



EQUAL EMPLOYMENT OPPORTUNITY (EEO)

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Ensure equal employment opportunity for all persons in all aspects of employment.

Purpose	To provide equal employment opportunity (EEO) for everyone, and ensure fairness in all aspects of the District's employment practices. This policy is implemented in compliance with state and federal laws and is further detailed in District Procedure 614.
Scope	<p>This policy prohibits unlawful discrimination, harassment, and retaliation by any District employee, including supervisors, managers, coworkers, as well as by any third party (e.g., applicants, vendors, customers, members of the public, independent contractors) who come into contact with an employee. Board members are also prohibited from engaging in discrimination or harassment as provided in the Policy 6.04, Ethics of the EBMUD Board of Directors, and as prescribed in this policy. This policy applies to all aspects of employment, including recruitment, hiring, placement, promotion, transfer, training, discipline, and all other terms and conditions of employment.</p> <p>The District develops and implements Affirmative Action Programs in a manner that is consistent with applicable federal and state laws. These programs include making inclusive, creative, and comprehensive recruitment, outreach and placement efforts to ensure the District's workforce reflects the diversity of the labor market, including representation from traditionally marginalized and underrepresented communities. The District uses good faith outreach efforts that are neutral and do not favor, discriminate against, or disparately impact any group. The District also takes affirmative action to employ and advance employment of qualified protected veterans and individuals with disabilities.</p>
Definitions	<p><u>Adverse Impact</u> When the use of a facially neutral policy or selection procedure disqualifies members of a protected class at a substantially higher rate than others.</p> <p><u>Adverse Employment Action</u> Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in a protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.</p> <p><u>Applicant</u> An individual who has completed an employment application for a specific position at the District.</p> <p><u>Complaint</u> An oral or written allegation of discrimination, harassment, and/or retaliation.</p>

EEO Discrimination

Discrimination in employment decisions based on an individual's protected group status. This includes decisions related to recruitment, hiring, placement, promotion, transfer, training, discipline, working conditions, wage administration, benefits, and policy application.

Harassment, failure to accommodate religious practices, and retaliation, are also considered forms of discrimination.

Employee

An individual selected and/or appointed to a position created and authorized by the Board of Directors and receiving compensation and benefits from the District, including individuals in Board authorized job classifications with the term "intern" in the title.

Independent Contractor

A person that is not an employee of the District and provides goods or services to the District under terms specified in a contract.

Protected Groups

This policy prohibits discrimination or harassment on the basis of race (i.e., racial characteristics including hair style/texture), color, religion, creed, sex, reproductive health decision making, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age (forty or older), national origin, ancestry, disability (mental or physical), medical condition (cancer or genetic characteristics), genetic information, sexual orientation, military and/or veteran status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws.

Retaliation

Any adverse employment action taken against an employee for engaging in a protected activity, such as reporting or assisting in reporting violations of this policy or cooperating in investigations.

Examples include demotion, suspension, denial of promotion, harassment, or any action that could deter an employee from engaging in protected activities.

Student/Trainee

Any District authorized student or trainee who is not compensated by the District but is either paid by a third party or retained by a third party to work at the District in order to gain job experience or academic credit.

Vendor

An employee, owner, or agent of a company that provides goods or services to the District.

Volunteer

Individuals serving as unpaid helpers for various community events. Individuals who volunteer or donate their services, usually on a limited basis, for public service, religious or humanitarian objectives for non-profit organizations that receive their service.

Workplace

The workplace exists where there is a nexus between the behavior and the EEO rights of employees or others (customers, vendors, members of the public, etc.). The workplace may include District facilities and worksites, or off-site locations, outside of the District's facilities, such as off-site meetings and trainings and social functions involving District employees or related to District activities.

Responsibilities**All District Employees**

All District employees, including members of the Board of Directors, are expected to report to their supervisor and/or manager, or any supervisor or manager at the District, and/or to the Diversity and Inclusion Office (DIO) any EEO discrimination or workplace harassment that they become aware of.

Supervisors/Managers

Supervisors and managers are required to report any apparent or suspected EEO discrimination, harassment, or retaliation to their supervisor/manager and the DIO within two (2) business days of becoming aware of such conduct. They must also pro-actively monitor their work units for discriminatory or harassing behavior and take appropriate steps to correct any violations of this policy. Supervisors and managers are required to enforce this policy and ensure all employees in their unit are informed about and adhere to this policy.

Supervisors and managers act on behalf of the District. A supervisor/manager's duties include monitoring their work unit for discriminatory or harassing behavior and taking appropriate steps to stop and correct behavior that violates the District's EEO policy. Supervisors/managers must also adhere to this policy. Each supervisor/manager is expected to familiarize themselves with the District's policies prohibiting EEO discrimination and harassment, to incorporate them into their own workplace conduct, and to inform employees in the work unit to do the same.

Follow-up and Monitoring

Once conduct prohibited by this policy has been reported in a work unit, periodic and regular follow-up by the supervisor/manager or the DIO shall be taken to monitor the workplace for discriminatory or harassing behavior, and to prevent retaliation from occurring. Employees are also responsible for notifying the DIO or supervisors/managers if retaliation occurs.

Remedies

Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. The District will promptly, thoroughly and fairly investigate every issue that is brought to its attention in this area and will take corrective action, as appropriate, up to and including termination of employment. The investigation will provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected.

Authority

Resolution 32952-95, December 12, 1995
As amended by Motion 173-01, October 9, 2001
As amended by Resolution 33438-04, September 14, 2004
Reaffirmed by Motion 195-07, November 13, 2007
As amended by Motion 016-09, February 10, 2009
Reaffirmed by Motion 006-11, January 11, 2011
As amended by Resolution 33864-12, January 24, 2012
Reaffirmed by Motion 026-14, February 11, 2014
As amended by Resolution 35029-17, March 28, 2017
As amended by Resolution 35132-19, February 26, 2019
As amended by Resolution 35221-21, April 27, 2021
As amended by Resolution 35451-25, May 27, 2025

Title VII, Civil Rights Act of 1964 as amended (42 U.S.C. §2000e et seq.), including The Pregnancy Discrimination Act; The Equal Pay Act of 1963 (29 U.S.C. §206(d) et seq.); The Age Discrimination in Employment Act of 1967 (29 U. S.C. §621 et seq.); Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); The Genetic Information Nondiscrimination Act of 2008; Immigration Reform and Control Act (8 U.S.C. 1101 et seq.); Executive Order 11246; Family and Medical Leave Act ([29 U.S.C. §2601, et seq.](#)); Rehabilitation Act of 1973, Section 503; Uniformed Services Employment and Reemployment Rights Act ([38 U.S.C. §§ 4301–4335](#)); Vietnam Era Veterans' Readjustment Assistance Act ([38 U.S.C. § 4212](#)); California Fair Employment and Housing Act (Gov. Code §12900 et seq.), including the California Family Rights Act ([Gov. Code §12945.2](#)).

References

District Affirmative Action Programs
Policy 2.02 – Accommodation for Individuals with Disabilities in the Workplace
Policy 2.05 – Employee Discipline
Policy 6.04 – Ethics of the EBMUD Board of Directors
Policy 6.07 – Prevention of Workplace Harassment
Procedure 201 – Accommodation for Individuals with Disabilities in the Workplace
Procedure 223 – Discipline
Procedure 614 – Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals