 of 310 (4.5%)	
6	Total number of "Applicants" hired (external and competitive promotions)	186	310	

*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 GOALS ANALYSIS

Exhibit 7
As of June 30, 2016

DATA METRICS FOR INDIVIDUALS WITH DISABILITIES 41 C.F.R. § 60-741.44(k)
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		FY15	FY16	FY17
1	Total number/% of all “Applicants”* who self-identified as an individual with a disability	118 of 11,657 (1.61%)	305 of 11,060 (2.8%)	
2	Total number of job openings in AAP Year in establishment	263	397	
3	Total number of jobs filled	238	390	
4	Total number of all "Applicants"	11,657	11,060	
5	Total number/% of "Applicants" (external and competitive promotions) with disabilities hired	12 of 186 (6.45%)	7 of 310 (2.3%)	
6	Total number of "Applicants" hired (external and competitive promotions)	186	310	
*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

DATE: February 9, 2017

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ARC*

FROM: Laura A. Brunson, Manager of Human Resources *Laura*

SUBJECT: District Employee Recognition and Service Award Program

SUMMARY

At the November 8, 2016, Legislative/Human Resources Committee meeting, staff provided an update on the District's Employee Recognition and Service Award Program. Staff will discuss the updated program, outlined below, at the February 14, 2017, Legislative/Human Resources Committee meeting.

DISCUSSION

The District has a proud heritage of recognizing and celebrating the efforts and achievements of its employees who provide vital services to East Bay residents, businesses, and visitors. Following a year-long employee-guided program redevelopment, the District is prepared to launch an updated Employee Recognition and Service Award Program in March 2017. The goal of the program is to create and maintain a culture of appreciation for all District employees and the work that they do.

The cross-organizational Employee Recognition team developed this program with input from the 2015 Employee Recognition Survey, interviews with public and private organizations, and data from the Society for Human Resource Development's employee recognition survey conducted in 2015. Trends from these sources indicated a movement towards employee engagement through peer and informal recognition. The updated program reflects these trends and provides a platform for participation of all employees.

The updated program has four elements that contribute to the appreciation and celebration of our staff:

- Longevity and Retirement Awards
- Peer Recognition
- Local Recognition
- Employee Appreciation Month

Longevity and Retirement Awards

The District has historically recognized the years of service contributed by employees. Currently, employees are recognized for every five years of service. They are awarded a certificate and a decorative recognition pin for five years of service. For ten or more years of service, they receive a certificate and a choice of a decorative recognition pin or a tangible gift through the District's recognition vendor.

Under the updated service award program employees will now receive:

1. A District Pin,
2. A Certificate of Appreciation, and
3. Their choice of one of two equally-valued options:
 - a. EBMUD branded items offered at the District Store; or
 - b. Merchandise from a vendor catalog, and
4. Employees reaching the 20-year service level will be awarded a wooden Water Drop plaque (created by EBMUD staff).

Peer Recognition Program

The Peer Recognition Program allows any District employee or team to be recognized for one or more of the following six performance/contribution behaviors:

1. Going Above and Beyond
2. Environmental Stewardship
3. Living the Values
4. Mentorship
5. Safety
6. Service to Others

Peer recognition is administered through the use of a peer recognition card. The recognition cards will provide a simple on the spot "thank you" or acknowledgement when someone is seen exemplifying one or more of the targeted performance/contribution behaviors. The program allows for any employee to recognize another employee at any time.

The program will be implemented in two phases:

- Phase 1 - Paper recognition cards
- Phase 2 - Electronic/Social media style version cards

All recognized employees will be entered into a quarterly drawing. Each quarter, five employees will be selected to receive a \$25 gift certificate to the District Store.

Local Recognition Programs

In addition to peer recognition, each department or division is encouraged to identify their own unique and meaningful local awards. Groups can choose to honor and reinforce behaviors and/or achievements that are specific to the success of the group. Current examples include the Safety and Perfect Attendance Awards for Operations and Maintenance (O&M). These two awards are important to the successful implementation of the group's objectives and are recognized by the culture of O&M as being worthy achievements. In both cases, employees are recognized in the midst of their peers.

Departments will be provided ideas and templates for creating meaningful local awards.

Employee Appreciation Month

July is being designated as the District's Employee Appreciation Month. Throughout the month, all departments will have the opportunity to choose the best options for appreciating staff. The District will celebrate the achievements of the organization and recognize employees that have been acknowledged through the peer and local recognition processes.

- Departments will receive dedicated funds on a per full-time-employee basis to provide an employee recognition celebration (this provides groups local control of celebrations).
- Staff will create an employee highlight video to be shown at the local State of the District Addresses featuring peer and/or local recognized employees.

The updated program will modify the District service award program, replacing the District's current longevity and retirement awards vendor with a new lower cost vendor and retire the existing Employee Excellence Program.

FISCAL IMPACT

There is no significant increase in costs associated with the recommended program revisions. Currently, the District expends approximately \$140,000 annually for its Service Award and Employee Excellence Award programs. Under the recommended program, service awards costs will be reduced by 25 percent and the savings will be used to fund the recognition and appreciation components of the revised program.

Funds are available in the FY17 budget and will be considered for inclusion in the FY18/19 budget.

NEXT STEPS

The Board will be asked to consider adopting a resolution in support of the updated program at the February 14, 2017 Board of Directors meeting.

ARC:LB.rdw

