



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**Notice of Location Change**

**LEGISLATIVE/HUMAN RESOURCES  
COMMITTEE MEETING**

**Tuesday, May 11, 2021**

**10:15 a.m.**

***\*\*Virtual\*\****

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the May 11, 2021 Legislative/Human Resources Committee meeting **will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: May 6, 2021

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole  
Secretary of the District

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

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

Office of the Secretary: (510) 287-0440

**AGENDA  
Legislative/Human Resources Committee  
Tuesday, May 11, 2021  
10:15 a.m.  
\*\*Virtual\*\***

**Location**

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar or teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Committee Members John A. Coleman {Chair}, Lesa R. McIntosh,  
and William B. Patterson will participate by webinar or teleconference*

**\*\*\* Please see appendix for public participation instructions\*\*\***

**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. 05-21 and consider positions on the following bills:  
AB 315 (Stone) Voluntary Stream Restoration Property Owner Liability;  
Indemnification; AB 1110 (R. Rivas) Zero-Emission Vehicles: Office of the California  
Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program; AB 1371  
(Friedman) Recycling: Plastic: Packaging and Carryout Bags; SB 372 (Leyva) Medium-  
and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and  
receive information on State and Federal Government Actions Related to the Coronavirus  
Disease 2019 (COVID-19)
  - Update on Legislative Issues of Interest to EBMUD
2. Fiscal Year 2021 Affirmative Action Program Report (Acosta)

**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](http://www.ebmud.com).*

W:\Board of Directors - Meeting Related Docs\Agendas\Agendas 2021\2021 LHR Committee\051121\_LHR\_agenda.doc

**Legislative/Human Resources Committee Meeting**  
**Tuesday, May 11, 2021**  
**10:15 a.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Board committee meetings are recorded, and live-streamed on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

**Webinar ID:** 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

**Webinar ID:** 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/j/98022213415>

**Providing public comment**

The EBMUD 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.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment  
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
  - If you participate by phone, press \*9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded

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**To observe the Legislative/Human Resources Committee Meeting,**  
**please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: May 6, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Legislative Report No. 05-21

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, on May 11, 2021.

### **RECOMMENDED ACTION**

Approve positions on the following bills: 1) Support AB 315 (Stone) Voluntary stream restoration property owner liability: indemnification; 2) Support AB 1110 (R. Rivas) Zero-emission vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program; 3) Support AB 1371 (Friedman) Recycling: plastic: packaging and carryout bags; 4) Support SB 372 (Leyva) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

### **STATE LEGISLATION**

### **RECOMMENDED POSITION**

<b>AB 315 (Stone)</b>	<b>VOLUNTARY STREAM RESTORATION PROPERTY OWNER LIABILITY: INDEMNIFICATION</b>	<b>SUPPORT</b>
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Existing law prohibits a person or entity from diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, unless notification is provided to the Department of Fish and Wildlife (DFW) and specified conditions are met. After notification to DFW, a lake or streambed alteration agreement may be necessary to protect fish and wildlife resources.

Existing law contained in the Habitat Restoration and Enhancement Act (Act) defines a habitat restoration or enhancement project as one whose primary purpose is improving fish and wildlife habitat. These projects are required to meet certain eligibility criteria for the State Water Resources Control Board's (SWRCB) Order for Clean Water Act Section 401 General Water Quality Certification for a small habitat restoration project, or its current equivalent. State law

specifies several different ways a project proponent can submit a habitat restoration or enhancement project for approval pursuant to the Act, which depends on whether the project has received certification pursuant to the SWRCB's 401 process.

AB 315 (Stone), as amended April 21, 2021, would grant limited liability protections to property owners who voluntarily allow habitat restoration projects—the lake and streambed alteration agreements and specified habitat restoration or enhancement projects mentioned previously—to take place on their property. The bill would require the state of California to indemnify and hold harmless a property owner from civil liability for property damage or personal injury resulting from the project if the project meets certain requirements and the liability stems from construction-related activities. The bill's provisions are modeled after construction defect standards in existing law.

To meet the requirements of the bill, the project would need to meet three core criteria. First, the project must be funded, at least in part, by a state or federal agency whose mission includes restoring habitat for native fish and wildlife. Second, a project must receive necessary permits and approvals from state regulators, including water diversion permits and habitat restoration permits from DFW, and all necessary dam safety and water quality permits from the Department of Water Resources and the SWRCB. Third, the property owner is prohibited from performing, or retaining any person or entity to perform any construction, design specifications, surveying, planning, supervising, testing or observation of construction related to the project. Additionally, the bill allows the state to seek to enter into an agreement with the United States government, or subdivision thereof, to share the cost of any civil liability.

According to the author, AB 315 “seeks to encourage landowners to voluntarily permit streambed restoration projects to occur on their property by providing property owners limited liability protection should a streambed restoration project result in damages. This bill recognizes that habitat and ecosystem is a public good that benefits all Californians...”

EBMUD conducts habitat restoration along the lower Mokelumne River, in the Mokelumne River watershed, and in the East Bay watershed. While most projects occur on EBMUD property, future projects may occur on private land, especially in the Mokelumne River corridor. This measure would expand the number of potential project sites by providing some liability protection for landowners who might otherwise be reluctant to participate. The bill's intent to encourage habitat restoration is consistent with EBMUD's stewardship goals. AB 315 would not impose any direct costs on EBMUD and is not anticipated to increase EBMUD's exposure to liability. Benefits are anticipated to accrue by potentially increasing the number of future project sites thus facilitating the restoration of habitat throughout the state, including in areas near EBMUD's watershed lands.

EBMUD previously supported SB 448 (Pavley, Chapter 184, Statutes of 2009), which established a program to encourage landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by what was formerly known as the Department of Fish

and Game, to benefit endangered, threatened, or candidate species without being subject to additional regulatory restrictions as a result of their conservation efforts.

The official list of support and opposition to AB 315 is shown below.

Support

Trout Unlimited (sponsor)  
Association of California Water Agencies  
California Association of Realtors  
California Association of Resource  
Conservation Districts  
California Native Plant Society  
California Trout  
California Watershed Network  
Defenders of Wildlife  
Environmental Defense Action Fund  
Lagunitas Creek Technical Advisory  
Committee

Support continued

Marin Resource Conservation District  
Midpeninsula Regional Open Space District  
The Nature Conservancy  
Regional Water Authority  
Solano County Water Agency  
Sonoma Land Trust

Opposition

None listed

<b>AB 1110</b>	<b>ZERO-EMISSION VEHICLES:</b>	<b>SUPPORT</b>
<b>(R. Rivas)</b>	<b>OFFICE OF THE CALIFORNIA CLEAN</b>	
	<b>FLEET ACCELERATOR: CLIMATE CATALYST</b>	
	<b>REVOLVING LOAN FUND PROGRAM</b>	

At the April 13 Board meeting, staff was asked to bring AB 1110 back for reconsideration with additional information on the author's intent regarding vehicle procurement. This write-up includes additional information that has been gathered since April 13.

Existing law, the Charge Ahead California Initiative, administered by the California Air Resources Board (CARB), includes goals of, among other things, placing in service at least one million zero-emission and near zero-emission vehicles by January 1, 2023. Goals also include establishing a self-sustaining California market for zero-emission and near zero-emission vehicles in which these vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets. In addition, the Climate Catalyst Revolving Loan Fund Act of 2020 established the Climate Catalyst Revolving Loan Fund Program to provide low-cost, low-interest financing to support eligible low carbon technology and infrastructure projects.

AB 1110 (R. Rivas), as amended on May 3, 2021, is intended to remove barriers public agencies face in transitioning to zero-emission vehicles. To accomplish this, AB 1110 would primarily do four things: 1) establish the Office of the California Clean Fleet Accelerator administered by the Governor's Office of Business and Economic Development (GO-Biz); 2) establish a Clean Vehicles Ombudsperson (Ombudsperson) to, among other things, oversee the Office of the California Clean Fleet Accelerator and provide assistance to public agencies in procuring zero-

emission vehicles; 3) make zero-emission fleet vehicles available through a streamlined bulk purchase process by requiring the Department of General Services (DGS) to develop a non-mandatory master service agreement or a leveraged procurement agreement with standard pricing for bulk purchases of zero-emission fleet vehicles; and 4) provide financial assistance for purchasing zero-emission vehicles by expressly providing that the acquisition of a zero-emission fleet vehicle through the master service agreement or leveraged procurement agreement is eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. Under AB 1110, zero-emission fleet vehicles would include vehicles and off-road equipment such as forklifts and motorized construction or utility equipment.

According to the California Zero-Emission Vehicle Market Development Strategy report, greenhouse gas emissions “are falling in California as a whole, led by our clean electricity sector, but transportation still accounts for nearly 50 percent of the total. Medium- and heavy-duty trucks are the largest source of vehicle pollution” even though they make up only two million of the 30 million registered vehicles in California. A “robust, competitive, and equitable zero-emission vehicle market is a critical and necessary answer to a series of stubborn problems, including but not limited to: greenhouse gas emissions, toxic air contaminants, and criteria pollutants from California’s more than 30 million vehicles and corresponding fossil-fuel consumption.”

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in-state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045, where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

According to the bill’s author, public agencies and entities face multiple barriers to adopting zero-emission vehicles. These agencies and entities have limited resources to acquire zero-emission vehicles. AB 1110 is intended to help public agencies and entities navigate the process and gain access to technical assistance, financing, and lower cost options via state purchasing programs to replace gas-powered fleets with zero-emission vehicles.

With regard to vehicle procurement, AB 1110 would require the Ombudsperson to convene an advisory committee to do the following: 1) identify and publish best practices in adopting zero-emission fleet vehicles; 2) identify appropriate candidate vehicles for bulk purchase or leveraged procurement; and 3) assist in promoting and encouraging participation in the California Clean Fleet Accelerator Program. The Ombudsperson would also be tasked with developing and recommending to DGS criteria for evaluating vehicle bulk purchase and leveraged procurement options. In developing the criteria, additional consideration must be given to zero-emission fleet vehicles produced by manufactures that are able to demonstrate a “pattern of activity showing superior performance in meeting” the criteria of adherence to high-road labor, job creation within this state, providing training and hiring opportunities to residents in disadvantaged communities, and demonstrated commitment to racial and gender equity, as indicated by proportionate representation of women and persons of color among all levels of employees.

While AB 1110 does not contemplate a “buy American” mandate as a primary policy objective, the bill does require that in considering vehicles for bulk purchase the state give preference to manufacturers who meet certain criteria, including those that demonstrate job creation in California. In addition, nothing precludes a public agency from considering whether a vehicle was manufactured in whole or in part in the United States when utilizing AB 1110’s master service agreement or leveraged procurement agreement to buy zero-emission vehicles.

EBMUD’s Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will “consider using alternative energy sources for operating vehicles and equipment” and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD’s goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD’s ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission commercial vehicles. The Drive to Zero effort envisions that zero-emission and near zero-emission technology will be commercially viable by 2025 and widely available by 2040 in specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including CARB and the Bay Area Air Quality Management District.

While it is unclear how the master service agreement and leveraged procurement agreement provided for in the bill would interact with existing public contracting requirements regarding competitive bidding, the intent of AB 1110 to assist public agencies transition to zero-emission vehicles is consistent with EBMUD policies and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would provide additional tools to assist public agencies transition to zero-emission vehicles and would not result in additional costs to EBMUD. Though public agencies, including EBMUD, may currently purchase vehicles under competitively awarded state contracts, AB 1110 could provide additional technical and financial assistance for public agencies, such as EBMUD, to acquire zero-emission vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, AB 1110 is consistent with EBMUD’s Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will “consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits.”

The official list of support and opposition to AB 1110 is shown below.

Support

350 Silicon Valley  
American Lung Association in California  
Amplify Power  
Arrival  
Association of California Water Agencies (ACWA)  
California Communities Against Toxics  
California Interfaith Power and Light  
California League of Conservation Voters  
California Municipal Utilities Association  
California New Car Dealers Association  
Center for Community Action and Environmental Justice  
Central California Asthma Collaborative  
Climateplan

Support continued

Coalition for Clean Air  
Environmental Defense Fund  
Lordstown Motors  
Los Angeles Cleantech Incubator  
Motiv Power Systems  
Nextgen California  
Southern California Edison  
Spur  
The Climate Center  
Union of Concerned Scientists  
Zev 2030

Opposition

None listed

<b>AB 1371 (Friedman)</b>	<b>RECYCLING: PLASTIC: PACKAGING AND CARRYOUT BAGS</b>	<b>SUPPORT</b>
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The Department of Resources, Recycling, and Recovery (CalRecycle) is responsible for regulating the disposal, management, and recycling of solid waste. Existing law prohibits specified stores from providing single-use carryout bags to customers and requires those stores to only sell or distribute a reusable grocery bag to a customer at the point of sale if the reusable bag meets specified standards.

AB 1371, as amended April 21, 2021, is intended to reduce plastic and single-use packaging pollution. The measure would, among other things, do the following: 1) phase out the use of plastic film, including shipping envelopes, void filler, and cushioning, used to transport products consumers purchase online; 2) require online retailers, as defined in the bill, with at least one physical storefront in the state and/or that provide lockers for the secure pickup of purchased products at a store to take back plastic film and to recycle or reuse that material during the time in which the packaging is being phased out; 3) require an online retailer that delivers purchased products to customers to have an at-delivery recycling program to pick up plastic film packaging

at no cost to the customer during the time in which the material is being phased out; and 4) prohibit manufacturers, retailers, producers, or other distributors that sell and deliver purchased products in or into the state from using expanded polystyrene packaging (including loose fill or molded foam).

Under AB 1371, large online retailers would have until January 1, 2023 to phase out the use of plastic film and small online retailers would have until January 1, 2025 to do so. In addition, the bill would also extend a sunset to continue requiring operators of stores that provide plastic bags and durable plastic bags to customers to establish at-store recycling programs for those bags.

According to the bill, the e-commerce industry (online retailers) used nearly 2 billion pounds of plastic packaging globally in 2019 and that number is estimated to double by 2025. In the United States, e-commerce businesses generated 469 million pounds of plastic packaging waste in 2019. “Plastic packaging, including, but not limited to, mailers, bubble wrap, and inflatable pillows, which is often referred to as plastic film, and expanded polystyrene packaging have little to no value on the recycling market.” In addition, most municipal recycling programs in the United States do not accept plastic film and expanded polystyrene packaging.

According to the author, “single-use plastic packaging is often added to a packaged good for shipment of a product ordered by consumers online.” The plastic film packaging (mailers, bubble wrap, and inflatable air pillows) and expanded polystyrene added to packages are rarely recycled with almost all of it “headed for landfill, incineration, or the environment, where it pollutes waterways and oceans.” The author also notes that “plastics are a significant source of global greenhouse gas emissions contributing to climate change, sea level rise, and ocean acidification” and “alternatives to single-use plastic film and expanded polystyrene packaging are available and being used by e-commerce markets to ship products in and into California.” AB 1371 will reduce harmful environmental impacts of “unnecessary single-use plastic by phasing out the use of most single-use plastic films and expanded polystyrene in e-commerce packaging for online retail purchases.”

With regard to EBMUD, discarded single-use packaging, such as plastic packaging, can end up in wastewater streams, as well as rivers and streams thereby disrupting fish habitat and disturbing aesthetic values of natural waterways. AB 1371’s requirements to phase out single-use plastic packaging used in shipments of products from online retail purchases is consistent with EBMUD’s Policy 7.05 (Sustainability and Resilience). The bill’s requirements are expected to help reduce the volume of debris that must be removed from the wastewater stream prior to treatment as well as reduce the amount of debris found on EBMUD lands and waterways and would contribute to watershed habitat improvements.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, some additional costs may accrue if packaging costs for supplies and materials EBMUD uses increases. Benefits are anticipated in terms of furthering pollution prevention and reducing the amount of clean-up that is required to remove this material from wastewater equipment and watershed lands. The

environmental benefit to EBMUD and its ratepayers is expected to outweigh the anticipated costs.

EBMUD has previously supported pollution prevention measures. In 2019, EBMUD supported two companion measures, AB 1080 (Gonzalez) and SB 54 (Allen), that would have required single-use packaging and single-use plastic products be source reduced to the maximum extent feasible as well as require single-use packaging be recyclable or compostable. AB 1080 and SB 54 failed to advance out of the legislature. In 2018, EBMUD supported AB 1884 (Calderon) to reduce the amount of plastic debris found in the environment by requiring full-service restaurants to provide single-use plastic straws only upon request. AB 1884 was signed into law (Chapter 576 of 2018). In 2016, the Board adopted a resolution to support ratification of SB 270 on a referendum to uphold SB 270's statewide ban on single-use carryout bags.

The official list of support and opposition to AB 1371 is shown below.

Support

Oceana (sponsor)  
350 Humboldt  
California Interfaith Power and Light  
California League of Conservation Voters  
California Product Stewardship Council  
Californians Against Waste  
Calpirg, California Public Interest Research Group  
Center for Food Safety; the  
Friends Committee on Legislation of California  
Greentown Los Altos  
Heal the Bay  
Northern California Recycling Association  
Plastic Oceans International  
Plastic Pollution Coalition  
San Francisco Bay Area Physicians for Social Responsibility  
Save Our Shores  
Seventh Generation Advisors  
Sierra Club California  
Surfrider Foundation  
The 5 Gyres Institute  
The Center for Oceanic Awareness, Research, and Education  
The Climate Center  
The Last Plastic Straw

Support continued

Upstream  
Wholly H2o  
Wishtoyo Chumash Foundation  
Zero Waste USA

Opposition

American Chemistry Council  
American Institute for Packaging and Environment (AMERIPEN)  
California Chamber of Commerce  
California League of Food Producers  
California Manufacturers & Technology Association  
California Retailers Association  
California Technology Association  
California Trucking Association  
Consumer Technology Association  
Flexible Packaging Association  
Internet Association; the  
Plastics Industry Association  
Proampac Holdings INC.  
Sealed Air Corporation  
Technet  
Western Growers Association  
Western Plastics Association  
Wikoff Color Corp.

**SB 372**                      **MEDIUM- AND HEAVY-DUTY FLEET**                      **SUPPORT**  
**(Leyva)**                      **PURCHASING ASSISTANCE PROGRAM:**  
**ZERO-EMISSION VEHICLES**

At the April 13 Board meeting, staff was asked to bring SB 372 back for reconsideration with additional information on the author's intent regarding vehicle procurement. This write-up includes additional information that has been gathered since April 13.

Existing law establishes the Air Quality Improvement Program, administered by the California Air Resources Board (CARB), for the purposes of funding projects related to, among other things, the reduction of air pollutants and improvement of air quality. CARB has established the Clean Vehicle Rebate Project, as part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

SB 372 (Leyva), as amended on April 19, 2021, is intended to help owners of medium- and heavy-duty vehicles purchase cleaner zero-emission alternatives. To accomplish this, the bill would establish the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program (Purchasing Assistance Program) within the Air Quality Improvement Program. The Purchasing Assistance Program would make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The California Pollution Control Financing Authority (Authority) would be responsible for administering the Purchasing Assistance Program and the Authority must consult with various state agencies and stakeholders in the development and implementation of the Purchasing Assistance Program.

Under SB 372, CARB and the Authority must enter into an interagency working agreement for the development and administration of the Purchasing Assistance Program. As part of the interagency working agreement CARB and the Authority must, among other things, do the following when developing and implementing the Purchasing Assistance Program: 1) seek input from stakeholders; 2) develop and design financing tools and nonfinancial supports appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets; 3) ensure the financing tools and nonfinancial supports have no redundancies or inefficiencies with other state programs; 4) provide "financing tools to operators of small and microfleets of medium- and heavy-duty vehicles that include, but are not limited to, direct assistance, such as incentives, grants, and vouchers that increase access to capital and reduce exposure to market risks or uncertainties"; and 5) provide "financing tools to operators of large fleets of medium- and heavy-duty vehicles to increase access to private capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles."

SB 372 also directs CARB to create, in coordination with other state agencies that administer programs similar to the Purchasing Assistance Program, a "one-stop shop" that provides

information on CARB's website to operators of medium- and heavy-duty fleets about all the potential financing and grant options and other technical assistance available to help obtain financing for zero-emission medium- and heavy-duty vehicles.

While a "buy American" mandate is not one of the bill's policy objectives, nothing precludes operators of medium- and heavy-duty vehicles from considering whether a vehicle was manufactured whole or in part in the United States when deciding as to what zero-emission vehicle to purchase.

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in-state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045, where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

The findings of SB 372 note that "emissions from medium- and heavy-duty vehicles make up a significant proportion of harmful air pollution in California, despite making up just 7 percent of vehicles on the road." The use of zero-emission vehicles rather than internal combustion engines can save money for fleet operators over the lifetime of the zero-emission vehicles because the zero-emission vehicles have lower operations costs though even with lower operating costs, transitioning to zero-emission vehicles requires near-term, scalable, and replicable financing tools and nonfinancial supports, such as technical and policy supports.

According to the author, "California's current solution for financing the transition to zero-emission vehicles has been largely limited to rebate programs. Unfortunately, these limited options do not meet the diverse financial needs of current and future fleet owners." SB 372 is intended to create more options to maximize available funding and ensure that transition to zero-emission vehicles is a viable option for all fleets.

EBMUD's Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will consider "using alternative energy sources for operating vehicles and equipment" and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD's goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, which is a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and

heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD's ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission commercial vehicles. The Drive to Zero effort envisions that zero-emission and near-zero-emission technology will be commercially viable by 2025 and widely available by 2040 in specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including CARB and the Bay Area Air Quality Management District.

The intent of the bill to assist operators of medium- and heavy-duty vehicles transition to zero-emission medium- and heavy-duty vehicles is consistent with EBMUD policies and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would not result in additional costs to EBMUD and could potentially benefit EBMUD by providing additional tools to assist in transitioning to zero-emission medium- and heavy-duty vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, SB 372 is consistent with EBMUD's Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will "consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits." The official list of support and opposition to SB 372 is shown below.

#### Support

Environmental Defense Fund (sponsor)  
350 Bay Area Action  
350 Sacramento  
350 Silicon Valley  
American Lung Association in California  
Amplify Power  
Arrival  
California League of Conservation Voters  
Calstart INC.  
Center for Community Action &  
Environmental Justice  
Central California Asthma Collaborative  
Ceres  
Coalition for Clean Air  
E2 (Environmental Entrepreneurs)  
Elders Climate Action, Norcal and Social  
Chapters  
Environment California  
Lordstown Motors

#### Support continued

Los Angeles Cleantech Incubator  
Motiv Power Systems  
Natural Resources Defense Council  
Nextgen California  
NRDC  
Port of San Diego  
San Diego Unified Port District  
San Francisco Bay Physicians for Social  
Responsibility  
Sandiego350  
Sierra Club California  
Spur  
The Climate Center  
Union of Concerned Scientists  
ZEV 2030

#### Opposition

None listed

**STATE AND FEDERAL GOVERNMENT ACTIONS  
RELATED TO THE CORONAVIRUS DISEASE 2019  
(COVID-19)**

**INFORMATION**

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the April 8, 2021 Legislative Report No. 04-21 is provided below.

State Government Actions

On April 28, 2021 the Senate released its \$3.41 billion budget plan—Drought, Safe Drinking Water, and Water Supply Reliability, and Ratepayer Assistance—to provide one-time funding for these areas. The package proposes to allocate funds in the following general categories:

- \$1 billion – Helping Ratepayers and Utilities Recover from COVID-19 Economic Impacts
- \$500 million – Immediate Community Assistance for Water and Drought Relief
- \$500 million – Emergency Drought Water-Use Efficiency
- \$350 million – Sustainable Groundwater Management
- \$200 million – Resilient Water Infrastructure Projects
- \$200 million – Recycled Water
- \$200 million – Stormwater Management
- \$285 million – Protecting Fish & Wildlife from Drought Impacts
- \$100 million – Water Quality
- \$75 million – Water Data and Forecast Improvement

The stated purpose of this funding package is to provide one-time funding to address various non-controversial, high-priority needs by appropriating available federal COVID-19 relief funds, one time state general funds, and available existing bond funds for early drought relief, ratepayer assistance, and water supply reliability.

Of direct interest to the District is the proposed \$1 billion allocation of federal COVID-19 relief funds “to help utility customers and utilities address backlogged bills and arrearages associated with COVID economic impacts.” The District has been advocating at the state and federal level for funding to address COVID-19 related water and wastewater arrearages since mid-2020. This package proposes funding that would provide some relief for EBMUD’s ratepayers with COVID-19 related arrearages and is consistent with the District’s ongoing advocacy. At the request of the Senate President Pro Tempore’s office, the District provided a quote from Board President Linney for inclusion in the Pro Tempore’s press release that expressed support for this utility funding.

Introduction of this package signals the start of negotiations within the legislature and between the legislature and administration to reach a final approach in the coming weeks.

### Federal Government Actions

Discussions continue at the federal level on the implementation of the Low-Income Household Water Assistance Program (LIHWAP) funding contained in H.R. 133 and H.R. 1319, as well as on creation of a long-term ratepayer assistance program. No decisions have been made. Staff continues to track these efforts.

### Next Steps

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages, including the state implementation of the funding allocations, and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

CCC:MD:DM/JW

### Attachments

I:\Sec\2021 Board Related Items\051121 Board Agenda Items\LegHRCmte and Regular Mtg\OGM - Legislative Report No. 05-21.docx

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AMENDED IN ASSEMBLY APRIL 21, 2021

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 315**

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**Introduced by Assembly Member Stone**

January 25, 2021

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An act to add Chapter 6.6 (commencing with Section 1660) to Division 2 of the Fish and Game Code, relating to fish and wildlife.

### LEGISLATIVE COUNSEL'S DIGEST

AB 315, as amended, Stone. Voluntary stream restoration property owner liability: indemnification.

Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that project, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources.

Existing law authorizes a habitat restoration or enhancement project proponent to submit a written request for approval of the project to the Director of Fish and Wildlife. Existing law requires the director to approve the project if the written request includes certain information, as specified, and provides for an alternate authorization process by the State Water Resources Control Board.

This bill would require the state to indemnify and hold harmless a property owner who voluntarily allows their property to be used for

such a project to restore fish and wildlife habitat from civil liability for property damage or personal injury resulting from the project if the project meets specified requirements, including that the project is funded, at least in part, by a state or federal agency whose mission includes restoring habitat for native fish and wildlife, and the liability arises from, and the property owner or any person or entity retained by the property owner does not perform, the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project to restore fish and wildlife habitat. The bill would authorize the state to enter into an agreement with the United States government, or subdivision thereof, to share the cost of any civil liability incurred. The bill would prohibit the cost of any civil liability incurred from being chargeable to or constituting an obligation of a state agency that provides funding for the project, as specified.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The state is home to a wealth of native aquatic species,
- 4 including anadromous salmonid fish, that are vital to the state's
- 5 natural heritage, and support recreation opportunities and a
- 6 commercial fishing industry.
- 7 (b) Many of these species are in decline due to degradation and
- 8 loss of habitat, and some have been listed as threatened or
- 9 endangered under the California Endangered Species Act (Chapter
- 10 1.5 (commencing with Section 2050) of Division 3 of the Fish and
- 11 Game Code) and the federal Endangered Species Act (16 U.S.C.
- 12 Sec. 1531 et seq.).
- 13 (c) The state has prepared plans and administers various grant
- 14 programs to recover many of these species and improve the health
- 15 of aquatic habitat and ecosystems, and these programs call for
- 16 extensive restoration of riparian habitat located on privately owned
- 17 lands.
- 18 (d) A lack of clarity surrounding liability for damages that may
- 19 result from restoration projects has made many private property
- 20 owners reluctant to allow habitat restoration projects on their
- 21 property, and this reluctance has been a barrier to the

1 implementation of projects that could otherwise help the state meet  
2 its goals for recovering sensitive aquatic species and their habitat.

3 (e) Damage claims associated with habitat restoration are  
4 exceedingly rare, and potential financial liability associated with  
5 such claims should be and typically is borne by the parties who  
6 design and implement such projects, not by property owners who  
7 simply allow the project to be implemented on their property.

8 (f) The state has a responsibility to minimize barriers to  
9 implementing projects funded by programs it administers,  
10 especially when the projects help the state meet its conservation  
11 goals and provide public benefits.

12 SEC. 2. Chapter 6.6 (commencing with Section 1660) is added  
13 to Division 2 of the Fish and Game Code, to read:

14  
15 CHAPTER 6.6. VOLUNTARY STREAM RESTORATION PROPERTY  
16 OWNER LIABILITY  
17

18 1660. (a) The state shall indemnify and hold harmless a  
19 property owner who voluntarily allows their property to be used  
20 for a project to restore fish and wildlife habitat from civil liability  
21 for property damage or personal injury resulting from the project  
22 if all of the following requirements are met:

23 (1) The project is authorized pursuant to Section 1602, 1652,  
24 or 1653.

25 (2) The project is funded, at least in part, by a state or federal  
26 agency whose mission includes restoring habitat for native fish or  
27 wildlife.

28 (3) The project has received all approvals required under Part  
29 1 (commencing with Section 6000) of Division 3 of the Water  
30 Code or Division 7 (commencing with Section 13000) of the Water  
31 Code.

32 (4) The liability arises from the construction, design  
33 specifications, surveying, planning, supervision, testing, or  
34 observation of construction related to the project to restore fish  
35 and wildlife habitat.

36 (5) The property owner does not perform, or retain any person  
37 or entity to perform, any construction, design specifications,  
38 surveying, planning, supervising, testing, or observation of  
39 construction related to the project.

- 1 (b) The state may develop any regulations, forms, or contracts  
2 necessary to implement subdivision (a).
- 3 (c) The state may seek to enter into an agreement with the United  
4 States government, or subdivision thereof, to share the cost of any  
5 civil liability incurred pursuant to subdivision (a).
- 6 (d) The cost of any civil liability incurred pursuant to subdivision  
7 (a) shall not be chargeable to or constitute an obligation of a state  
8 agency that provides funding for the project under paragraph (2)  
9 of subdivision (a) or any funds under its control.
- 10 *(e) This section shall not be construed to alter any existing*  
11 *rights, duties, or obligations arising from Title 12 (commencing*  
12 *with Section 2772) of Part 4 of Division 3 of the Civil Code.*
- 13 ~~(e)~~
- 14 (f) The provisions of this section are severable. If any provision  
15 of this section or its application is held invalid, that invalidity shall  
16 not affect other provisions or applications that can be given effect  
17 without the invalid provision or application.

AMENDED IN ASSEMBLY MAY 3, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

AMENDED IN ASSEMBLY MARCH 23, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 1110**

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**Introduced by Assembly Member Robert Rivas**  
**(Coauthors: Assembly Members Chiu, Cristina Garcia, and Stone)**

February 18, 2021

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An act to amend Sections 63048.92 and 63048.93 of, and to add Article 8.5 (commencing with Section 12100.87) to Chapter 1.6 of Part 2 of, and Chapter 14 (commencing with Section 14990) to Part 5.5 of, Division 3 of Title 2 of, the Government Code, relating to climate catalyst projects.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1110, as amended, Robert Rivas. Zero-emission vehicles: Office of the California Clean Fleet Accelerator: Climate Catalyst Revolving Loan Fund Program.

(1) Existing law, the ~~Charge~~ *Economic Revitalization Act*, establishes the Governor's Office of Business and Economic Development (GO-Biz) within the Governor's office, under the direct control of a director who is responsible to, and appointed by, the Governor. Existing law requires GO-Biz to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth.

Existing law, the Charge Ahead California Initiative, administered by the State Air Resources Board, includes goals of, among other things, placing in service at least 1,000,000 zero-emission and

near-zero-emission vehicles by January 1, 2023, and establishing a self-sustaining California market for zero-emission and near-zero-emission vehicles in which zero-emission and near-zero-emission vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets.

This bill would establish the Office of the California Clean Fleet Accelerator, administered by ~~the Governor's Office of Business and Economic Development (GO-Biz)~~ *GO-Biz*. The bill would also create the Clean Vehicles Ombudsperson, to be appointed by and report directly to the Director of GO-Biz, to oversee the activities of the Office of the California Clean Fleet Accelerator. The bill, among other things, would require the ombudsperson, in consultation with the Department of General Services (DGS), to consult with specified entities in identifying all available programs and incentives offered by the state that can help to reduce costs and increase participation in the master service *agreement or leveraged procurement agreement*, as described ~~below, and below~~. *The bill would also require the ombudsperson to annually* convene an advisory committee to aid the activities of the Office of the California Clean Fleet Accelerator. The bill would also require the ombudsperson to develop, and recommend that DGS adopt, criteria for evaluating vehicle bulk purchase options, as provided.

The bill would require DGS, in consultation with the ombudsperson and taking into account the recommendations of the advisory committee and the criteria recommended by ~~the ombudsperson~~ *Clean Vehicles Ombudsperson* as described above, to issue a nonmandatory master service *agreement or leveraged procurement agreement* for the bulk purchase of zero-emission fleet vehicles, as defined, by a public agency, as defined. The bill would require that the master service *agreement or leveraged procurement agreement*, at minimum, establish standard pricing for bulk purchases of zero-emission fleet vehicles, taking into consideration applicable financial incentives and low-cost financing options. The bill would require DGS to provide for the first round of zero-emission fleet vehicle acquisitions under the master service *agreement or leveraged procurement agreement* no later than June 30, 2022, to the extent feasible, or otherwise as soon thereafter as is reasonably practicable, and annually thereafter, as provided.

(2) Existing law, the Bergeson-Peace Infrastructure and Economic Development Bank Act, establishes the California Infrastructure and Economic Development Bank (I-Bank) in GO-Biz and, among other things, authorizes the I-Bank to make loans, issue bonds, and provide

financial assistance for various types of projects that qualify as economic development facilities or public development facilities, as those terms are defined.

Existing law, the Climate Catalyst Revolving Loan Fund Act of 2020, establishes the Climate Catalyst Revolving Loan Fund Program, authorizes the I-Bank to provide financial assistance to any eligible sponsor or participating party for eligible climate catalyst projects, as provided, and defines various terms for these purposes. Existing law requires the Strategic Growth Council, in consultation with the Labor and Workforce Development Agency, to advise the Legislature before the end of each calendar year of potential categories of climate catalyst projects that would focus on the state's key climate mitigation and resilience priorities, as provided. Existing law creates the Climate Catalyst Revolving Loan Fund and makes moneys available, upon appropriation, for expenditure for purposes of the Climate Catalyst Revolving Loan Fund Program.

This bill would expressly provide that the acquisition of a zero-emission fleet vehicle pursuant to the master service *agreement or leveraged procurement* agreement, developed as described above, is a climate catalyst project eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. The bill would require the Strategic Growth Council to review and make a recommendation on providing financial assistance under the program to include loan loss reserves, revolving loan funds, and other financial instruments to facilitate climate catalyst projects that consist of the acquisition of zero-emission fleet vehicles pursuant to that master service ~~agreement~~ *agreement, leveraged procurement agreement, or other agreements* pursued upon the advice of the Clean Vehicles Ombudsperson to accelerate zero-emission vehicle adoption by public agencies.

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

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

- 1     SECTION 1. Article 8.5 (commencing with Section 12100.87)
- 2     is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the
- 3     Government Code, to read:

Article 8.5. California Clean Fleet Accelerator

12100.87. For purposes of this article:

(a) “Accelerator” means the Office of the California Clean Fleet Accelerator created in Section 12100.88.

(b) “Eligible vendor” means a person that is any of the following:

(1) A dealer, as that term is defined in Section 285 of the Vehicle Code, that sells a medium- or heavy-duty zero-emission fleet vehicle to a public agency.

(2) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is off-road equipment engaged in the sale of that equipment.

(3) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or electric cargo bicycle.

(c) “Ombudsperson” means the Clean Vehicles Ombudsperson created in Section 12100.88.

(d) “Public agency” means a public entity as described in Section 1100 of the Public Contract Code.

(e) “Vehicle fleet” means two or more vehicles under common ownership of, or operation by, a public agency.

(f) “Zero-emission fleet vehicle” means a vehicle, off-road equipment, including, but not limited to, a forklift, motorized construction or utility equipment, streetsweeper, or other special-use municipal vehicle, an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or an electric cargo bicycle acquired by a public agency for use as part of its vehicle fleet that produces no emissions of criteria pollutants, toxic air contaminants, or greenhouse gases when stationary or operating.

12100.88. (a) (1) There is hereby established the Office of the California Clean Fleet Accelerator, which the office shall administer in accordance with this chapter.

(2) The office may adopt, amend, or repeal guidelines and regulations and promulgate forms in order to carry out its duties under this chapter.

(b) There is within the Office of the California Clean Fleet Accelerator the Clean Vehicles Ombudsperson, who shall oversee

1 *the activities of the accelerator. The Clean Vehicles Ombudsperson*  
2 *shall be appointed by, and serve at the pleasure of, the director*  
3 *and shall report directly to the director.*

4 *(c) The ombudsperson may do all of the following:*

5 *(1) Upon the request of a public agency, provide technical*  
6 *assistance to the public agency in the procurement of zero-emission*  
7 *fleet vehicles.*

8 *(2) In cooperation with the Department of General Services,*  
9 *assist a public agency in procuring zero-emission fleet vehicles*  
10 *by bulk purchase under the master service agreement or leveraged*  
11 *procurement agreement developed pursuant to Section 14992.*

12 *(3) Actively reach out to small and rural communities to offer*  
13 *technical assistance and other state resources related to the use*  
14 *and purchase of zero-emission vehicles.*

15 *(4) Provide any other assistance to a public agency in procuring*  
16 *zero-emission fleet vehicles that is consistent with the purposes of*  
17 *this chapter, including, but not limited to, identifying available*  
18 *incentives and financing mechanisms.*

19 *(d) In carrying out their duties under this section, the*  
20 *ombudsperson shall prioritize assisting public agencies that serve*  
21 *disadvantaged communities.*

22 *(e) The ombudsperson, in consultation with the Department of*  
23 *General Services, shall consult with each of the following entities*  
24 *in identifying all available programs and incentives offered by the*  
25 *state that can help to reduce costs and increase participation in*  
26 *the master service agreement or leveraged procurement agreement*  
27 *described in Section 14992, as well as any barriers that may*  
28 *prevent programs and incentives offered by these entities from*  
29 *being made available to participants:*

30 *(1) The office.*

31 *(2) The Transportation Agency.*

32 *(3) The State Energy Resources Conservation and Development*  
33 *Commission.*

34 *(4) The State Air Resources Board.*

35 *(5) The California Infrastructure and Economic Development*  
36 *Bank.*

37 *(6) The Public Utilities Commission.*

38 *(7) The California Alternative Energy and Advanced*  
39 *Transportation Financing Authority.*

40 *(8) The Department of General Services.*

1     (f) (1) *The ombudsperson shall, at least annually, convene an*  
2 *advisory committee to aid in the activities of the accelerator. The*  
3 *first advisory committee meeting shall occur on or before March*  
4 *15, 2022.*

5     (2) *The advisory committee shall include vehicle fleet managers*  
6 *or other appropriate persons representing, at minimum, the*  
7 *following:*

8     (A) *Five cities with populations less than 150,000.*

9     (B) *At least two regional organizations, which may include, but*  
10 *are not limited to, councils of governments or metropolitan*  
11 *planning organizations.*

12     (C) *Two jurisdictions that, in the office's judgment, have*  
13 *demonstrated experience in acquiring electric vehicles for use in*  
14 *their vehicle fleets.*

15     (D) *As appropriate, representatives of the entities described in*  
16 *subdivision (e).*

17     (3) *The advisory committee shall do all of the following:*

18     (A) *Identify and publish best practices in adopting zero-emission*  
19 *fleet vehicles.*

20     (B) *Identify appropriate candidate vehicles for bulk purchase*  
21 *or leveraged procurement.*

22     (C) *Assist in promoting and encouraging participation in the*  
23 *California Clean Fleet Accelerator Program.*

24     (g) *The ombudsperson shall develop, and recommend that the*  
25 *Department of General Services adopt, criteria for evaluating*  
26 *vehicle bulk purchase and leveraged procurement agreement*  
27 *options pursuant to Section 14992, giving additional consideration*  
28 *to offers of sale of zero-emission fleet vehicles produced by*  
29 *manufacturers that are able to demonstrate a pattern of activity*  
30 *showing superior performance in meeting the following criteria:*

31     (1) *Adherence to high-road labor.*

32     (2) *Job creation within this state.*

33     (3) *Providing training and hiring opportunities to residents in*  
34 *disadvantaged communities.*

35     (4) *Demonstrated commitment to racial and gender equity, as*  
36 *indicated by proportionate representation of women and persons*  
37 *of color among all levels of employees.*

1     ~~SECTION 1.~~

2     ~~SEC. 2.~~ Chapter 14 (commencing with Section 14990) is added  
3 to Part 5.5 of Division 3 of Title 2 of the Government Code, to  
4 read:

5  
6             CHAPTER 14. CALIFORNIA CLEAN FLEET *PURCHASING*  
7                             ACCELERATOR  
8

9     14990. For purposes of this chapter:

10    ~~(a) “Accelerator” means the Office of the Clean Fleet~~  
11 ~~Accelerator created in Section 14992.~~

12    ~~(b) “Director” means the Director of the Governor’s Office of~~  
13 ~~Business and Economic Development.~~

14    ~~(c)~~

15    ~~(a) “Eligible vendor” means a person that is any of the~~  
16 ~~following:~~

17    ~~(1) A dealer, as that term is defined in Section 285 of the Vehicle~~  
18 ~~Code, that sells a medium- or heavy-duty zero-emission fleet~~  
19 ~~vehicle to a public agency.~~

20    ~~(2) Any vendor, eligible under the laws of this state to contract~~  
21 ~~with a public agency, of a zero-emission vehicle that is off-road~~  
22 ~~equipment engaged in the sale of that equipment.~~

23    ~~(3) Any vendor, eligible under the laws of this state to contract~~  
24 ~~with a public agency, of a zero-emission vehicle that is an electric~~  
25 ~~bicycle, as that term is defined in Section 312.5 of the Vehicle~~  
26 ~~Code, or electric cargo bicycle.~~

27    ~~(d) “Office” means the Governor’s Office of Business and~~  
28 ~~Economic Development.~~

29    ~~(e) “Ombudsperson” means the Clean Vehicles Ombudsperson~~  
30 ~~created in Section 14992.~~

31    ~~(f)~~

32    ~~(b) “Public agency” means all of the following: a public entity~~  
33 ~~as described in Section 1100 of the Public Contract Code.~~

34    ~~(1) The state and any state agency, as that term is defined in~~  
35 ~~Section 11000.~~

36    ~~(2) The Regents of the University of California.~~

37    ~~(3) The Trustees of the California State University.~~

38    ~~(4) A county.~~

39    ~~(5) A city.~~

1     ~~(6) Any district formed as an agency of the state, pursuant to~~  
2     ~~general law or a special act, for the local performance of~~  
3     ~~governmental or proprietary functions within limited geographic~~  
4     ~~boundaries, including, but not limited to, the following:~~

5     ~~(A) A school district.~~

6     ~~(B) A transit district.~~

7     ~~(7) Any other political subdivision of this state.~~

8     ~~(g)~~

9     ~~(c) “Vehicle fleet” means two or more vehicles under common~~  
10    ~~ownership of, or operation by, a public agency.~~

11    ~~(h)~~

12    ~~(d) “Zero-emission fleet vehicle” means a vehicle, off-road~~  
13    ~~equipment, including, but not limited to, a forklift, motorized~~  
14    ~~construction or utility equipment, ~~street sweeper, streetsweeper,~~~~  
15    ~~or other special-use municipal vehicle, an electric bicycle, as that~~  
16    ~~term is defined in Section 312.5 of the Vehicle Code, or an electric~~  
17    ~~cargo bicycle acquired by a public agency for use as part of its~~  
18    ~~vehicle fleet that produces no emissions of criteria pollutants, toxic~~  
19    ~~air contaminants, or greenhouse gases when stationary or operating.~~

20    ~~14992. (a) (1) There is hereby established the Office of the~~  
21    ~~California Clean Fleet Accelerator, which the office shall~~  
22    ~~administer in accordance with this chapter.~~

23    ~~(2) The office may adopt, amend, or repeal guidelines and~~  
24    ~~regulations and promulgate forms in order to carry out its duties~~  
25    ~~under this chapter.~~

26    ~~(b) There is within the Office of the California Clean Fleet~~  
27    ~~Accelerator the Clean Vehicles Ombudsperson, who shall oversee~~  
28    ~~the activities of the accelerator. The Clean Vehicles Ombudsperson~~  
29    ~~shall be appointed by, and serve at the pleasure of, the director and~~  
30    ~~shall report directly to the director.~~

31    ~~(c) The ombudsperson shall do all of the following:~~

32    ~~(1) Upon the request of a public agency, provide technical~~  
33    ~~assistance to the public agency in the procurement of zero-emission~~  
34    ~~fleet vehicles.~~

35    ~~(2) In cooperation with the department, assist a public agency~~  
36    ~~in procuring zero-emission fleet vehicles by bulk purchase under~~  
37    ~~the master service agreement developed pursuant to Section 14994.~~

38    ~~(3) Actively reach out to small and rural communities to offer~~  
39    ~~technical assistance and other state resources.~~

1     ~~(4) Provide any other assistance to a public agency in procuring~~  
2     ~~zero-emission fleet vehicles that is consistent with the purposes~~  
3     ~~of this chapter, including, but not limited to, identifying available~~  
4     ~~incentives and financing mechanisms.~~

5     ~~(d) In carrying out its duties under this section, the~~  
6     ~~ombudsperson shall prioritize assisting public agencies that serve~~  
7     ~~disadvantaged communities.~~

8     ~~(e) The ombudsperson, in consultation with the department,~~  
9     ~~shall consult with each of the following entities in identifying all~~  
10    ~~available programs and incentives offered by the state that can~~  
11    ~~help to reduce costs and increase participation in the master service~~  
12    ~~agreement described in Section 14994, as well as any barriers that~~  
13    ~~may prevent programs and incentives offered by these entities~~  
14    ~~from being made available to participants:~~

15    ~~(1) The office.~~

16    ~~(2) The Transportation Agency.~~

17    ~~(3) The State Energy Resources Conservation and Development~~  
18    ~~Commission.~~

19    ~~(4) The State Air Resources Board.~~

20    ~~(5) The California Infrastructure and Economic Development~~  
21    ~~Bank.~~

22    ~~(6) The Public Utilities Commission.~~

23    ~~(7) The California Alternative Energy and Advanced~~  
24    ~~Transportation Financing Authority.~~

25    ~~(8) The department.~~

26    ~~(f) (1) The ombudsperson shall convene an advisory committee~~  
27    ~~to aid in the activities of the accelerator.~~

28    ~~(2) The advisory committee shall include vehicle fleet managers~~  
29    ~~or other appropriate persons representing, at minimum, the~~  
30    ~~following:~~

31    ~~(A) Five cities with populations less than 150,000.~~

32    ~~(B) At least two regional organizations, which may include, but~~  
33    ~~are not limited to, councils of governments or metropolitan~~  
34    ~~planning organizations.~~

35    ~~(C) Two jurisdictions that, in the office's judgment, have~~  
36    ~~demonstrated experience in acquiring electric vehicles for use in~~  
37    ~~their vehicle fleets.~~

38    ~~(D) As appropriate, representatives of the entities described in~~  
39    ~~subdivision (e).~~

40    ~~(3) The advisory committee shall do all of the following:~~

1 (A) Identify and publish best practices in adopting zero-emission  
2 fleet vehicles.

3 (B) Identify appropriate candidate vehicles for bulk purchase.

4 (C) Assist in promoting and encouraging participation in the  
5 California Clean Fleet Accelerator Program.

6 (g) The ombudsperson shall develop, and recommend that the  
7 department adopt, criteria for evaluating vehicle bulk purchase  
8 options pursuant to Section 14994, giving additional consideration  
9 to offers of sale of zero-emission fleet vehicles produced by  
10 manufacturers that are able to demonstrate a pattern of activity  
11 showing superior performance in meeting the following criteria:

12 (1) Adherence to high-road labor.

13 (2) Job creation within this state.

14 (3) Providing training and hiring opportunities to residents in  
15 disadvantaged communities.

16 (4) Demonstrated commitment to racial and gender equity, as  
17 indicated by proportionate representation of women and persons  
18 of color among all levels of employees.

19 14994.

20 14992. (a) (1) The department shall issue a nonmandatory  
21 master service agreement *or leveraged procurement agreement*  
22 for the bulk purchase of zero-emission fleet vehicles by a public  
23 agency. In developing the requirements and conditions of the  
24 master service agreement, the department shall consult with the  
25 ~~ombudsperson~~ *Clean Vehicles Ombudsperson* and take into  
26 consideration the recommendations of the advisory committee  
27 convened pursuant to subdivision (f) of Section 12100.88  
28 and the criteria developed pursuant to subdivision (g) of Section  
29 14992. 12100.88.

30 (2) The master service agreement *or leveraged procurement*  
31 *agreement* shall, at minimum, establish standard pricing for bulk  
32 purchases of zero-emission fleet vehicles, taking into consideration  
33 any applicable state or federal tax credits or other financial  
34 incentives and low-cost financing options available to public  
35 agencies for that purpose.

36 (3) A public agency that acquires a zero-emission fleet vehicle  
37 pursuant to the master service agreement *or leveraged procurement*  
38 *agreement* developed pursuant to this section shall comply with  
39 all other applicable laws and policies governing the acquisition of

1 that zero-emission fleet vehicle, including, but not limited to, the  
2 Public Contract Code and the regulations of the department.

3 (b) In carrying out its duties under this section, the department  
4 shall, to the extent feasible, provide for the first round of  
5 zero-emission fleet vehicle acquisition by public agencies under  
6 the master service agreement *or leveraged procurement agreement*  
7 developed pursuant to this section no later than June 30, 2022, or,  
8 if that date is not feasible, as soon thereafter as is reasonably  
9 practicable, and annually thereafter, provided that sufficient  
10 participation exists among public agencies.

11 (c) Nothing in this section alters or revokes any existing  
12 authority of the department to engage in activities related to the  
13 purchase of zero-emission fleet vehicles.

14 ~~SEC. 2.~~

15 *SEC. 3.* Section 63048.92 of the Government Code is amended  
16 to read:

17 63048.92. The definitions contained in this section are in  
18 addition to the definitions contained in Section 63010 and together  
19 with the definitions contained in that section shall govern the  
20 construction of this article, unless the context requires otherwise:

21 (a) “Bank” means the Infrastructure and Economic Development  
22 Bank.

23 (b) “Climate catalyst project” means any building, structure,  
24 equipment, infrastructure, or other improvement within California,  
25 or financing the general needs of any sponsor or participating party  
26 for operations or activities within California that are consistent  
27 with, and intended to, further California’s climate goals, activities  
28 that reduce climate risk, and the implementation of low-carbon  
29 technology and infrastructure. “Climate catalyst project” includes,  
30 but is not limited to, the acquisition of a zero-emission fleet vehicle  
31 pursuant to the master service agreement *or leveraged procurement*  
32 *agreement* developed in accordance with Chapter 14 (commencing  
33 with Section 14990) of Part 5.5 of Division 3 of Title 2.

34 (c) “Climate Catalyst Revolving Loan Fund” means revolving  
35 funds by that name created under, and administered pursuant to,  
36 this article to provide financial assistance for climate catalyst  
37 projects.

38 (d) “Climate Catalyst Revolving Loan Fund Program” means  
39 the program of that name to administer the Climate Catalyst  
40 Revolving Loan Fund and to provide financial assistance for

1 climate catalyst projects, to be administered by the bank pursuant  
2 to this article and criteria, priorities, and guidelines to be adopted  
3 by the bank board.

4 (e) “Sponsor” and “participating party” shall mean the same as  
5 defined in Section 63010, but also include federally recognized  
6 Native American tribes and tribal business enterprises located in  
7 California.

8 ~~SEC. 3.~~

9 *SEC. 4.* Section 63048.93 of the Government Code is amended  
10 to read:

11 63048.93. (a) (1) The bank is hereby authorized and  
12 empowered to provide financial assistance under the Climate  
13 Catalyst Revolving Loan Fund Program to any eligible sponsor or  
14 participating party either directly or to a lending or financial  
15 institution, in connection with the financing or refinancing of a  
16 climate catalyst project, in accordance with an agreement or  
17 agreements, between the bank and the sponsor or participating  
18 party, including, but not limited to, tribes, either as a sole lender  
19 or in participation or syndication with other lenders.

20 (2) The Strategic Growth Council shall review and make a  
21 recommendation on providing financial assistance under the  
22 Climate Catalyst Revolving Loan Fund Program to include, but  
23 not be limited to, loan loss reserves, revolving loan funds, and  
24 other financial instruments to facilitate climate catalyst projects  
25 that consist of the acquisition of zero-emission fleet vehicles  
26 pursuant to the master service agreement *or leveraged procurement*  
27 *agreement* developed pursuant to Section ~~14994~~ 14992 or other  
28 agreements pursued upon the advice of the Clean Vehicles  
29 Ombudsperson to accelerate zero-emission vehicle adoption by  
30 public agencies.

31 (b) Chapter 3.5 (commencing with Section 11340) of Part 1 of  
32 Division 3 of Title 2 does not apply to any criteria, priorities, and  
33 guidelines adopted by the bank in connection with the Climate  
34 Catalyst Revolving Loan Fund Program or any other program of  
35 the bank.

36 (c) Repayments of financing made under the Climate Catalyst  
37 Revolving Loan Fund Program shall be deposited in the appropriate  
38 account created within the Climate Catalyst Revolving Loan Fund.

39 (d) The Strategic Growth Council, in consultation with the Labor  
40 and Workforce Development Agency, shall advise the Legislature

1 prior to the end of each calendar year, commencing with the  
2 calendar year of 2020, of potential categories of climate catalyst  
3 projects that would focus on the state's key climate mitigation and  
4 resilience priorities. The Strategic Growth Council's  
5 recommendations may include indicative percentages of investment  
6 allocations across identified priority sectors. The Strategic Growth  
7 Council shall inform the bank of the advice provided to the  
8 Legislature.

O

AMENDED IN ASSEMBLY APRIL 21, 2021

AMENDED IN ASSEMBLY APRIL 7, 2021

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 1371**

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**Introduced by Assembly Members Friedman, Lorena Gonzalez,  
and Ting**

**(Principal coauthors: Assembly Members Bloom, Carrillo, and  
Kalra)**

(Principal coauthors: Senators Allen and Stern)

**(Coauthors: Assembly Members ~~Quirk and Stone~~ *Quirk, Luz Rivas,  
and Stone*)**

(Coauthor: Senator Wiener)

February 19, 2021

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An act to add Chapter 2.5 (commencing with Section 42040) to Part 3 of Division 30 of, to add and repeal Chapter 5.1 (commencing with Section 42250) of Part 3 of Division 30 of, and to repeal Sections 42042, 42043, and 42044 of, the Public Resources Code, relating to solid waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Friedman. Recycling: plastic: packaging and carryout bags.

(1) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste, including, among other solid waste, single-use plastic straws.

This bill would prohibit an online retailer that sells or offers for sale and delivers purchased products in or into the state from using single-use

plastic packaging that consists of shipping envelopes, cushioning, or void fill to package or transport the products, on and after January 1, 2023, for large online retailers, as defined, and on and after January 1, 2025, for small online retailers, as defined. The bill would prohibit a manufacturer, retailer, producer, or other distributor that sells or offers for sale and delivers purchased products in or into the state from using expanded polystyrene packaging to package or transport the products.

The bill would require an online retailer that has at least one physical location in the state with in-person sales to provide at all physical locations in the state with in-person sales a take back container for plastic film and expanded polystyrene packaging that provides an opportunity for a customer to return to the location clean plastic film and expanded polystyrene packaging. The bill would require an online retailer that provides lockers for the secure pickup of purchased products at a store to provide a collection bin at the store near the lockers for the purpose of collecting and recycling plastic film and expanded polystyrene packaging. The bill would require an online retailer that delivers purchased products to customers in this state to have an at-delivery recycling program that provides for the pickup at the time of delivery of plastic film and expanded polystyrene packaging for products previously purchased from the online retailer, at no cost to the customer. The bill would require an online retailer to maintain records describing the collection, transport, and recycling of plastic film and expanded polystyrene packaging pursuant to these provisions for one year and to make the records available to the department and the local jurisdiction, upon request. The bill would make the physical location take back container requirement, locker collection bin requirement, and at-delivery recycling program requirement inoperative on January 1, 2025, except for the records provisions, and would repeal those 3 requirements, including the records provisions, as of January 1, 2026.

The bill would make a violation of the foregoing requirements subject to civil penalties and would require penalties collected by the Attorney General to be deposited into the Plastic Packaging Reduction Penalty Account, which the bill would create, for expenditure by the Attorney General, upon appropriation by the Legislature, to enforce those requirements.

(2) Existing law prohibits stores, including convenience food stores, foodmarts, and other specified entities that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer and prohibits those stores from selling or distributing

a recycled paper bag at the point of sale unless the store makes the bag available for purchase for not less than \$0.10.

This bill would establish the At-Store Recycling Program. The bill would require an operator of a store, as defined, to establish an at-store recycling program that provides persons the opportunity to return clean plastic carryout bags and clean durable plastic bags to the store. The bill would require a plastic carryout bag or a durable plastic bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a collection bin in each store that is visible and easily accessible to the consumer. The bill would require a store to maintain records describing the collection, transport, and recycling of plastic bags pursuant to these provisions for 3 years and to make the records available to the department and the local jurisdiction, upon request. The bill would make a violation of these requirements subject to civil penalties and would require penalties collected by the Attorney General to be deposited into the At-Store Recycling Program Penalty Account, which the bill would create, for expenditure by the Attorney General, upon appropriation by the Legislature, to enforce those requirements. The bill would make these requirements, except for the records and civil penalty provisions, inoperative on January 1, 2030, and would repeal the provisions, including the records and civil penalty provisions, as of January 1, 2033.

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

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

- 1     SECTION 1. (a) The Legislature finds and declares all of the
- 2     following:
- 3     (1) Plastic packaging used for products sold by an online retailer,
- 4     also known as e-commerce packaging, becomes plastic waste
- 5     immediately after a package is opened. Almost all plastic waste
- 6     is landfilled, is burned, or enters and pollutes the environment,
- 7     including waterways and oceans, where plastic can harm marine
- 8     life.
- 9     (2) Once discarded, plastic breaks up into smaller and smaller
- 10    pieces that can starve or choke wildlife when ingested and that act
- 11    as conduits for harmful pollutants that make their way into the
- 12    food chain.

1 (3) More than 900 marine life species have ingested or become  
2 entangled in plastic and plastic has been detected in melting Arctic  
3 sea ice and found sitting at the deepest point of the ocean floor.

4 (4) Plastic is harming human health through every single stage  
5 of its life cycle, from extraction and production to consumer use.  
6 It is making its way into our food, water, and air.

7 (5) Local governments in California spend more than  
8 \$420,000,000 total annually in efforts to clean up and prevent  
9 plastic and other litter from entering oceans and waterways.  
10 Ultimately, these costs are borne by ratepayers.

11 (6) Plastic is a major contributor to climate change. Life cycle  
12 assessments that favor plastic often do not fully consider the  
13 material's full environmental impact, particularly on the oceans.

14 (7) Plastic is a significant source of global greenhouse gas  
15 emissions that contribute to climate change, sea level rise, and  
16 ocean acidification. The environmental and public health impacts  
17 of plastic pollution are devastating, and the environmental  
18 externalities and public costs of cleaning up and mitigating plastic  
19 pollution are already staggering and continue to grow.

20 (8) Most plastics are petrochemicals made from hydrocarbons  
21 derived from fossil fuels and the production of these materials  
22 furthers the reliance on nonrenewable resources. Litter of these  
23 plastics constitutes a form of oil pollution spilling into the oceans  
24 and contaminating the environment.

25 (9) Globally, the e-commerce industry used nearly  
26 2,100,000,000 pounds of plastic packaging in 2019, according to  
27 analysts, and that number is estimated to double by 2025.

28 (10) Almost one-third of the world's population is now buying  
29 online.

30 (11) According to industry analysts, in 2019, e-commerce  
31 businesses in the United States generated 469,000,000 pounds of  
32 plastic packaging waste.

33 (12) Plastic packaging, including, but not limited to, mailers,  
34 bubble wrap, and inflatable pillows, which is often referred to as  
35 plastic film, and expanded polystyrene packaging have little to no  
36 value on the recycling market. Most often, plastic film and  
37 expanded polystyrene packaging is landfilled, is burned, or pollutes  
38 the environment, including the oceans. Additionally, most  
39 municipal recycling programs in the United States do not accept  
40 plastic film and expanded polystyrene packaging.

1 (13) Expanded polystyrene, including loose fill packaging and  
2 molded foam, is rarely recycled. Once in the environment, it breaks  
3 up into small pieces that are nearly impossible to remove.

4 (14) Recycling alone is not enough to solve the plastic crisis.  
5 Less than 9 percent of all plastic waste created has been recycled.

6 (b) It is the intent of the Legislature in enacting this act to reduce  
7 the harmful environmental and economic impacts of plastic  
8 pollution caused by unnecessary single-use plastic film packaging  
9 and expanded polystyrene packaging used in e-commerce by  
10 phasing out shipping envelopes, void fill, and cushioning that  
11 contain single-use plastic.

12 SEC. 2. Chapter 2.5 (commencing with Section 42040) is added  
13 to Part 3 of Division 30 of the Public Resources Code, to read:

14  
15 CHAPTER 2.5. PLASTIC PACKAGING

16  
17 Article 1. Definitions

18  
19 42040. For purposes of this chapter, the following definitions  
20 apply:

21 (a) “Cushioning” means material used to protect fragile goods  
22 by absorbing shocks and vibrations during shipping. Plastic  
23 cushioning includes, but is not limited to, plastic bubble wrap and  
24 inflatable plastic pillows.

25 (b) “Expanded polystyrene packaging” means any packing  
26 material made of polystyrene that has been expanded or blown  
27 using a blowing agent into a solid foam, including, but not limited  
28 to, loose fill, often referred to as packing peanuts, and molded  
29 foam.

30 (c) “Large online retailer” means an online retailer that has  
31 annual gross sales equal to or more than one million dollars  
32 (\$1,000,000) in or into the state and that has equal to or more than  
33 2,500 shipping units sold and transported in or into the state  
34 annually.

35 (d) (1) “Online retailer” means a business that sells goods over  
36 the internet and transports goods by mail or parcel delivery. An  
37 online retailer includes business-to-business and  
38 business-to-consumer sales of products.

39 (2) An online retailer does not include an online marketplace  
40 that satisfies all of the following:

1 (A) Is an online or mobile application providing user services  
2 and facilitating sales solely from third-party sellers to third-party  
3 buyers.

4 (B) Does not own any of the inventory for sale on the online  
5 marketplace.

6 (C) Does not ship or control the distribution, packaging, or  
7 transport of any products on the online marketplace.

8 (D) Facilitates and permits direct, unhindered communication  
9 between the third-party buyer and the third-party seller.

10 (E) Conspicuously displays the third-party seller's location.

11 (F) Does not determine the price for the product offered on the  
12 online marketplace.

13 (G) Is not a large online retailer.

14 (3) *An online retailer does not include a public or privately*  
15 *operated motor carrier, as defined in Section 13102 of Title 49 of*  
16 *the United States Code, that only transports a parcel that has been*  
17 *placed into packaging prior to the motor carrier's taking*  
18 *possession of the parcel and is not opened until after the motor*  
19 *carrier has delivered the parcel.*

20 (e) "Packaging" includes, but is not limited to, all of the  
21 following:

22 (1) Primary packaging.

23 (2) Secondary packaging used to group products into unit loads  
24 during transit and that is the outermost layer of packaging shipped  
25 to consumers.

26 (3) Tertiary packaging or dunnage used to facilitate the  
27 protection, handling, and transportation of a sales unit or sales  
28 units to consumers.

29 (f) "Plastic film" means thin flexible sheets of plastic, sold in  
30 thicknesses of up to 10 millimeters, of which the majority produced  
31 are made of polyethylene resins. Plastic film is used to produce,  
32 and includes, shipping envelopes, cushioning, and void fill.

33 (g) "Reusable packaging" means packaging that is all of the  
34 following:

35 (1) Designed for reuse in the same or similar application, or for  
36 another purposeful packaging use in a supply chain.

37 (2) Highly durable to function properly in its original condition  
38 for multiple trips and its lifetime is measured in years.

39 (3) Repeatedly recovered, inspected, and repaired, if necessary,  
40 and reissued into the supply chain for reuse.

(4) Prevented, at the end of its life, from becoming solid waste with a process in place for recovery and recycling at the final destination of the packaging.

(h) “Shipping envelope” means packaging used for the containment, protection, handling, or delivery of smaller goods by a manufacturer or retailer for the user or consumer. A plastic shipping envelope includes, but is not limited to, plastic mailers, envelope mailers, lightweight plastic mailers, padded plastic mailers, poly mailers, poly bubble mailers, plastic shipping mailers, and paper mailers with plastic lining.

(i) “Single-use packaging” means packaging that satisfies any of the following:

(1) Is intended for a single use.

(2) Is regularly discarded, recycled, or otherwise disposed of after a single use.

(3) Is not reusable packaging.

(j) “Small online retailer” means an online retailer that has annual gross sales of less than one million dollars (\$1,000,000) in or into the state or that has less than 2,500 shipping units sold and transported in or into the state annually.

(k) “Void fill” means a filler material used to close up the free space in a shipping container and ~~lock products in place~~. *prevent excessive movement*. Plastic void fill includes, but is not limited to, sealed air and expanded polystyrene packaging.

## Article 2. Plastic Packaging

42041. (a) (1) An online retailer that sells or offers for sale and delivers purchased products in or into the state shall not use single-use plastic packaging that consists of shipping envelopes, cushioning, or void fill to package or transport the products.

(2) A large online retailer shall comply with this subdivision on and after January 1, 2023.

(3) A small online retailer shall comply with this subdivision on and after January 1, 2025.

(b) A manufacturer, retailer, producer, or other distributor that sells or offers for sale and delivers purchased products in or into the state shall not use expanded polystyrene packaging to package or transport the products.

1 42042. (a) An online retailer that has at least one physical  
2 location in the state with in-person sales shall provide at all  
3 physical locations in the state with in-person sales a take back  
4 container for plastic film and expanded polystyrene packaging that  
5 provides an opportunity for a customer to return to the location  
6 clean plastic film and expanded polystyrene packaging. The  
7 program provided pursuant to this section shall include all of the  
8 following:

9 (1) The online retailer shall place a collection bin for plastic  
10 film and expanded polystyrene packaging at each physical location  
11 with in-person sales that is visible, easily accessible to the  
12 customer, and clearly marked that the collection bin is available  
13 for the purpose of collecting and recycling plastic film and  
14 expanded polystyrene packaging.

15 (2) All clean plastic film and clean expanded polystyrene  
16 packaging collected by the online retailer, or its agent, shall be  
17 transported and recycled in a manner that does not conflict with  
18 the local jurisdiction's source reduction and recycling element,  
19 pursuant to Chapter 2 (commencing with Section 41000) and  
20 Chapter 3 (commencing with Section 41300) of Part 2.

21 (3) The online retailer shall maintain records describing the  
22 collection, transport, and recycling of plastic film and expanded  
23 polystyrene packaging collected for a minimum of one year and  
24 shall make the records available to the department and the local  
25 jurisdiction, upon request, to demonstrate compliance with this  
26 chapter.

27 (b) (1) This section, except for paragraph (3) of subdivision  
28 (a), shall become inoperative on January 1, 2025.

29 (2) This section shall remain in effect only until January 1, 2026,  
30 and as of that date is repealed.

31 42043. (a) An online retailer that provides lockers for the  
32 secure pickup of purchased products at a store, other than a physical  
33 location with in-person sales described in Section 42042, shall  
34 provide a collection bin at the store near the lockers that is visible,  
35 easily accessible to the customer, and clearly marked as available  
36 for the purpose of collecting and recycling plastic film and  
37 expanded polystyrene packaging. A collection bin provided  
38 pursuant to this subdivision shall be maintained by the online  
39 retailer and is not required to be maintained by the store.

1 (b) All plastic film and expanded polystyrene packaging  
2 collected by the online retailer, or its agent, pursuant to this section  
3 shall be collected, transported, and recycled in a manner that does  
4 not conflict with the local jurisdiction's source reduction and  
5 recycling element, pursuant to Chapter 2 (commencing with  
6 Section 41000) and Chapter 3 (commencing with Section 41300)  
7 of Part 2.

8 (c) An online retailer shall maintain records describing the  
9 collection, transport, and recycling of plastic film and expanded  
10 polystyrene packaging pursuant to this section for one year and  
11 shall make the records available to the department and the local  
12 jurisdiction, upon request, to demonstrate compliance with this  
13 section.

14 (d) (1) This section, except for subdivision (c), shall become  
15 inoperative on January 1, 2025.

16 (2) This section shall remain in effect only until January 1, 2026,  
17 and as of that date is repealed.

18 42044. (a) An online retailer that delivers purchased products  
19 to customers in this state shall have an at-delivery recycling  
20 program that provides for the pickup at the time of delivery of  
21 plastic film and expanded polystyrene packaging for products  
22 previously purchased from the online retailer, at no cost to the  
23 customer.

24 (b) All plastic film and expanded polystyrene packaging  
25 collected by the online retailer, or its agent, pursuant to this section  
26 shall be collected, transported, and recycled *or reused* in a manner  
27 that does not conflict with the local jurisdiction's source reduction  
28 and recycling element, pursuant to Chapter 2 (commencing with  
29 Section 41000) and Chapter 3 (commencing with Section 41300)  
30 of Part 2.

31 (c) An online retailer shall maintain records describing the  
32 collection, transport, and recycling of plastic film and expanded  
33 polystyrene packaging pursuant to this section for one year and  
34 shall make the records available to the department and the local  
35 jurisdiction, upon request, to demonstrate compliance with this  
36 section.

37 (d) (1) This section, except for subdivision (c), shall become  
38 inoperative on January 1, 2025.

39 (2) This section shall remain in effect only until January 1, 2026,  
40 and as of that date is repealed.

## Article 3. Enforcement

42045. This chapter does not prohibit the adoption, implementation, or enforcement of a local ordinance, resolution, regulation, or rule governing curbside or dropoff recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency, including any action relating to fees for these programs.

~~42046. (a) A city, a county, or the Attorney General may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation of this chapter, and two thousand dollars (\$2,000) for the third and any subsequent violation of this chapter.~~

~~(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General shall be deposited into the Plastic Packaging Reduction Penalty Account, which is hereby created in the State Treasury. Moneys in the account may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.~~

*42046. (a) An action to enforce this chapter may be brought by the Attorney General upon a complaint from the department, or brought by a county counsel, or city attorney from a city or city and county with a full-time city prosecutor, upon a complaint by a local agency or resident located within the jurisdiction.*

*(b) An entity authorized to bring an action pursuant to subdivision (a) may impose civil liability on a person or entity that knowingly violated this chapter, in the amount of one thousand dollars (\$1,000) per day for the first violation of this chapter, two thousand dollars (\$2,000) per day for the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent violations of this chapter, if the entity is a small online retailer.*

*(c) An entity authorized to bring an action pursuant to subdivision (a) may impose civil liability in the amount not to exceed fifty thousand dollars (\$50,000) per day for a violation of this chapter, if the entity is a large online retailer.*

*(d) Any civil penalties collected pursuant to this section shall be paid to the office of the Attorney General, county counsel, or*

city attorney, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General shall be deposited into the Plastic Packaging Reduction Penalty Account, which is hereby created in the State Treasury. Moneys in the account may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(e) In addition to any civil penalties collected in accordance with this section, the Attorney General, county counsel, or city attorney may seek all costs and attorney's fees incurred by the prosecuting entity as well as the costs incurred by the department or a local agency in investigating the matter.

42047. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. Chapter 5.1 (commencing with Section 42250) is added to Part 3 of Division 30 of the Public Resources Code, to read:

#### CHAPTER 5.1. AT-STORE RECYCLING PROGRAM

42250. For purposes of this chapter, the following definitions apply:

(a) "Manufacturer" means the producer of a plastic carryout bag sold to a store.

(b) "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

(c) "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale, including, but not limited to, plastic reusable bags.

(d) "Reusable bag" ~~means either of the following: is a bag that meets the criteria described in subdivision (a) of Section 42281.~~

~~(1) A bag made of cloth or other machine washable fabric that has handles.~~

~~(2) A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.~~

(e) "Store" means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and that meets either of the following requirements:

1 (1) Meet the definition of a “supermarket” in Section 14526.5.

2 (2) Has over 10,000 square feet of retail space that generates  
3 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales  
4 and Use Tax Law (Part 1.5 (commencing with Section 7200) of  
5 Division 2 of the Revenue and Taxation Code) and has a pharmacy  
6 licensed pursuant to Chapter 9 (commencing with Section 4000)  
7 of Division 2 of the Business and Professions Code.

8 42251. (a) The operator of a store shall establish an at-store  
9 recycling program pursuant to this chapter that provides an  
10 opportunity for a person to return to the store clean plastic carryout  
11 bags and clean durable plastic bags, as described in paragraph (2)  
12 of subdivision (d) of Section 42250.

13 (b) A retail establishment that does not meet the definition of a  
14 store and that provides plastic carryout bags to customers at the  
15 point of sale may also adopt an at-store recycling program, as  
16 specified in this chapter.

17 42252. An at-store recycling program provided by the operator  
18 of a store shall include all of the following:

19 (a) A plastic carryout bag or durable plastic bag provided by  
20 the store shall have printed or displayed on the bag, in a manner  
21 visible to a consumer, the words “PLEASE RETURN TO A  
22 PARTICIPATING STORE FOR RECYCLING.”

23 (b) A collection bin for plastic carryout bags and durable plastic  
24 bags, as described in paragraph (2) of subdivision (d) of Section  
25 42250, shall be placed at each store and shall be visible, easily  
26 accessible to the consumer, and clearly marked that the collection  
27 bin is available for the purpose of collecting and recycling plastic  
28 carryout bags and durable plastic bags.

29 (c) All plastic bags collected by the store shall be collected,  
30 transported, and recycled in a manner that does not conflict with  
31 the local jurisdiction’s source reduction and recycling element,  
32 pursuant to Chapter 2 (commencing with Section 41000) and  
33 Chapter 3 (commencing with Section 41300) of Part 2.

34 (d) The store shall maintain records describing the collection,  
35 transport, and recycling of plastic bags collected for a minimum  
36 of three years and shall make the records available to the  
37 department and the local jurisdiction, upon request, to demonstrate  
38 compliance with this chapter.

39 42253. (a) This chapter does not prohibit the adoption,  
40 implementation, or enforcement of any local ordinance, resolution,

1 regulation, or rule governing curbside or dropoff recycling  
2 programs operated by, or pursuant to a contract with, a city, county,  
3 or other public agency, including any action relating to fees for  
4 these programs.

5 (b) This chapter does not affect any contract, franchise, permit,  
6 license, or other arrangement regarding the collection or recycling  
7 of solid waste or household hazardous waste.

8 42254. (a) A city, a county, or the Attorney General may  
9 impose civil liability in the amount of five hundred dollars (\$500)  
10 for the first violation of this chapter, one thousand dollars (\$1,000)  
11 for the second violation of this chapter, and two thousand dollars  
12 (\$2,000) for the third and any subsequent violation of this chapter.

13 (b) Any civil penalties collected pursuant to subdivision (a)  
14 shall be paid to the office of the city attorney, city prosecutor,  
15 district attorney, or Attorney General, whichever office brought  
16 the action. The penalties collected pursuant to this section by the  
17 Attorney General shall be deposited into the At-Store Recycling  
18 Program Penalty Account, which is hereby created in the State  
19 Treasury. Moneys in the account may be expended by the Attorney  
20 General, upon appropriation by the Legislature, to enforce this  
21 chapter.

22 42255. (a) This chapter, except for subdivision (d) of Section  
23 42252 and for Section 42254, shall become inoperative on January  
24 1, 2030.

25 (b) This chapter shall remain in effect only until January 1,  
26 2033, and as of that date is repealed.

AMENDED IN SENATE APRIL 19, 2021

AMENDED IN SENATE APRIL 13, 2021

AMENDED IN SENATE MARCH 4, 2021

## **SENATE BILL**

**No. 372**

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**Introduced by Senator Leyva**

February 10, 2021

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An act to add Article 4 (commencing with Section 44274.10) to Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Leyva. Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

Existing law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

This bill would establish the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality

Improvement Program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the state board to designate the California Pollution Control Financing Authority as the agency responsible for administering the program and would require the state board and the authority to enter into an interagency working agreement for the development and administration of the program. The bill would require the authority to consult with various state agencies and stakeholders in the development and implementation of the program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The transition to zero-emission medium- and heavy-duty
- 4 vehicles is the goal of the state, as outlined in the Governor's
- 5 Executive Order N-79-20 and the State Air Resources Board's
- 6 Advanced Clean Trucks and Advanced Clean Fleets regulations.
- 7 (b) Statewide, about 12,000,000 Californians live in
- 8 communities that exceed the federal ozone and PM 2.5 standards.
- 9 According to the American Lung Association, more than 90 percent
- 10 of Californians live in counties affected with unhealthy air during
- 11 certain parts of the year. The south coast and San Joaquin Valley
- 12 are the only two areas in the nation designated as "extreme"
- 13 nonattainment. Researchers found that southern California has
- 14 seen a 10 percent increase in deaths attributable to ozone pollution
- 15 from 2010 to 2017, inclusive.
- 16 (c) Emissions from medium- and heavy-duty vehicles make up
- 17 a significant proportion of harmful air pollution in California,
- 18 despite making up just 7 percent of vehicles on the road.
- 19 Heavy-duty trucks are responsible for about 35 percent of total

1 statewide NOx emissions and over 70 percent of NOx emissions  
2 from on-road mobile sources. Heavy-duty trucks are also  
3 responsible for approximately 26 percent of total statewide diesel  
4 PM emissions.

5 (d) The risks of near-road air pollution are particularly high for  
6 minority and low-income communities, because these communities  
7 constitute a higher percentage of the population near major  
8 roadways.

9 (e) These emissions near roadways add to the health burdens  
10 in underserved, priority, and disadvantaged communities and  
11 cleaning up transportation emissions in these communities is long  
12 overdue and should be the focus of state clean air programs.

13 (f) Using zero-emission vehicles instead of internal combustion  
14 engine vehicles saves the operators of medium- and heavy-duty  
15 vehicle fleets money over the lifetime of the zero-emission vehicles  
16 because zero-emission vehicles have lower operation costs.  
17 Additionally, using zero-emission medium- and heavy-duty  
18 vehicles has broader societal benefits, including improved health  
19 outcomes, resulting in reduced costs related to health care.

20 (g) Even with this lower operating cost, getting to this transition  
21 requires near-term, scalable, and replicable financing tools and  
22 nonfinancial supports, such as technical and policy supports, with  
23 an understanding that small and microfleets of medium- and  
24 heavy-duty vehicles will require development of specific financing  
25 solutions relative to larger fleets of medium- and heavy-duty  
26 vehicles, and the state's commitment to developing those financing  
27 solutions.

28 (h) ~~Small and microfleets, those with 20 trucks or less and 5~~  
29 ~~trucks or less, respectively, microfleets~~ are more likely to operate  
30 in disadvantaged communities, have less access to market capital,  
31 and face other financial burdens, and, for those reasons, could  
32 benefit from the cost savings of zero-emission vehicles if financing  
33 tools and nonfinancial supports are designed for, and directed to,  
34 those fleets.

35 (i) Large fleets will likely need public moneys and nonfinancial  
36 supports to help transition those fleets to zero-emission vehicles.  
37 These tools can be leveraged with infusions of private capital.

38 (j) Public moneys, other financing tools, and nonfinancial policy  
39 supports can be designed to go where they are needed the most  
40 and will have the most impact, bringing in as much private capital

1 as possible to complement and leverage limited existing funding,  
2 while ensuring that small and microfleets are made economically  
3 better off through this process, rather than adding to their financial  
4 burden of purchasing a new or used vehicle.

5 *(k) It is important to ensure the distribution of funds to seaports*  
6 *throughout the state to widen adoption of these vehicles with*  
7 *specific offerings to overcome existing obstacles to accessing*  
8 *funding and that will complement their different operational models*  
9 *in order to accomplish the goals of Article 4 (commencing with*  
10 *Section 44274.10) of Chapter 8.9 of Part 5 of Division 26 of the*  
11 *Health and Safety Code.*

12 ~~(k)~~  
13 *(l) Bus fleets are often on the cutting edge of zero-emission*  
14 *vehicle transportation, help to support the transition to*  
15 *zero-emission vehicles, and would benefit from financial and*  
16 *nonfinancial support designed to suit their fleets.*

17 SEC. 2. Article 4 (commencing with Section 44274.10) is  
18 added to Chapter 8.9 of Part 5 of Division 26 of the Health and  
19 Safety Code, to read:

20  
21 Article 4. Medium- and Heavy-Duty Zero-Emission Vehicle  
22 Fleet Purchasing Assistance Program  
23

24 44274.10. For purposes of this division, the following  
25 definitions apply:

26 (a) “Administering agency” means the California Pollution  
27 Control Financing Authority.

28 (b) “Financing tools” includes, but is not limited to, any of the  
29 following:

30 (1) Capital instruments, which are financing instruments that  
31 increase access to capital or other resources or reduce the cost of  
32 capital, or ~~both~~ *both, such as interest rate reductions,*  
33 *public-backed “soft” loans, grants, bonds, and investment*  
34 *aggregation, also known as warehousing.*

35 (2) Risk reduction instruments, which are financing instruments  
36 that reduce exposure to risk or ~~uncertainty~~ *uncertainty, such as*  
37 *performance guarantees and asset residual value guarantees.*

38 (3) Cost smoothing instruments, which are financing instruments  
39 that reduce and smooth up-front or recurrent costs, or ~~both~~ *both,*

1 *such as operational leasing, all-inclusive leasing, also known as*  
2 *wet leasing, lease-purchase agreements, and on-bill financing.*

3 ~~(e) “Large fleet” means a fleet of medium- or heavy-duty~~  
4 ~~vehicles, or both, under the control or ownership of one operator~~  
5 ~~that has more than 500 vehicles.~~

6 ~~(d) “Microfleet” means a fleet of medium- or heavy-duty~~  
7 ~~vehicles, or both, under the control or ownership of one operator~~  
8 ~~that has up to five vehicles.~~

9 *(c) “Fleet” means one or more vehicles under common control*  
10 *or ownership.*

11 ~~(e)~~

12 *(d) “Nonfinancial supports” means technical support, such as*  
13 *supports for technical management of electric medium- and*  
14 *heavy-duty vehicles and vehicles, technical assistance for financing*  
15 *approaches, battery health programs, and creation of residual*  
16 *markets, or policy action, such as policy measures to enable*  
17 *financing or encourage fleet transitions.*

18 ~~(f)~~

19 *(e) “Priority population” means a community identified as*  
20 *disadvantaged pursuant to Section 39711, or a low-income*  
21 *household or a low-income community, as defined in Section*  
22 *39713.*

23 ~~(g)~~

24 *(f) “Program” means the Medium- and Heavy-Duty*  
25 *Zero-Emission Vehicle Fleet Purchasing Assistance Program*  
26 *established pursuant to Section 44274.11.*

27 ~~(h) “Small fleet” means a fleet of medium- or heavy-duty~~  
28 ~~vehicles, or both, under the control or ownership of one operator~~  
29 ~~that has less than 20 vehicles but more than 5 vehicles.~~

30 ~~(i)~~

31 *(g) “Underserved community” means a community that meets*  
32 *one of the following criteria:*

33 *(1) Is a “disadvantaged community” as defined by subdivision*  
34 *(g) of Section 75005 of the Public Resources Code.*

35 *(2) Is included within the definition of “low-income*  
36 *communities” as defined by paragraph (2) of subdivision (d) of*  
37 *Section 39713.*

38 *(3) Is within an area identified as among the most disadvantaged*  
39 *25 percent in the state according to the California Environmental*  
40 *Protection Agency and based on the most recent California*

1 Communities Environmental Health Screening Tool, also known  
2 as CalEnviroScreen.

3 (4) Is a community in which at least 75 percent of public school  
4 students in the project area are eligible to receive free or  
5 reduced-price meals under the National School Lunch Program.

6 (5) Is a community located on lands belonging to a federally  
7 recognized California Native American tribe.

8 44274.11 (a) The Medium- and Heavy-Duty Zero-Emission  
9 Vehicle Fleet Purchasing Assistance Program is hereby established  
10 within the state board's Air Quality Improvement Program  
11 established pursuant to Section 44274 to make financing tools and  
12 nonfinancial supports available to the operators of medium- and  
13 heavy-duty vehicle fleets to enable those operators to transition  
14 their fleets to zero-emission vehicles. The state board shall  
15 designate the California Pollution Control Financing Authority as  
16 the agency responsible for administering the program.

17 (b) The state board and the administering agency shall enter  
18 into an interagency working agreement for the development and  
19 administration of the program.

20 44274.12. As part of the interagency working agreement  
21 entered into pursuant to Section 44274.11, the state board and the  
22 administering agency shall do all of the following when developing  
23 and implementing the program:

24 (a) Seek input from environmental justice organizations, ~~the~~  
25 ~~operators of~~ medium- and heavy-duty vehicle fleets of diverse  
26 sizes and types, financiers, original truck equipment manufacturers,  
27 transportation, logistics, and fleet management companies,  
28 nongovernmental organizations, and other relevant stakeholders  
29 on all of the following topics:

30 (1) Which medium- and heavy-duty fleets should be designated  
31 as high-priority fleets pursuant to subdivision (d), taking into  
32 consideration the implications for climate change, pollution and  
33 environmental justice, state policy regarding clean air and  
34 transportation, and post-COVID economic recovery.

35 (2) ~~The~~ *How to apply to the program the Governor's Office of*  
36 *Business and Economic Development's findings on the* critical  
37 barriers that impede ~~operators of~~ medium- and heavy-duty fleets  
38 in different sectors and of different fleet sizes from transitioning  
39 to zero-emission vehicles.

1 (3) The financing tools and nonfinancial supports that should  
2 be used to help overcome the critical barriers identified pursuant  
3 to paragraph (2).

4 (4) How to determine whether the program is successful in  
5 meeting its goals.

6 (b) (1) Develop and design, in consultation with other relevant  
7 state agencies and building on the input received pursuant to  
8 subdivision (a), financing tools and nonfinancial supports that are  
9 most appropriate for different sizes and sectors of medium- and  
10 heavy-duty vehicle fleets.

11 (2) Ensure the financing tools and nonfinancial supports  
12 identified pursuant to paragraph (1) have no redundancies or  
13 inefficiencies with other state programs.

14 (3) Identify the funding needs and potential funding sources for  
15 the financing tools and nonfinancial supports identified pursuant  
16 to paragraph (1).

17 (c) Ensure that a minimum of 75 percent of financing products  
18 offered under the program are directed towards operators of  
19 medium- and heavy-duty fleets whose fleets directly impact, or  
20 operate \_\_\_\_ percent of the time in, an underserved community  
21 or priority population, or both.

22 (d) Designate which medium- and heavy-duty fleets are the  
23 high-priority fleets that will have access to the program first based  
24 on a consideration of state transportation policy and the input  
25 received pursuant to subdivision (a). The administering agency  
26 shall designate port and drayage truck fleets as one of the  
27 high-priority fleets.

28 (e) Provide financing tools to operators of small and microfleets  
29 *of medium- and heavy-duty vehicles* that include, but are not limited  
30 to, direct assistance, such as incentives, grants, and vouchers, that  
31 increase access to capital and reduce exposure to market risks or  
32 uncertainties. *The state board and the administering agency shall*  
33 *determine how many vehicles constitute a small fleet and a*  
34 *microfleet for purposes of the program.*

35 (f) Provide financing tools to operators of large fleets *of medium-*  
36 *and heavy-duty vehicles* to increase access to private capital in  
37 ways that make it easier, less expensive, or reduce uncertainties,  
38 or any combination of these things, for the operators to transition  
39 to zero-emission vehicles. *The state board and the administering*

1 *agency shall determine how many vehicles constitute a large fleet*  
2 *for purposes of the program.*

3 *(g) Enable the stacking or coordinated combination of financial*  
4 *tools and nonfinancial supports.*

5 ~~(g)~~

6 *(h) Facilitate the decommissioning of high-polluting medium-*  
7 *and heavy-duty vehicles in accordance with the state's clean air*  
8 *targets and goals.*

9 ~~(h)~~

10 *(i) Enable the development of replicable business models that*  
11 *allow private capital to fully engage, while meeting the goals of*  
12 *this division.*

13 ~~(i)~~

14 *(j) Include optimal financing tools and appropriate nonfinancial*  
15 *supports that are designed and targeted to catalyze electrification*  
16 *at scale.*

17 ~~(j)~~

18 *(k) Encourage emerging flexible business, operational, and*  
19 *ownership models that accomplish the goals of this division, such*  
20 *as lease-backs or electric vehicle managers and lessors.*

21 ~~(k)~~

22 *(l) (1) Establish deadlines for the program that align with*  
23 *milestones established in Executive Order N-79-20 and the*  
24 *proposed revisions to Division 3 (commencing with Section 1900)*  
25 *of Title 13 of the California Code of Regulations known as the*  
26 *Proposed Advanced Clean Trucks Regulation, which were*  
27 *approved by the state board on June 25, 2020.*

28 *(2) The administering agency shall do both of the following:*

29 *(A) Establish penetration targets for deployment of financing*  
30 *tools and nonfinancial supports to operators including, but not*  
31 *limited to, those whose fleets directly impact, or operate \_\_\_\_*  
32 *percent of the time in, underserved communities and priority*  
33 *populations for each milestone specified in paragraph (1).*

34 *(B) Compile data and information about the deployment of*  
35 *financing tools and nonfinancial supports provided pursuant to the*  
36 *program to operators including, but not limited to, those whose*  
37 *fleets directly impact, or operate \_\_\_\_ percent of the time in,*  
38 *underserved communities and priority populations.*

39 ~~(l)~~

1 (m) Coordinate with the Public Utilities Commission and the  
2 State Energy Resources Conservation and Development  
3 Commission to provide marketing, education, and outreach to  
4 underserved communities and priority populations regarding the  
5 program.

6 ~~(m)~~

7 (n) Ensure the financing tools and nonfinancial supports  
8 designed and developed pursuant to this section are available to  
9 operators of medium- and heavy-duty fleet operators by January  
10 1, 2023.

11 44274.13. (a) The administering agency shall develop a data  
12 collection and dissemination strategy for the program to facilitate  
13 informed decisionmaking by other state agencies and private sector  
14 financiers.

15 (b) The strategy developed pursuant to subdivision (a) shall  
16 include data that is necessary to facilitate the financing of  
17 zero-emission vehicles in order to increase the scalability of  
18 financial tools and nonfinancial supports. These data include, but  
19 are not limited to, vehicle and battery performance, upfront and  
20 operational costs, residual values, operational revenues, and  
21 zero-emissions vehicle miles traveled.

22 (c) This section shall not be construed as a requirement to  
23 disclose any proprietary business information collected pursuant  
24 to the program to the public as part of the data dissemination  
25 strategy.

26 44274.14. The administering agency shall consult with the  
27 State Energy Resources Conservation and Development  
28 Commission and the Public Utilities Commission on the use of  
29 on-bill tariff products for charging and fueling infrastructure that  
30 would allow operators of medium- and heavy-duty fleets to see  
31 fuel cost savings of zero-emission vehicles relative to diesel fuel.

32 44274.15. The state board shall create, in coordination with  
33 other state agencies that administer programs similar to the program  
34 established in Section 44274.11, a “one-stop shop” that provides  
35 information on the state board’s internet website to operators of  
36 medium- and heavy-duty fleets about all of the potential financing  
37 and grant options and other technical assistance available to help  
38 obtain financing for zero-emission medium- and heavy-duty  
39 vehicles.

1 SEC. 3. The Legislature finds and declares that Section 2 of  
2 this act, which adds Section 44274.13 to the Health and Safety  
3 Code, imposes a limitation on the public's right of access to the  
4 meetings of public bodies or the writings of public officials and  
5 agencies within the meaning of Section 3 of Article I of the  
6 California Constitution. Pursuant to that constitutional provision,  
7 the Legislature makes the following findings to demonstrate the  
8 interest protected by this limitation and the need for protecting  
9 that interest:


10 In order to protect the privacy of the operators of medium- and  
11 heavy-duty vehicle fleets and encourage their participation in the  
12 program established pursuant to Section 2, it is necessary to limit  
13 the public's right of access to their proprietary business  
14 information.


## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: May 6, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Laura A. Acosta, Manager of Human Resources 

SUBJECT: Fiscal Year 2021 Affirmative Action Program Report

### SUMMARY

The District's Strategic Plan includes a Workforce Planning and Development goal to create an environment that attracts, retains, and engages a high-performing, diverse and inclusive workforce in support of the District's mission and core values. One element of this goal is the District's Affirmative Action Program (AAP). The AAP report for Fiscal Year 2021 (FY21) is attached. An overview of the AAP will be presented at the May 11, 2021 Legislative/Human Resources Committee meeting.

### DISCUSSION

As a federal contractor, the District is required by federal regulations to annually update and adopt a written AAP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. Pursuant to these regulations, the District establishes annual placement goals (by job group) for minorities and women. Placement goals are based on a utilization analysis conducted by the Biddle Consulting Group, comparing District incumbency to availability in the District's recruitment area.

The District also analyzes its hires against a customized hiring benchmark for protected veterans, currently set at 2.5 percent for FY21, and analyzes 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 veterans hiring benchmark and IWD utilization goal. Based on goals progress and evaluation, the District evaluates program effectiveness and recommends action-oriented programs and outreach to improve performance.

The FY21 AAP provides a summary of demographic data and program performance for FY20 and action-oriented programming for FY21. While the AAP complies with federal regulations, it is only a foundational element of the District's efforts to achieve our strategic goal of building a high-performing, diverse, and inclusive workforce.

For FY20, placement and outreach efforts for minorities and/or women were focused on seven of the District's 22 job groups. Progress was made for minority placement goals on three job groups (Supervising Engineers, Electrical/Structural Maintenance, and Pipeline Maintenance) but there was mixed or no progress toward minority placement goals for the four other job groups (Mechanical Maintenance, Rangers, Heavy Equipment/Truck Operators, and Service Maintenance). No progress was made for the female placement goal for Electrical/Structural Maintenance.

The District continued to make progress on its utilization goal for IWDs in FY20. The percentage of IWDs in the applicant pools increased from 3.7 percent to 4.0 percent and the IWD hiring rate increased from 5.7 percent to 6.3 percent. The IWD workforce utilization rate remained steady, dropping slightly from 4.9 percent to 4.8 percent. The District made progress on its protected veterans hiring rate (increasing from 1.5% to 1.8%) and improved its Veterans applicant rate (from 3.2% to 4.0%). However, the District's overall protected veterans incumbency rate continues to drop (from 3.0% to 2.8%).

The minority placement goals for FY21 remain the same as in FY20 for the seven job groups. The District's female placement goals have expanded in FY21 to include two new job groups (Mechanical Maintenance and Technicians). The female placement goal for Electrical/Structural Maintenance remains and two additional job groups have been added (Mechanical Maintenance, Technicians). The FY21 AAP is focused on addressing the areas described above and targeted towards these job groups/classifications.

The action-oriented programs for FY21 include continuation of targeted outreach; additional hiring manager support for job groups with placement goals; continuation of the high school skilled-trades internship programs, development of ranger, engineering, and IT internship programs; implementation of recommendations from the Women in Trades Environment Scan Report; and development and implementation of the Diversity and Inclusion Strategic Plan.

## **NEXT STEPS**

For the FY22 AAP, staff will employ a new strategy for enhancing targeted outreach. In addition to job families identified in the AAP, targeted diversity outreach strategies will be applied to all recruitments for positions in the lowest third job groups by percentages for both females and minorities as identified in Exhibit 3 of the AAP. Based on the FY20 data, this would include:

For females:

<ul style="list-style-type: none"><li>• Mechanical Maintenance</li><li>• Heavy Equipment/Truck Operators</li><li>• Pipeline Maintenance</li><li>• Pipeline Maintenance Lead/Supervisors</li></ul>	<ul style="list-style-type: none"><li>• Electrical/Structural Maintenance</li><li>• Plant Operators</li><li>• Engineering Technicians</li></ul>
---	---

For minorities:

<ul style="list-style-type: none"><li>• Rangers</li><li>• Electrical/Structural Maintenance</li><li>• Supervising Engineering</li><li>• Mechanical Maintenance</li></ul>	<ul style="list-style-type: none"><li>• Directors/Managers</li><li>• Science Professionals</li><li>• Heavy Equipment/Truck Operators</li></ul>
--	--

The Board will be asked to consider adoption of the FY21 AAP at its May 11, 2021 meeting.

CCC:LAA:rdw

Attachment: Fiscal Year 2021 Affirmative Action Program Report

I:\SEC\2021 Board Related Items\051121 LEG-HR Committee\HRD\Fiscal Year 2021 Affirmative Action Program Report.docx

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Fiscal Year 2021

# Affirmative Action Program



**FY2021**  
**Affirmative Action Program**  
**East Bay Municipal Utility District**

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### Exhibits

- Exhibit 1 – Organizational Display
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- Exhibit 3 – Job Group Analysis
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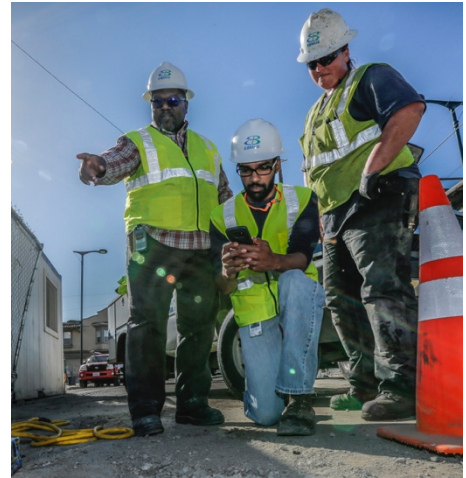
### Exhibits

- Exhibit 6 – Hiring Benchmark Analysis
- Exhibit 7 – Utilization Goals Analysis

## EXECUTIVE SUMMARY

EBMUD is an equal employment opportunity employer. As a federal contractor, the District is required by federal regulations to annually update and adopt a written Affirmative Action Program for minorities, women, protected veterans (Veterans) and individuals with disabilities (IWDs). Federal regulations specifically require the District to:

- Establish placement goals by job group for minorities and/or women based on the results of a utilization analysis comparing District incumbency to availability
- Establish action-oriented programs to address problem areas hindering the employment of minorities or women at availability rates
- Analyze its progress and the effectiveness of its outreach efforts in reaching benchmarks for the hiring of Veterans and utilization goal for IWDs



The Board's adoption of the FY2021 AAP Diversity and Inclusion Program complies with these regulations. Furthermore, the District's Affirmative Action Program also serves to support the Workforce Planning goal of the District's Strategic Plan to attract and hire quality candidates that reflect the diversity of our community.

For the **FY2020 AAP**, of the 22 District job groups, efforts were focused on seven job groups for which the District had placement goals for minorities and/or women. The progress on these placement goals was mixed.

The District made progress with minority placement goals on three of our job groups:

- Supervising Engineers
- Electrical/Structural Maintenance
- Pipeline Maintenance

The District had mixed or no progress in regard to the minority placement goals for four other job groups:

- Mechanical Maintenance
- Rangers
- Heavy Equipment/Truck Operators
- Service Maintenance

The District did not make progress on our one job group with a female placement goal in FY2020:

- Electrical/ Structural Maintenance.

For the **FY2021 AAP**, minority placement goals remain for the same seven job groups. Meanwhile the District's female placement goals have expanded in FY2021, to include two new job groups:

- Mechanical Maintenance
- Technicians

## 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 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 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, and therefore is 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 federal contracts, specifically the Long-Term Renewal Water Supply Contract with the Federal Bureau of Reclamation, and employs 50 or more employees, it is required to prepare

annual written affirmative action programs (AAPs) for minorities and women, for protected veterans (Protect Veterans), and for individuals with disabilities (IWDs). The EBMUD program was developed in accordance with and in reliance upon the Equal Employment Opportunity Commission's (EEOC) 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. Furthermore, the District does not believe any violation of Title VII of the Civil Rights Act exists. Compliance with these laws and their implementing regulations, is enforced by the Office of Federal Contract Compliance Programs (OFCCP), and failure to comply can result in debarment of the District from future contracts and subcontracts.

EBMUD's Program was developed in accordance with and in reliance upon the Equal Employment Opportunity Commission's (EEOC) 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.

**I. 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, 2019 – June 30, 2020**

**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:** Laura Acosta  
Manager of Human Resources  
East Bay Municipal Utility District  
PO Box 24055, MS 601  
Oakland, CA 94623-9979  
Attn: Diversity and Inclusion Office  
(510) 287-0710

## A. Designation of Responsibility

### 41 C.F.R. § 60-2.17(a)

As part of the District's efforts to ensure equal employment opportunity (EEO) to all individuals, various staff has specific responsibilities 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. The Board of Directors, General Manager, Manager of Human Resources, Diversity and Inclusion Officer, 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 equitable 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. Moreover, on June 23, 2020, the Board adopted a Racial Equity and Justice resolution (Resolution No. 35190-20) providing "authorizing principles and an action plan for (EBMUD's) response to racial discrimination and violence against Black and African Americans as most recently exemplified by the killing of George Floyd." In April 2021, the Board subsequently adopted a similar resolution condemning anti-Asian violence in our communities.



Policy 2.25, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, 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 workplace harassment based on race (including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, and other protected categories. In addition, the Policy prohibits retaliation against employees alleging discrimination and workplace harassment, or involved as witnesses in a discrimination or workplace harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or workplace 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 qualified relevant labor.

Policy 2.26, Prevention of Workplace Harassment, provides for a workplace for all employees that is

free from any form of workplace harassment, including sexual harassment. It affirmatively states that workplace harassment, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace 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 AA and EEO programs. The Manager of HR has delegated the EEO Program and AAPs 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 AAP and EEO program. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP 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 AAPs and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and AA, 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 and AAPs, 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.
- Lead the District's Diversity Committee.

#### Managers and Supervisors

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

- Monitor their 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 themselves with District policies on discrimination and workplace harassment (Policies 2.25 and 2.26), to incorporate them into their own behavior, and to inform employees in the work unit to do the same.
- Be familiar with the District's Procedure on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals (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 workplace harassment seriously. Managers and supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AAP and EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AAP and EEO program and make good faith efforts by considering alternative 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 AAP and EEO program, 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 receive training and are required to adhere to the District EEO policy 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 Disclaimer

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this subpart are terms of art 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 term used 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.



#### 1. Summary of Fiscal Year 2020 (FY2020) AAP Placement Goals and Accomplishments

The FY2021 Report is developed and approved in FY2021. However, the analysis for the FY2021 Report is based on FY2020 data and FY2020 activities. Furthermore, data regarding the makeup of the EBMUD incumbent/ existing workforce is based on employee data on June 30, 2020.

In FY2020, the District had eight placement goals where the incumbency of minorities and/or females within the group was below the availability in the recruitment area to a statistical significance. Seven of the eight goals were for minority placements and one was for female placement.

#### FY2020 EBMUD Placement Goals

Group Job	Minority Placement Goal	Female Placement Goal
Supervising Engineering	X	
Electrical/Structural Maintenance	X	X
Pipeline Maintenance	X	
Mechanical Maintenance	X	
Rangers	X	
Heavy Equipment/Truck Operators	X	
Service Maintenance	X	
Total Goal Areas	7	1

The table below shows the placement rate trends over the past three years for each EBMUD job group with FY2020 minority placement goals. This table compares the placement rate goal for FY2020, the incumbency rate (i.e., the percentage of minorities working at EBMUD in FY2020), and the actual placement rate for each of the past three years.

- Placements consist of hires and promotions into the target job group between July 1, 2019 and June 30, 2020.
- Information about which job classes make up each of the Job Groups listed below are provided in the [FY2021 goals chart](#) on page 8.
- For additional background information and explanations about AAP Job Group Analysis and Availability Analysis, and the job classes for all Job Groups, see [Exhibit 5](#) of this report.

### FY2020 AAP Minority Placement Goals Progress Summary

Job Group	FY2020 Minority Placement Rate (Goal)	Minority Incumbency (%)	FY2018 Actual Minority Placement Rate (%)	FY2019 Actual Minority Placement Rate (%)	FY2020 Actual Minority Placement Rate (%)
Supervising Engineering	58.0%	13/43= 30.2%	0/5= 0.0%	2/5= 40.0%	2/3= 66.7%
Electrical/ Structural Maintenance	52.5%	28/100= 28.0%	2/9= 22%	2/6= 33.3%	3/7= 42.9%
Pipeline Maintenance	61.1%	96/202= 47.5%	7/18= 38.9%	10/20= 50.0%	10/19= 52.6%
Mechanical Maintenance	53.0%	50/153= 32.7%	6/23= 26.1%	9/18= 50.0%	5/12= 41.7%
Rangers	54.5%	5/34= 14.7%	0/1= 0.00%	0/0= NA	0/0= NA
Heavy Equipment/ Truck Operators	54.3%	51/119= 42.9%	12/21= 57.1%	12/21= 57.1%	10/24= 41.7%
Service Maintenance	70.0%	47/91= 51.6%	9/23= 39.1%	17/22= 77.3%	11/24= 45.8%

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

### Job Groups with positive placement trends for overall minorities:

- **Supervising Engineer:** The District exceeded its overall minority placement goals. However, for this job group, it should be noted that Asians are still under-represented at the District compared to the demographics of our workforce recruitment area. In FY2018 there were five placements for this job group, none of whom were minorities. In FY2019, there were 2 minority placements out of 5 total placements for a 40% placement rate. In FY2020, minorities made up two of the three total placements (66.7%).
- **Electrical/Structural Maintenance:** The District had placement rates for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal. The minority placement rate percentage has increased significantly over the last three fiscal years –from 22.2% in FY2018, to 33.3% in FY2019, to 42.9% in FY2020.
- **Pipeline Maintenance:** The District had placement rates for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal. The minority placement rate percentage increased by double digits between fiscal years – from 38.9% in FY2018, to 50% in FY2019, to 52.6% in FY2020.

### Job Groups with mixed or neutral placement trends for overall minorities:

- **Mechanical Maintenance:** The District had placement rates for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal. Also, there was a slight drop in the overall minority placement rate in FY2020 compared to FY2019.
- **Rangers:** The District did not have any placements in FY2020; therefore, there was no opportunity to make progress on this placement goal. For years, the District has been unable to make progress on its minority placement goal for the Ranger job group. The primary issue is that there has only been one selection during the past three years. However, even if there had been a greater number of placement opportunities, the minority placement rate would still likely have been limited. Minorities represented only 22.2% of the District's most recent applicant pool despite a minority placement goal (i.e., availability percentage) of 54.5%. Furthermore, Training and Experience (T&E) review selected out minorities at a higher rate than non-minority applicants, thus dropping the minority representation even lower (14%)<sup>1</sup>.

### Job Groups with negative placement trends for overall minorities:

- **Heavy Equipment/Truck Drivers:** The District had a placement rate below its incumbency rate for this job group in FY2020 despite surpassing the goal in FY2018 and FY2019.
- **Service Maintenance:** The District had a placement rate (45.8%) below its incumbency rate (51.6%) for minorities in this job group in FY2020, despite surpassing the goal in FY2019 with a 77.3% placement rate. FY2020 still marks an increase over the 39.1% placement rate in FY2018, however, it falls below the 70% minority availability in the EBMUD recruitment area.

**FY2020 AAP Female Placement Goals Progress Summary**

Job Group	FY2020 Female Placement Rate (Goal)	Female Incumbency (%)	FY2018 Actual Female Placement Rate (%)	FY2019 Actual Female Placement Rate (%)	FY2020 Actual Female Placement Rate (%)
Electrical/Structural Maintenance	8.8%	3/100= 3.0%	0/9= 0.00%	0/6= 0.00%	0/7= 0.00%

The District has also been unable to meet or make progress on its female placement goal for the Electrical/Structural Maintenance job group (see table above) primarily because the applicant pools had an insufficient representation of female applicants. Despite 22 placements in this job group over the past three years, none have been female. In FY2020, out of 102 applicants, only three were female (3%). Previous year's show a similar problem in terms of the lack of female applicants. In FY2019, there were no female applicants for 6 of the 7 recruitments that resulted in hires. The one recruitment that had female applicants, Electrical Technician, only had 1 female applicant out of 198 applicants, for a female representation percentage of 0.05%.

As noted in the table below, the total number of females in this job group (three) has remained consistent over the last three years while the total incumbency of all workers in this job group has seen slight fluctuations from year to year. Notably, in FY2019 there was a significant increase in the availability of female workers for this job group in the EBMUD workforce/ recruitment area (from 5.1% availability in

<sup>1</sup> The District recognizes that this may indicate a pass point barrier, as set forth on page 10, and will be exploring ways to address this in the future.

FY2018 to 9.1% in FY2019). This increased availability rate has mostly been sustained for FY2020 (8.8%).

**Electrical/ Structural Maintenance**  
**Female Incumbency Rate vs. Availability (Placement Goals) for FY2018-FY2020**

Job Group	FY2018 Female Incumbency vs. Placement Rate Goal (%)	FY2019 Female Incumbency vs. Placement Rate Goal (%)	FY2020 Female Incumbency vs. Placement Rate Goal (%)
Electrical/ Structural Maintenance	Incumbency: 3/104= <b>2.9%</b> GOAL: <b>5.1%</b>	Incumbency: 3/106= <b>2.8%</b> GOAL: <b>9.1%</b>	Incumbency: 3/100= <b>3.0%</b> GOAL: <b>8.8%</b>

The District has developed targeted action-oriented programs to address potential barriers to minority and female placements in the Ranger, Electrical/Structural Maintenance, and Mechanical Maintenance job groups as discussed more fully in the Action-Oriented Program's section below.

**2. FY2021 AAP Goals**

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability set forth in Exhibit 5, Placement Goals Analysis. The specific Placement Goals for the FY2021 AAP are listed in the table on the following page.

Placement goals are determined for each job group based on the current availability of minorities and/or women working in similar jobs within the District's recruitment area. For each job group, if the occupational availability of minorities (or women) is significantly higher in our recruitment area compared to the District's incumbent workforce, a placement goal is established. The Affirmative Action placement goal is always equivalent to the availability of minorities (or women) in our geographic recruitment area. The Placement Goal should not be mistaken as a quota. It is a "goal" percentage for females/minorities that the District should make good faith efforts to reach by increasing recruiting efforts to find a more diverse and qualified applicant pool. Additional detail about the Job Group, Availability, and Placement Goals Analyses at provided in in subsequent sections of this report (i.e., Sections F, G, and H)

In the table on the following page, the job groups are listed in descending order according to the relative significance of their Affirmative Action placement goals. Thus, at the top of the chart are the job groups that have the greatest discrepancy between recruitment area availability and EBMUD workforce incumbency. In the far-right column, "Availability—i.e., Placement Goal," the shortfall (noted in parenthesis) is listed as a range. The lower number in each range represents the number of minority/female placements that would eliminate that job group as a statistically significant problem area. The upper number in each range represents the total number of minority/female placements that would result in representative parity. In other words, adding that number of minorities or women would bring their representation at EBMUD up to par with their availability in our recruitment area.

## FY2021 AAP Placement Goal Summary

Job Group	Classifications	Current EBMUD Workforce Incumbency	Availability <i>i.e. Placement Goal</i> (shortfall)
Rangers	Ranger/ Naturalist I-II Ranger Supervisor Senior Ranger/ Naturalist	Minority: 14.7% (5/34)	Minority: 55.6% (+8-14)
Electrical/ Structural Maintenance	<b>Carpentry:</b> Worker, Carpenter, Supervisor <b>Electrical:</b> Worker I-III, Technician, Supervisor <b>Facilities:</b> Spec. I-II, Technician, Foreman, Supervisor <b>Instrument:</b> Worker I-III, Technician, Supervisor, Instrument Maint. Supv. <b>Paint:</b> Worker I-III, Painter, Foreman <b>Plant Maintenance Supervisors:</b> Electrical, Structures	Minority: 28.0% (28/100)  Female: 3% (3/100)	Minority: 52.7% (+15-25)  Female: 8.6% (+1-9)
Mechanical Maintenance	<b>Auto:</b> Maintenance Worker I-III, Mechanic A&B <b>Equipment:</b> Supervisor, Superintendent <b>Mechanics:</b> Gen. Equip., Heavy Equip. Mech., Heavy Equip. Worker I-III, Sr. Mech. <b>Machining &amp; Maintenance:</b> Worker I-III, Maint. Machinists, Maint. Spec. I-III, Mechanical Supv., Maint. Superint. <b>Meter Reader/Mechanics:</b> MR/M, Meter Mech. I-II, Foreman, MR/Maint. Supv., (Sr.) Mech./ Backflow Tester, MR/ Testing Supv. <b>Plant Maintenance:</b> Mechanic, Superint., Supv, Worker I-III, Mech. Maint. Supv.	Minority: 32.7% (50/153)  Female: 1.3% (2/153)	Minority: 53.4% (+20-32)  Female: 4.5%** (+1-5)
Supervising Engineers	Senior Civil, Electrical, Mechanical Engineers Sr. Control System Eng., Sr. Eng. Planner Supervising Administrative Eng.	Minority: 30.2% (13/43)	Minority: 56.3% (+5-11)
Service Maintenance	<b>Gardeners:</b> Gardener I-II, Gardner Foreman <b>Janitors:</b> Janitor, Foreman, Supervisor <b>Materials Storage:</b> Specialist, Foreman, Supv., Storekeeper I-II, Stores Supv. <b>Meter Reader/Mechanics:</b> MR/M, Meter Mech. I-II, MR/M Foreman, MR/M Supv., (Sr.) Mechanic/ Backflow Tester, MR&Testing Supv. <b>Plant Maintenance:</b> Worker I-III, Mechanic, Supv, Mech. Maint. Supv., Superint. <b>Other:</b> Utility Laborer, Distribution. Maint. Worker, LT SEP Trainee, Housekeeper, Meals & Lodging Coord., Automotive Serv. Attendant I-II	Minority: 51.6% (47/91)	Minority: 71.8% (+10-18)
Pipeline Maintenance	Concrete Finisher I-IIA Paving Raker A-B, Pipeline Welder I-III Water Distribution Plumber I-IV	Minority: 47.5% (96/202)	Minority: 61.2% (+7-14)
Technicians	<b>Fisheries/Wildlife:</b> Aide, Technician <b>Information Systems:</b> Specialist I-III, Computer Operations <b>Materials Testing:</b> Tech. I-II, Supv. <b>Printing:</b> Tech. I-II, Sr. Tech. <b>Other:</b> Corrosion Control, Electronic Tech. Plant Inspector	Female: 14.7% (5/34)	Female: 34.5%** (+1-5)
Heavy Equip. /Truck Operators	<b>Heavy Equipment Operators (HEO):</b> HEO, HEO Trainee <b>Truck Drivers:</b> Truck Driver II, Truck Driver Trainee <b>Other:</b> Crane Operator, Heavy Forklift Operator, Heavy Transport Operator	Minority: 28.0% (28/100)	Minority: 54.3% (+3-14)

\* Under the Exact Binomial Test, when comparing the incumbency to availability, if a job group displays a probability value of .05 or lower, the result is considered significant and the result is listed with the respective goal.

\*\* New goal areas for FY2021 are highlighted **yellow**. Female goals are highlighted in **purple**.

The District has the same seven minority placement goals for FY2021 that it did for FY2020. However, for FY2021, the District is adding female placement goals for two new job groups --Mechanical Maintenance and Technicians while maintaining a female placement goal for Electrical/ Structural Maintenance. Although the District met its minority placement goals for the Supervising Engineers in FY2020, the placement goals remain in place for the FY2021. This is because with only 3-5 placements in each fiscal year, it will likely take more than one year to close the shortfall (i.e., the gap between the 30.2% incumbency rate and the 56.3% availability rate in the recruitment area, which in this case represents a total of at least five minority hires).

**DISAGREGATED MINORITY PLACEMENT GOALS** (# of goals areas/ shortfalls per Job Group for each race group)

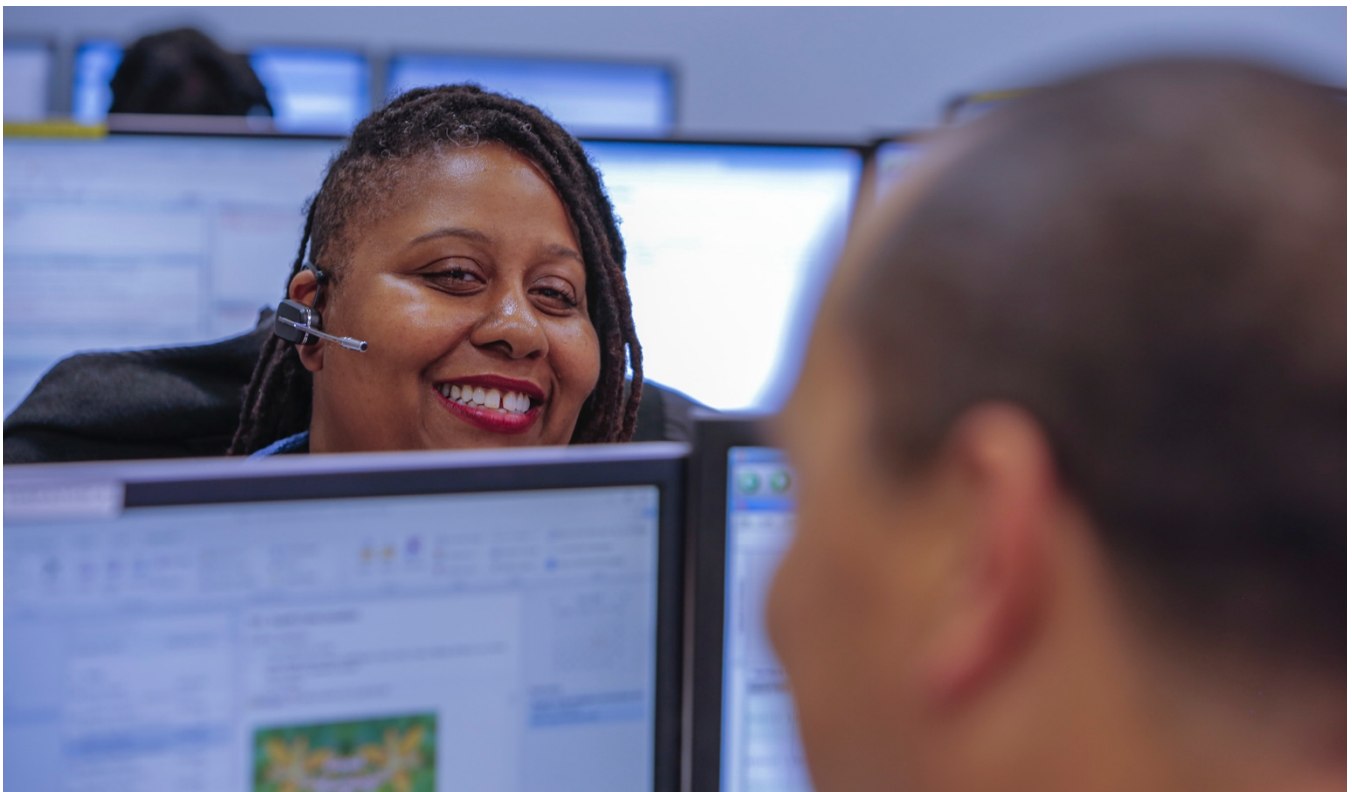
For many of the job groups with “Overall Minority” goals, although there are not statistically significant disparities for every racial minority, the District’s diversity recruitment efforts will include outreach to all minorities. The District will also consider opportunities for outreach targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups
- There is a trend of declining incumbency representation for that minority group at the District
- The minority group is significantly under-represented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e. when there is low external availability) due to historical, external, and/or systemic barriers.

Job Group	Overall Minority	Hispanic	Asian	Native American	African American	Native Hawaiian or Pacific Islander	Two or More Races
Rangers	X	X					
Water Distn. Plumb. & Maint.	X	X					
Heavy Equip./Truck Operators	X	X					
Electrical/ Structural Workers	X	X					
Mechanical Maintenance	X	X					
Service Maintenance	X	X					
Supervising Engineering	X		X				
General Clerical		X					
Customer Service		X					
Plant Operators		X					
Lead/Sup Plant Operators				X			
Total Goal Areas	7	9	1	1	0	0	0

Historically, the District has only considered placement goals for “overall minorities.” However, disaggregating our placements by minority subgroups (as demonstrated in the table above) allows for a more complete analysis of affirmative action issues and considerations. In this table, Hispanic/Latinx stands out immediately as the minority subgroup with the most significant concern. Six out of the seven job groups with overall minority placement goals, also have a placement goal for “Hispanic.” The outlier here is the Supervising Engineering job group, for which Asians have their own specific placement goal. There are also four new job areas that will be targeted for placement goals for specific minority subgroups even though these job groups do not have goals for minorities overall. This means higher incumbency rates for other minority groups in each of these job groups is masking the underrepresentation of Hispanic and Native Americans in these areas. The District has a placement goal for Native American Plant Operators, and Hispanic placement goals for three job groups: General Clerical, Customer Service, and Plant Operator Leads/Supervisors.

The District is developing a more comprehensive analysis and strategic plan for Diversity, Equity, and Inclusion (DEI) that will explore issues pertinent to specific minority groups as well as common issues across minority groups. This DEI Strategic Plan (which will be finalized in early FY2022), will chart a path for the District to develop customized approaches for each minority group and across our various workforce recruitment areas.



### 3. Problem Area Studies

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

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or by cohort analysis. Per the District's external consultant, Biddle Consulting Group, Inc. (i.e., Biddle), the statistical analysis that they perform *"determines whether chance or something other than chance caused the hiring, promotional, and/or retention rates of the disadvantaged group (e.g., females) to be less than the group with the highest rate (e.g., males)."*

While Biddle's analysis found no year-over-year trends and no "large-effect" adverse impacts, there were some "low and medium-effect" adverse impacts that the District should continue to pay attention to moving forward. These include hiring and/or promotion trends among females and minorities in the following job groups:

- General Clerical
- Administrative Assistants
- Engineering
- Mechanical Maintenance
- Science Professionals
- Service Maintenance
- Technicians

Past analyses of promotion and selection data in previous years, identified the following barriers in various instances:

- Applicant Pool Diversity: Insufficient representation of minorities and/or females in applicant pools (i.e., below availability)
- Test Information: Posting information about testing categories in advance of the written and/or performance exams may help candidates be better prepared.
- Pass Point: Pass points for job-related T&E reviews or tests (written or performance) significantly screening out or eliminating minorities.
- Interview Band Diversity: Insufficient representation of minorities in an interview/hire band<sup>2</sup>.
- 5 Ranks Rule: Insufficient representation of minorities in a hiring interview pool due to the five ranks rule. (Rule XIII in the Civil Service Rules, and language in the Memoranda of Understanding between the District and Unions. Memorandum of Understanding with Local 2019 has a Rule of 3.)
- Passage of Time: Insufficient availability of minorities on an eligible list due to passage of time. The diversity of some of the District's eligible lists has been noted to decrease over time as candidates tend to lose interest the longer it takes to receive an employment offer.

The District has planned and/or implemented numerous action-oriented programs to address these

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<sup>2</sup> e.g. Water Distribution Plumber I candidates passing the performance exam and interview are placed on the eligible list and hired in rank order. However, the hiring list often has an insufficient representation of minority candidates due to minority candidates being hired in previous years, declining an offer, or being unreachable.

barriers. The **Summary of Personnel Transactions Report** for each job group is retained by the DIO.

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

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of **Exhibit 1, Organization Display**. An analysis of the incumbency of minorities and females within each organizational unit was also compared to the overall incumbency of these demographics across the District as a whole. The District workforce includes:

- 979 minorities (50.3% of the total workforce of 1,945)
- 512 women (26.3% of the total District workforce)

**District Workforce Demographics (race and sex):**

Race	# of Males (% of total workforce)	# of Females (% of total workforce)	Total	% of Total District Workforce
White	788* 40.5%	178 9.2%	966	49.7%
Asian	224 11.5%	158 8.1%	382	19.6%
Hispanic/ Latina	211 10.8%	43 2.2%	254	13.1%
Black/African American	96 4.9%	75 3.9%	171	8.8%
Two or more races	88 4.5%	48 2.5%	136	7.0%
Pacific Islander	16 0.8%	6 0.3%	22	1.1%
Native American/ Indigenous	10 0.5%	4 0.2%	14	0.7%
<b>Total All Races</b>	1433 73.7%	512 26.3%	1,945	100%

## Demographic Analysis of our Workforce Recruitment Areas

Race	Alameda County	Contra Costa	San Joaquin	Calaveras & Amador	Solano	Sacramento
White	30%	42%	30%	81%/ 78%	37%	44%
Asian	31%	18%	16%	2%/ 1%	15%	16%
Hispanic/Latina	22%	26%	42%	12%/ 14%	27%	24%
Black/African Amer.	10%	9%	7%	1%/ 2%	13%	9%
Two or more races	4%	4%	4%	4%	6%	6%
Pacific Islander	1%	0%	1%	0%	1%	1%
Native Amer./Indigenous	0%	0%	0%	0%/ 1%	0%	0%

\* 2019 data from [www.censusreporter.org](http://www.censusreporter.org)

Minority diversity challenges are notable in the District Departments that are staffed with Job Groups that have AAP placement goals. Minorities were also under-represented within specific Organization Units (and/or Org. Unit clusters) for several other Departments, as well as among Managers and Directors across Departments and Org. units overall. Minority incumbency data for these groups are detailed in Exhibit 3.

Female workers are under-represented in nearly every Department and Org Unit that includes skilled trades, maintenance, and operations staff. Many of these instances show up in the job-group analysis provided earlier in this AAP Report. Outside of the skilled trades, the lack of women is also notable in several work units that are primarily staffed by engineering, technical, and field-science professionals. Female incumbency data for these groups are also detailed in Exhibit 3.

The majority of these minority and female diversity challenges are addressed through targeted outreach, recruitment and best practice training (including unconscious bias) for recruitments with placement goals. Where such efforts don't directly address these issues, such as for IT Security, Water Conservation or Regulatory Compliance and for the division management issues, the DIO will begin working more closely with these work units in the future to help guide them on outreach and advertising and best practices to avoid potential adverse impact and/or unconscious bias affecting recruitment and hiring in these departments.

In FY2020, the District worked with a consultant to complete an environmental scan and make recommendations around the issue of women in the District's Skilled Trades workforce. This environmental scan which included interviews, surveys, and focus groups, resulted in the EBMUD "Women In Trades" Report. The report included clear recommendations for addressing these and other workforce diversity issues at the District. The recommendations from that report were based on investment in the District's workforce development infrastructure, rather than a focus on a specific program to increase gender diversity. Broadly, the recommendations include:

1. *Outreach, Recruitment, and Hiring Practices:* Identify and institutionalize best practices for community outreach and engagement that will cast a wider net to partner with community organizations and expand the recruitment of women in the trades. Update and re-design selection and testing procedures and tools to reflect needed skills and knowledge while minimizing opportunities for bias.

2. Succession Planning and Staff Training: Expand intra-agency capacity to improve gender diversity and career advancement for women into the trades at EBMUD through succession planning.
3. Workplace Culture: Support improvements in workplace culture through the employer-based (core) value of respect.

Additionally, research projects conducted by college-level interns last summer (Summer 2020) further explored the issue of workforce diversity. These interns developed recommendations for creating a more diverse talent pipeline, specifically for several occupational groups, including: Rangers, Electrical Engineers, and Information Technology (including Software Engineering).

The recommendations provided by these intern project teams were presented to Human Resources staff and leadership as well as the relevant hiring managers for each corresponding occupational group. These recommendations were used to guide the District's strategy, budgeting, and planning efforts for our next two-year budget cycle. This includes continuing investment in internships, and further development of career pathways, student engagement and targeted outreach efforts.

**C. Action-Oriented Programs**  
**41 C.F.R. § 60-2.17(c)**

Overview of Action-Oriented Programs District Actions vs. Affirmative Action Placement Goals & Diversity Gaps	D&I Strategy	Supv. Engineers	Elec./Struc. Maint.	Pipeline Maint.	Mechanical Maint.	Rangers	HEO & Truck Op.	Service Maint.	Other
Diversity & Inclusion Strategic Plan	x								
Diversity Committee (& subcommittees)	x								
"Women-in-Trades" Report	x		x	x	x	x	x	x	x
Indust. Maint. /Machining (IMM) internship					x				
Post-secondary internship programs						x			x
High school internship program		x	x	x	x	x	x	x	x
Targeted outreach & community partnership		x	x	x	x	x	x	x	x
BAYWORK regional industry collaboration	x	x	x	x	x	x	x	x	x
Engineering Aide program		x							x
Employee Affinity Groups	x	x	x	x	x	x	x	x	x
Hiring manager support & guidance		x	x	x	x	x	x	x	x

## 1. Progress on the FY2020 AAP Action-Oriented Program

The table below details the progress made on actions set forth in the FY2020 AAP.

FY2020 AAP Proposed Action	Progress Since March 2020
<p><b>A. D&amp;I Strategic Plan</b> process, facilitated by an external consultant, is expected to be completed in April/May 2021. Work to include:</p> <ol style="list-style-type: none"> <li>1. Internal assessment,</li> <li>2. Foundational education for SMT and key internal stakeholder</li> <li>3. External assessment</li> <li>4. Benchmarking</li> <li>5. Analysis</li> <li>6. Findings and recommendations</li> <li>7. Strategic plan process documented in collaboration with SMT &amp; Diversity Committee.</li> <li>8. D&amp;I Strategic Plan development</li> </ol>	<p>▪ <b>D&amp;I Strategic Plan Process updates:</b></p> <ol style="list-style-type: none"> <li>1. Internal assessment process-- completed. (Consultant completed surveys, focus groups, &amp; interviews –May - Nov. 2020).</li> <li>2. Foundational education-- completed. (Foundational education for SMT &amp; key internal stakeholders--Aug.2020 - Jan. 2021)</li> <li>3. External assessment (in progress)</li> <li>4. Benchmarking (in progress)</li> <li>5. Analysis (in progress)</li> <li>6. Findings and recommendations (pending)</li> <li>7. Document strategic plan process (pending)</li> <li>8. Strategic Plan development (pending)</li> </ol> <p>▪ <b>Anticipated completion: August 2021</b></p>
FY2020 AAP Proposed Action	Progress Since January 2020
<p><b>B. Diversity Committee (DC) subcommittees</b> which had been suspended (in Feb. 2020) to refocus staffing resources on implementing the D&amp;I Strategic Planning process will resume the in support of the D&amp;I Strategic Plan.</p> <p>The DC subcommittees will:</p> <ol style="list-style-type: none"> <li>1. Oversee development and posting of test prep content and resources on the District website.</li> <li>2. Develop and oversee protocols for providing sufficient details during recruitment about the planned testing procedure.</li> <li>3. Develop an annual outreach strategy/calendar.</li> <li>4. Support implementation of the outreach /recruitment protocol, including identifying outreach and advertising sources for classifications with placement goals.</li> <li>5. Develop and facilitate workshops on the civil service recruitment process (i.e. completing applications and interviewing).</li> <li>6. Begin development of FAQs/videos to post on the District website, etc., re: civil service recruitment process, online applications, supplemental questions, interviewing for a District job.</li> </ol>	<p>▪ <b>Diversity Committee (DC) subcommittee updates:</b></p> <p>▪ In December 2020, the Core Team for the D&amp;I Strategic Plan called for the DC subcommittees' work to be incorporated into the planned D&amp;I Strategic Plan pilot projects.</p> <p>▪ <b>Anticipated completion: August 2021</b></p>

FY2020 AAP Proposed Action	Progress Since January 2020
<p><b>C. “Women in Trades” Report</b>— (an environmental scan documenting the physical &amp; environmental barriers for women working in the skilled trades at the District) will be finalized and shared with the District’s Senior Management Team (SMT) and the District’s D&amp;I consultant.</p>	<p><b>“Women In Trades” Report updates:</b></p> <ol style="list-style-type: none"> <li>1. May 2020, a draft report was shared with D&amp;I consultant (Winters Group) for review and incorporation into D&amp;I strategic planning process.</li> <li>2. In September 2020, the final “Women In Trades” environmental scan report was submitted and presented to the Manager of Employee &amp; Organizational Development and Manager of Human Resources.</li> <li>3. Subsequently, the final report detailing the consultant’s findings and recommendations were shared with the General Manager.</li> </ol> <p>▪ <b>Report Completed</b></p>
<p><b>D. Industrial Maintenance &amp; Machining college internship program (IMM)</b> will be hosted at the District.</p>	<p><b>IMM Intern Program updates:</b></p> <ol style="list-style-type: none"> <li>1. Four plant maintenance and machining student interns were hired January 2020 for a 15-week, 20 hour per week internship.</li> <li>2. Due to COVID precautions, the internship program was temporarily suspended in mid-March, and was subsequently resumed in June with additional safety precautions in place.</li> <li>3. Three individuals completed the program by August 2020, including one minority, and one female veteran.</li> </ol>
<p><b>E. Post-secondary internship programs</b> will be developed and implemented, in partnership with Peralta Colleges, for targeted job classifications:</p> <ol style="list-style-type: none"> <li>1. <u>Junior Ranger Internship Program</u>: Three interns will be hired (in the East Bay Watershed area) for approximately 4 months starting in May 2020. Upon completion of the internship, the District will recruit for an LT Ranger/Naturalist I.</li> <li>2. <u>IT/Programming Internship Program</u>: Two interns will be hired for a Summer 2020.</li> <li>3. <u>Electrical Engineering Internship Program</u>: Two interns will be hired for a Summer 2020.</li> </ol>	<p><b>Post-secondary internship updates:</b></p> <ol style="list-style-type: none"> <li>1. <u>Junior Ranger Internship Program</u>: <ol style="list-style-type: none"> <li>a) The District hosted three Ranger interns (including 3 minorities, 2 females) –July- Sep. 2020. Due to COVID these were virtual internships hosted through DIO.</li> <li>b) The interns developed a workforce report and presentation on diversifying the District’s Ranger talent pipeline. Interns’ recommendations have informed the District’s future strategy and investments.</li> <li>c) The recruitment for an LT Ranger I position has been put on hold until a hands-on, field-based internship program can be implemented at the District.</li> </ol> </li> </ol> <p><b>Post-secondary internship updates (cont’d)</b></p> <ol style="list-style-type: none"> <li>2. <u>IT/Programming Internship Program</u>: <ol style="list-style-type: none"> <li>a) In Summer-2020, the District hosted two interns (including 2 female minorities). Due to COVID these were virtual internships hosted through DIO.</li> <li>b) The interns developed a workforce report and presentation on diversifying the District’s IT talent pipeline. Interns’ recommendations have informed the District’s future strategy and investments.</li> </ol> </li> <li>3. <u>Electrical Engineering Internship Program</u>: <ol style="list-style-type: none"> <li>a) In Summer 2020, the District hosted two interns (including 2 minorities, 1 female). Due to COVID these were virtual internships hosted through DIO.</li> <li>b) The interns developed a workforce report and presentation on diversifying the District’s IT talent</li> </ol> </li> </ol>

pipeline. Interns' recommendations have informed the District's future strategy and investments.

In addition, staff has accomplished/made progress on the following continuing activities and activities:

On-going Planned Actions	Progress Since January 2020
<p><b>A. High School Summer internship program</b></p> <p>Implemented with community partners.</p>	<p><b>High School Internship Program updates:</b></p> <ol style="list-style-type: none"> <li>1. The District hosted 31 high school interns (27 minorities, 17 females) from June 2020 to Aug. 2020. Due to COVID these were virtual, project-based internships.</li> <li>2. The interns developed projects and presentations related to engineering, operations/ skilled trades, and business administration.</li> </ol>
<p><b>B. Targeted Outreach &amp; Community Partnership Development</b></p>	<p><b>Targeted Outreach updates</b></p> <ol style="list-style-type: none"> <li>1. Due to COVID social distancing and safety protocols, staff focused on attending virtual events coordinated in partnership with various community partners to build a pipeline of future talent.</li> </ol> <p>To further the District's D&amp;I diversity brand, staff participated in numerous career events targeted to diversity, This included 27 virtual/ online events and 13 in-person events (prior to March 2020).</p> <p><b>In-person events included:</b></p> <ul style="list-style-type: none"> <li>• 20th Annual Diversity Day Career Fair</li> <li>• 3rd Annual Black Joy Parade</li> <li>• American Society of Civil Engineers Career Fair at Santa Clara Univ.</li> <li>• American Society of Civil Engineers Career Fair at San Jose State Univ.</li> <li>• Bay Area Earn and Learn, "Internship 101" workshop</li> <li>• BAYWORK, Digitalization of Water focus group</li> <li>• CWEA (CA Water Env. Assoc.) Career Fair &amp; Evening with Industry</li> <li>• Oakland Black and African American Town Hall &amp; College Fair</li> <li>• Oakland Unified School District (OUSD) Craft Trades &amp; Construction Career Fair at Cypress Mandela</li> <li>• Richmond YouthBUILD Employer Meet and Greet</li> <li>• San Leandro High School Career Day</li> <li>• Univ. of California, Berkeley Civil &amp; Env. Engineering Career Fair</li> <li>• Univ. of California, Davis Career Information Session</li> </ul> <p><b>Virtual events included:</b></p> <ul style="list-style-type: none"> <li>• Alignment Bay Area's Succeed Team Workshop</li> <li>• BAYWORK &amp; CWEA, Veterans in Water panel</li> <li>• BAYWORK &amp; CWEA, Women in Water &amp; Power panel</li> <li>• BAYWORK &amp; Goodwill Water/WWtr. Industry Spotlight/Career Fair</li> <li>• BAYWORK Training Buffet, "Racial Equity in our Industry" panel</li> <li>• BAYWORK WOW for Teachers (Wonders of Wastewater) workshop</li> <li>• Career Bytes Bay Area, Water/Wastewater Spotlight</li> <li>• Castro Valley Adult and Career Education, presentation</li> <li>• Cypress Mandela Training Center, Celebration Fundraiser</li> <li>• Future Build Construction Pre-Apprenticeship Academy, presentation</li> <li>• Hire-Together Regional Career Fair</li> <li>• Laney College, Career and Technical Education Fair</li> <li>• Laney College, Test-prep Course, class presentations (x2)</li> </ul>

	<ul style="list-style-type: none"> <li>• Los Medanos College, Industrial Technologies Job Fair</li> <li>• Los Medanos College, mock interview event</li> <li>• Madison Park Academy, resume workshop</li> <li>• Merritt College, Environmental Careers Class, panel presentation</li> <li>• NSBE (National Society Black Engineers) Fall Reg. Conf. Career Fair</li> <li>• Oakland High School, career panel</li> <li>• Oakland Unified School District (OUSD), informational interviews</li> <li>• Opportunities-for-All (OFA) Water Industry Careers, presentation</li> <li>• Peralta Hacienda Water Keepers program, presentation</li> <li>• Richmond YouthBUILD, Employer Meet and Greet</li> <li>• San Francisco STEM Career Fair-Fall 2020</li> <li>• Society of Women Engineers, Santa Clara Univ., Networking Night</li> <li>• Sustainable Silicon Valley, Waterpalooza, Water Careers Panel</li> <li>• Swords to Plowshares, 24th Annual Veterans Day Dinner</li> </ul>
<p><b>C. BAYWORK Regional Industry Collaboration</b></p> <p>BAYWORK is a regional workforce collaborative for the water industry.</p>	<p><b>BAYWORK Regional Industry Collaboration updates</b></p> <p>This work focused on regionally coordinated candidate development efforts including career awareness/ industry outreach, teacher externships, and expanding student/ trainee internship and apprenticeship programs.</p> <ol style="list-style-type: none"> <li>1. <b>Teacher Engagement:</b> In July 2020, staff coordinated a virtual workshop for 38 local teachers from diverse schools throughout the region. Presentations by EBMUD and other water agencies engaged teachers to promote water and wastewater careers to their students.</li> <li>2. <b>Regional Training Coordination:</b> Staff helped coordinate BAYWORK planning meetings aimed at establishing regional test-prep services, internships, apprenticeships, and pre-apprenticeship programs. Staff also helped BAYWORK and nonprofit workforce partner, JVS (Jewish Vocational Services, attract state and federal grant funding for this work.</li> <li>3. <b>Women-in-Trades Working Group:</b> Staff helped establish of a regional working group to increase the profile of women working in the water/ wastewater industry. Through this BAYWORK working group, District staff actively contribute to and support targeted outreach to women.</li> <li>4. <b>Live/In-person events:</b> Staff participated in and leveraged other water industry employers to participate in a Skilled-Trades Career Exploration event for local area high school students in January 2020 at Cypress Mandela. Subsequent live/in-person events were all cancelled due to COVID-safety precautions.</li> <li>5. <b>Virtual Career Events:</b> Staff leveraged other industry employers to help promote water careers to diverse, under-represented groups through virtual career events: <ul style="list-style-type: none"> <li>• 06/03/20 Ohlone College Career Bytes (employer spotlight)</li> <li>• 7/22/20 Los Medanos College Industrial Technologies Job Fair</li> <li>• 08/13/20 Goodwill-SF Industry Spotlight</li> <li>• 08/18/2020 PG&amp;E Water Cons. Showcase</li> <li>• 10/06/20 “Women in Water” webinar</li> <li>• 10/08/20 CWEA Vets in Water Webinar</li> <li>• 11/14/20: NSBE Career Fair</li> <li>• 11/19/20: Hire-Together Career Fair</li> <li>• 11/19/20: Los Medanos College w/JVS—career panel &amp; mock interviews</li> <li>• 12/04/20: Laney College CTE Expo</li> </ul> </li> </ol>

<p><b>D. Engineering Aide Program</b> Internships coordinated with a focus on diversity recruitment with oversight provided through the DIO.</p>	<p><b>Engineering Aide program updates</b> Staff promoted Engineering Aide recruitments with a focus on outreach through diverse student organizations (e.g. student chapters of NSBE, SHPE, SWE) and promoting open/anticipated recruitments at student organization and engineering-specific recruitment events.  Staff also coordinated the DIO loaner-program for Engineering Aides and LT Jr. Engineers, which allows Engineering work units to borrow positions from DIO to help promote engineering career pathways for diverse students.</p>
<p><b>E. Employee Affinity Groups (AGs)</b> AGs will support diversity recruiting, and efforts towards developing and retaining a diverse workforce.</p>	<p><b>Affinity Group updates</b> Staff engaged District AGs to promote overall employee engagement and staff retention. AGs coordinated events and activities relevant to minorities and other under-represented workers. AGs were highlighted in career outreach/recruitment materials. AG members also participated in staffing numerous outreach events.  Staff is also exploring opportunities to establishment a new EBMUD Affinity Group for women (as well as actively supporting the development of a new EBMUD Affinity Group for military veterans—See AAP Vets section below).</p>
<p><b>F. Hiring Manager Support and Guidance</b>  Provide by DIO staff to help minimize/eliminate bias in all hiring processes.</p>	<p><b>Hiring Manager Support updates</b>  DIO staff provided assistance and guidance to all hiring managers for any job groups with AAP hiring goals. This includes reviewing supplemental questions and interview questions and ensuring a diverse panel of at least three subject matter experts for hiring interviews. Particular focus and attention were provided for job groups with AAP hiring goals.</p>

## 2. FY2021 Action-Oriented Program:

- A.** The District will continue to work on ongoing items in the FY2020 action-oriented programs:
1. Coordinating High School Summer Internship programs annually
  2. Targeted outreach and community partnership development for recruitment efforts.
  3. Regional industry collaboration strategies through BAYWORK
  4. Oversight of the Engineering Aide program
  5. Employee Affinity Groups
  6. Hiring manager support and guidance

**B. Additional planned actions for FY2021 include:**

1. Continued development and implementation of the D&I Strategic Plan, which will involve:
  - i. Coordination of D&I Strategic Plan pilot projects including continuing the Diversity Committee subcommittees' work around improvements in the District civil service processes, test prep information and resources, and coordinated community outreach.
  - ii. Integration of the Women In Trades report findings and recommendations into the D&I Strategic Plan
2. Implement targeted recruitment outreach efforts through social media platforms to enhance engagement of candidates for under-represented groups including women and minorities.
3. Implement targeted recruitment outreach efforts for all District job groups that fall within the bottom third for incumbency rate of women or overall minorities. (See Exhibit 3).
4. Coordinating a skilled trades internship program for Instrumentation Workers in partnership with local community colleges
5. Continued implementation of the following internship programs:
  - i. Ranger/Naturalist Internship Program
  - ii. Electrical Engineering Internship Program
  - iii. Information Technology Internship Program

The District's D&I Strategic Plan will inform future action-oriented programs.

**Recruitment:**

1. The District continues to contact minority and women's organizations for referrals. These organizations receive the full list of open recruitments every week:

**Recruitment/outreach community partners: 232**

- |                                  |                  |
|----------------------------------|------------------|
| ▪ Minority-focused               | 33 organizations |
| ▪ Women-focused                  | 25 organizations |
| ▪ Veteran-focused                | 29 organizations |
| ▪ Individ. w/ Disabilities (IWD) | 41 organizations |
| ▪ General diversity-focus        | 74 organizations |

Recruitment Outreach Organizations	Diversity Outreach Focus
Dev/Color	Diversity Orgs., Engineering, Prof./Technical
100 Black Men of the Bay Area, Inc.	Minorities
46 No Cal Counties Drywall/Lathing Apprenticeship	Diversity Orgs.
Alameda County Veterans Employment Committee	Veterans, Military Spouses
Alameda County Veterans Services - Oakland	Veterans, Military Spouses
Alameda One Stop Career Center	State Workforce Agency., Veterans, One-Stops
American River College	Not Specified
Anita Borg Institute for Women and Technology	Women
Arriba Juntos	Diversity Orgs.
Asian Inc	Diversity Orgs., Minorities
Asian Neighborhood Design, Inc.	Minorities
Asian Pacific Environmental Network (APEN)	Not Specified

Asian Women's Shelter	Women
Assisting The Disabled Employment Placement	IWD
Bay Area Black Journalists Association	Diversity Orgs., Prof./Technical, Minorities
Bay Area Black Nurses Association Inc.	Healthcare, Minorities
Bay Area Business Roundtable	Not Specified
Bay Area Community Resources	Diversity Orgs., Women, Minorities
BAY AREA COMMUNITY SERVICES	IWD
Bay Area Council	Not Specified
Bay Area Roofing/Waterproofing Apprent. Program	Minorities
Bay Area Women's and Children's Center	Women
Beacon Quest Coaching	Diversity Orgs.
Berkeley One-Stop	Diversity Orgs.
Best Buddies	IWD
Boys and Men of Color	Not Specified
Building Opportunities for Self-Sufficiency	Not Specified
California State University, East Bay	Not Specified
California Women's Venture Project	Not Specified
Catholic Charities	Diversity Orgs.
Center for Domestic Peace	Diversity Orgs., Women, Minorities
Center For Empl. Opportunities - Oakland Office	Diversity Orgs.
Center For Independent Living, Inc.	IWD
Center on Juvenile and Criminal Justice	Diversity Orgs.
Center Point, Inc.	Women, Minorities, IWD
Central City Hospitality House	Diversity Orgs.
Chicana Latina Foundation	Diversity Orgs., Women, Minorities
Chinese For Affirmative Action	Diversity Orgs.
City College of San Francisco	Not Specified
City College of San Francisco - HARTS Program	Diversity Orgs., Universities and Colleges
City of San Francisco - Workforce Development Div.	Diversity Orgs., State Workforce Agencies
Collaborative Economics	Diversity Orgs.
Community Integrated Work Program Inc	IWD
Community Youth Center	Diversity Orgs.
Compass Community Services	Diversity Orgs.
Computer Technologies Program	IWD
Concord America's Job Center of California	State Workforce Agencies, Veterans
Contra Costa ARC	IWD
Contra Costa County EHSD -Workforce Service	Not Specified
Contra Costa County Veterans Services	Veterans, Military Spouses
COOP Careers	Diversity Orgs., Univ. and Colleges, Minorities
CYC, aka Youth And Employment Training Project	Diversity Orgs.
Cypress Mandela - Women In Skilled Trades	Diversity Orgs.
Cypress/Mandela Training Center, Inc.	Not Specified
Delta College	Not Specified
Department of Rehabilitation San Francisco	Veterans, Minorities, IWD,
Department of Vocational Rehab. - Berkeley Branch	IWD
Design4x	Not Specified
Disabled American Veterans - Berkeley Chapter 25	Veterans, IWD, Military Spouses
Disabled American Veterans - Oakland Chapter 7	Veterans, IWD, Military Spouses
Disabled American Veterans - Ozie Boler Chapter 21	Veterans, IWD, Military Spouses
Dress For Success - San Francisco	Women
East Bay Earn and Learn	Not Specified
East Bay Innovations	IWD
East Bay Network (EBN)	Minorities
Eastbay Works Tri-City One-Stop Ctr., Fremont	Diversity Orgs.
EDD Vallejo California	State Workforce Agencies, Veterans

EDD Workforce Service - San Francisco Civic Center	State Workforce Agencies, Veterans, IWD
Eden Area Multiservice Center	Veterans
Eden Area ROP	Not Specified
Edgewood Center for Children and Families	Diversity Orgs.
Employment & Career Services Ctr. - Chabot College	Diversity Orgs.
Employment Development Department	Not Specified
Employment Development Department - San Carlos	Diversity Orgs., Veterans
Employment Development Dept. - San Rafael	Veterans
Enterprise for Youth	Diversity Orgs.
Eritrean Community Center	Minorities
Eventbrite	Diversity Orgs., Human Resources, One-Stops
Filipino Advocates for Justice	Not Specified
Financial Women of San Francisco	Women
Foster City Chamber of Commerce	Diversity Orgs.
Future Build	Not Specified
GAPA - Gay Asian Pacific Alliance	Diversity Orgs., Minorities, LGBTQIA+
Girl's Inc. of Alameda County	Not Specified
Girls to Women	Not Specified
Golden Gate Regional Center, Inc	IWD
Good Samaritan Family Resource Center, Inc.	Minorities
Goodwill Career Center San Fran., San Mateo, Marin	IWD
Goodwill Industries International	Diversity Orgs., State Workforce Agency., One-Stops
Grace Urban Ministries, Inc.	Diversity Orgs.
Hartnell College	Not Specified
Hire-Ability Employment Services	IWD
Horizons Unlimited	IWD
Independent Living Resource Center San Francisco	IWD
Institute for Business and Technology	Not Specified
International Rescue Committee	Diversity Orgs.
Japanese Cultural and Community Center of No. CA	Minorities
Jefferson Union High School District	Not Specified
Jewish Community Center Of San Francisco	Minorities
Job Connections - Community Presbyterian Church	Diversity Orgs.
Job Networking Ministry - Christ of the King Parish	Diversity Orgs.
JobTrain	Diversity Orgs.
Juma Ventures	Diversity Orgs.
Korean Center, Inc.	Minorities
LaborX	Diversity Orgs., Human Resources
Lao Family Community Development Inc.	Minorities
Lighthouse for the Blind & Visually Impaired	IWD, Employer Resources
Local 302 – Electricians	Not Specified
Los Medanos College	Manufacturing, Univ. & Colleges, Minorities
Lutheran Services in America Disability Network	IWD
Maitri	Women
Marin Center for Independent Living	IWD
Mayors Youth Employment and Education Program	Diversity Orgs.
Mission Hiring Hall	Diversity Orgs.
Mission Language and Vocational School	Minorities
Mountain View-Los Altos Adult Education	Diversity Orgs.
MVLA Adult School	Diversity Orgs.
NAACP San Mateo	Not Specified
National Association of Black Veterans (NABVETS)	Not Specified
National Association of Women in Construction	Not Specified
National Coalition of 100 Black Women	Diversity Orgs., Women, Minorities
National Council of Jewish Women - San Francisco	Women

National Council on Aging – Sr. Empl. Program (SCSEP)	Diversity Orgs., Older Workers
National Inst. for Women in Trades, Tech. & Sciences	Not Specified
National Institute of Art and Disabilities	IWD
National MS Society	IWD
New Haven Unified School District - WorkAbility	Not Specified
Northwestern Polytechnic University	Not Specified
NPower	Not Specified
Oakland Asian Cultural Center	Not Specified
Oakland Black Caucus	Not Specified
Oakland Chamber of Commerce	Diversity Orgs., Women, Minorities
Oakland International High School	Not Specified
Oakland Private Industry Council, Inc. - Career Ctr.	Diversity Orgs.
Oakland Promise	Not Specified
Oakland Unified School District	Not Specified
Oakland Vet Center	Veterans
Oakland Workers Collective – Street Level Health Project.	Not Specified
Ohlone College	Not Specified
Operation Dignity	Veterans
Opportunity Junction	Diversity Orgs.
Organization of Women Architects	Not Specified
P3 Army Readiness Specialist - CA Northern	Veterans, Military Spouses
Pacific Asian Amer. Women Bay Area Coalition	Not Specified
Pacific Diversified Services Inc.	Diversity Orgs., IWD
PBWC - Professional Business Women of CA	Women
Peninsula Vet Center	Veterans
Peninsula Works- Redwood City	State Workforce Agencies, Veterans, IWD
PeninsulaWorks - Daly City	Diversity Orgs., State Workforce Agen., One-Stops
Peralta Colleges	Not Specified
Positive Resource Center	Diversity Orgs., IWD
Potrero Hill Neighborhood House	Diversity Orgs.
Private Public Partnership Office	Veterans
ReBoot Camp	Not Specified
Recovery Survival Network	Diversity Orgs.
Regional Center Of The East Bay	IWD
Renaissance Parents Of Success	Diversity Orgs.
Richmond Build	Not Specified
Richmond Works	Not Specified
Rising Sun	Not Specified
Rubicon Programs	Veterans, Women, Minorities
SAGE Project	Women
San Fran. African American Chamber of Commerce	General Business, Women, Minorities
San Fran. Sheet Metal Training Ctr., Bay Area Chap.	Diversity Orgs.
San Francisco Joint Appr. & Training Committee (SFJATC)	Diversity Orgs.
San Francisco Conservation Corps	Diversity Orgs.
San Francisco County Veterans Association	Veterans
San Francisco Vet Center	Veterans
San Francisco Women's Centers	Women
San Mateo County California - Veterans Services	Veterans, Military Spouses
San Mateo Sheet Metal Training Center	Diversity Orgs.
Sheet Metal Workers' #104, Bay Area Ind.Trg.Fund	Not Specified
ShelterInc	Not Specified
Skyline College	Not Specified
Social Vocational Services - Hayward	IWD
Society of American Military Engineers - San Fran. Post	Veterans
Solano Community College	Not Specified

Solar Richmond	Not Specified
South San Francisco Adult Education	Diversity Orgs.
Southeast Asian Community Center	Minorities
Southeast Asian Development Center	Minorities
SparkPoint	Not Specified
Sprinkler Fitters Apprenticeship Training Center	Diversity Orgs.
SSA Eastmont Career Center, Oakland East One-Stop	Diversity Orgs.
Swords To Plowshares	Veterans, IWD,
The ARC of Alameda County	IWD
The Arc of San Francisco	IWD
The Arc Solano	IWD
The California Women's Ventures Project	Not Specified
The Disability Programs and Resource Center - SFSU	IWD
The Greenlining Institute	Minorities
The Janet Pomeroy Center	IWD
The Pacific Center	Minorities
The Spot – Oakland	Not Specified
The Unity Council	Diversity Orgs.
The Women's Building	Not Specified
Tool Works	IWD
Tradeswomen, Inc.	Women, Constr./Skilled Trades
Transcen, Inc. - WorkLink	Diversity Orgs.
Treasure Island Homeless Development Initiative	Diversity Orgs.
Treasure Island Job Corps	Not Specified
Tri-Cities One Stop Career Center – Fremont, Hayward	Not Specified
Tri-Valley One-Stop Career Center	Not Specified
Tri-Valley One-Stop Career Center- Dublin	State Workforce Agen., Veterans, One-Stop Ctrs.
Tri-Valley One-Stop Career Center- Pleasanton	Diversity Orgs., State Workforce Agen., One-Stops
UA Local 38 Apprenticeship Training Program	Diversity Orgs.
UC Berkeley Chicanx Latinx Alumni Association	Diversity Orgs., Minorities
Upwardly Global	Not Specified
Upwardly Global - San Francisco	Diversity Orgs., Minorities
US Dept. of Labor, Women's Bureau, Region 9	Not Specified
US Dept. of Veteran's Affairs – San Francisco Branch	Not Specified
Veterans Equity Center	Veterans
Veterans for Peace - San Francisco	Veterans
Veterans Resource Centers of America	Not Specified
Vocational Rehabilitation - Antioch Branch	IWD
Vocational Rehabilitation - Novato Branch	IWD
Vocational Rehabilitation-Greater East Bay District	IWD
Walden House, Inc. / Health Right 360	Diversity Orgs., LGBTQIA+
Wardrobe for Opportunity	Diversity Orgs., Women, Minorities
Washoe Tribe Native TANF Program	Not Specified
West Oakland Job Resource Center	Not Specified
West Valley College	Not Specified
Women's Resource Center - Moraga	Women
Workforce Development SF	Diversity Orgs., State Workforce Agen., One-Stops
World Institute on Disability	IWD
Year Up	Diversity Orgs., Professional/Technical, Minorities
Yes We Code	Not Specified
Young Community Developers, Inc	Diversity Orgs.
Young Women's Freedom Center	Diversity Orgs., Women, LGBTQIA+
YWCA Berkeley /Oakland	Women
YWCA Contra Costa County	Women
YWCA of San Francisco & Marin	Women

2. The District has coordinated various outreach and information-sharing sessions with representatives from diverse community groups throughout our regional recruitment areas. These sessions included presentations by diverse District employees (including minorities and females), who provided information about current and future job openings, as well as the District's selection process. The District has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or on-line.
3. The District continues to develop and implement targeted outreach and advertising strategies for high-volume classifications with AA placement goals, and for the Engineering Aid internship program.
4. The District continues to provide 1:1 guidance and support to hiring managers recruiting for classifications with AA placement goals. Focus has been around addressing unconscious bias and implementing AA best practices in recruitment and selection processes.
5. The District actively encourages minority and female employees to refer applicants.
6. The District includes minorities and women on its Employee Relations and Recruitment staff.
7. The District encourages minority and female employees to attend, serve and/or participate in career events, youth (and educator) career awareness efforts, and related outreach activities in the community, to represent and highlight staffing diversity at EBMUD.
8. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
9. The District's advertisements always carry the EEO clause.
10. The District participates in job fairs/ career events on a regular and ongoing basis.
11. 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 and with a focus on reaching diversity-focused student organizations.
12. The District includes minority and female members of the workforce in recruiting brochures which pictorially present work situations.
13. The District continues to offer summer internships, with an emphasis on reaching students at diverse high schools in its service area to help develop a pipeline of future talent.
14. The District continues to offer internships and training programs in the trades for diverse student populations at community colleges and/or community training programs. Classifications/job groups include: Instrument Worker II and Electrical Worker II / Electrical/Structural Maintenance job group; and Machining and Maintenance Worker II, Plant Maintenance Worker II and Mechanical Maintenance Worker/Mechanical Maintenance II. Such internships are tied to upcoming job openings in related classifications, and will be developed for other Affirmative Action-related job classifications.

#### **Job Specifications/Selection Process:**

1. The District continues to develop and update classification descriptions that accurately reflect classification functions and are consistent for the same classification across locations.
2. The District continues to develop and update 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 identity, sexual orientation, religion, national origin, disability or veteran status.
3. Approved classification specifications and worker specifications 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 continues to use only worker specifications that include job-related criteria.
5. The District continues to ensure that raters for Time and Experience (T&E) review, performance exams, oral exams, and panel interviews are diverse in ethnicity and gender
6. The District continues to ensure that more than one rater is involved in hiring interviews and are diverse in ethnicity and gender
7. The District continues exploring partnerships for training/education, curriculum development, recruitment, and test prep services.
8. Hiring managers continue to prepare and submit to the Human Resource Department written justifications for all promotions and hires in compliance with Human Resources' requirements.

#### **Job Advancement:**

1. Posting of promotional opportunities: The District continues to post or announce promotional opportunities in accordance with civil service rules.
2. Peralta College District cohort program: The District continues to offer this program focused on general education and construction management classes. The second two-year cohort began in Fall 2019. Classes have continued online during COVID-19 restrictions on in-person meetings in FY2020 and FY2021.
3. Career counseling programs: The District continues to provide individual and group career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation, coaching/ mentoring, and similar programs.
4. Performance plan and appraisal procedure: The District continues to use our standardized procedure for the annual performance review of all employees.
5. Employee training: Employees can choose training courses through the Training Schedule and include them in their career development plan.
  - a) Manager and Supervisor Training (MAST) Program The District MAST program includes two tiers of training to better prepare employees for promotional opportunities:
    - Tier 1 – Leading People and Performance (Supervisors' Series)
    - Tier 2 – Leading Processes and for Outcomes (Superintendents and Managers' Series)
  - b) Microsoft Office Software Training: The District continues to offer this training for employees interested in improving their computer skills. These classes provide instruction for employees who self-identify as beginner, intermediate, or advanced in their abilities.
6. Tuition Refund Program: This 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. During FY2020 and FY2021, this program was adapted as part of the District's COVID response to allow employees to take classes during work hours with prior supervisor approval. Additionally, the Tuition Advancement pilot (in effect since FY2019) provides advanced payment of tuition for employees in the Peralta College District on-site cohort program.

#### **Employee Welfare:**

1. District-sponsored cultural, social, and recreational activities: The District continues to actively encourage all employees to participate in these activities across our various facilities.
2. Sexual Harassment Prevention Training: In accordance the SB 1343 legislation, the District continues to provide training in this area and is revamping this content to include subject matter to address: conscious and unconscious bias, micro-aggressions, and allyship. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a

two-year cycle.

3. Other Training, Employee Engagement, and Mentorship Programs: The District continues to explore and implement various other programs to improve employment opportunities and experiences for minorities and females.
  - Mentoring Programs: The District continues to partner with employee Affinity Groups, including Black Employee Network [BEN] and Asian Pacific Employee Association [APEA], to offer mentorship for District employees connected to those groups.
  - Racial Equity and Justice (REJ) strategy: in FY2021, as part of the District's broader REJ strategies, Human Resources staff helped coordinate employee listening sessions to provide employees with a space to share and discuss employee wellness and coping strategies related to racial equity and justice issues in our communities and in our workplaces.



#### ***D. Design and Implementation of Internal Audit and Reporting Systems*** *41 C.F.R. § 60-2.17(d)*

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. In partnership with the Manager of HR, the Manager of R&C, and the Manager of EOD, the Manager of Information Systems, 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 gender 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 and, race 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 and gender.

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

**F. Job Group Analysis: Job Titles & 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 1945 employees as of June 30, 2020, into 22 job groups. See **Job Group Summary** at Exhibit 2. Pursuant to 41 C.F.R. § 60-2.13, we have placed all 1945 employees into the job groups by race and gender to determine the percentage of females and minorities per job group. See **Job Group Analysis** 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 gender and racial 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 racial 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 Analysis), identify problem areas or areas of deficiency, and establish goals to correct the problems.

## Steps in Comparison of Incumbency to Availability

### A. 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 Goals 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, 2020, and that group's final availability percentage.

#### **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 term used 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.

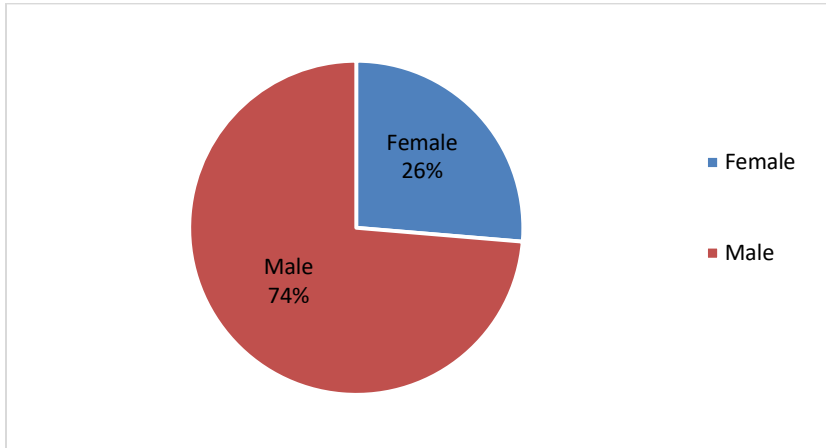
<sup>5</sup> In most cases, the final availability report (and most other technical reports in this AAP) only include data/information for females and minorities in the aggregate.

## EXHIBITS

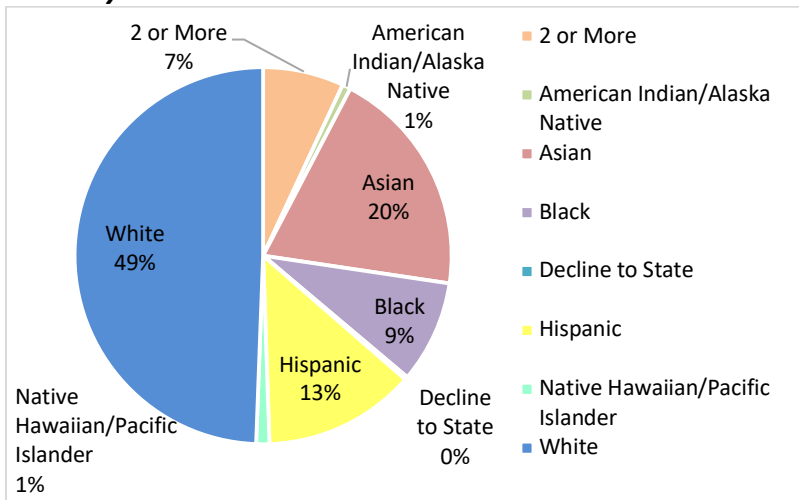
Exhibit 1  
As of June 30,2020

**District-Wide  
Total: 1,945**

**Gender:**

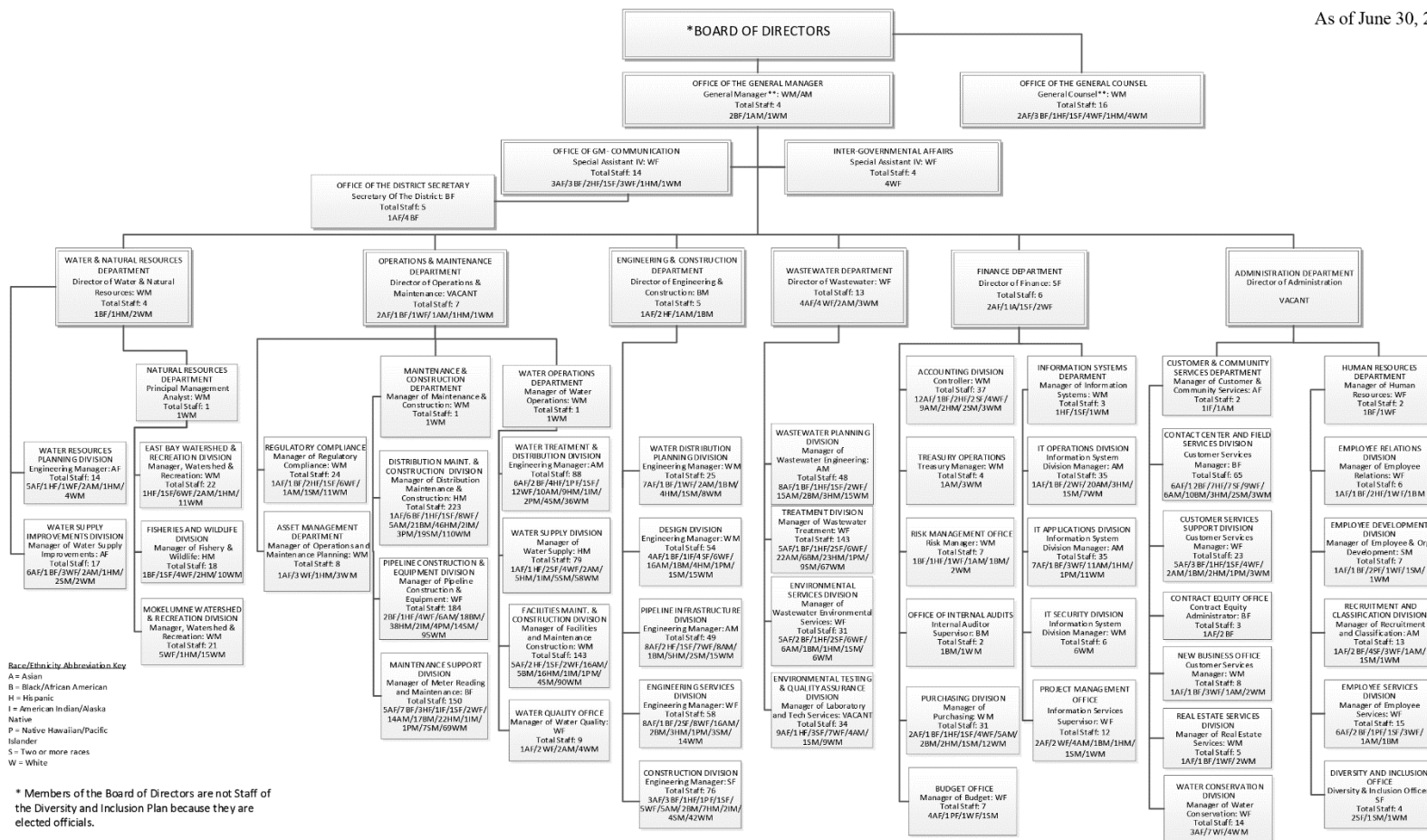


**Ethnicity:**



Ethnicity	Female	Male	Grand Total
2 or More	47	88	135
American Indian/Alaska Native	4	10	14
Asian	159	224	383
Black	75	96	171
Decline to State	0	5	5
Hispanic	43	211	254
Native Hawaiian/Pacific Islander	6	16	22
White	178	783	961
Grand Total	512	1433	1945

As of June 30, 2020



## Exhibit 2

### Job Group Summary

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

Programmers
Information Services Supervisor
Information Systems Administrator I-II
Information Systems Support Analyst I-II
Information Technology Intern I-II
Network Analyst I-III
Programmer Analyst I-II
Senior Programmer Analyst
Senior Systems Programmer
Supervising Systems Programmer
Systems Programmer I-II

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

Exhibit 2

## Job Group Summary

Other Professionals		
Accountant I-III	Buyer I-II	Security & Emergency Preparedness Specialist
Accounting & Financial Systems Analyst	Contract Equity Administrator	Security Shift Supervisor
Accounting Systems Supervisor	Internal Auditor	Senior Accounting & Financial Systems Analyst
Assistant Water Resources Specialist	Internal Auditor Supervisor	Senior Real Estate Representative
Associate Architect	Junior Water Resources Specialist	Supervisor of Purchasing
Associate Water Resources Specialist	Law Clerk	Supervisor of Water Conservation
Attorney I-III	Purchasing Contract Supervisor	Water Conservation Administrator
Building Tenant Services Supervisor	Real Estate Representative I-II	Water Conservation Representative
Business Development Representative	Risk Management Analyst	
Science Professionals		
Chemist I-II	Microbiologist I-II	Senior Chemist
Environmental Health & Safety Specialist I-II	Quality Assurance Officer	Senior Environmental Health & Safety Specialist
Fisheries/Wildlife Biologist I-II	Research Chemist	Senior Microbiologist
Laboratory Supervisor	Research Microbiologist	Supervising Fisheries/Wildlife Biologist
General Clerical		
Account Clerk II-III	Relief Clerk	Senior Telephone/Radio Operator
Administrative Clerk	Senior Administrative Clerk	Telephone/Radio Operator
Administrative Clerk, Confidential	Senior Administrative Clerk, Confidential	
Messenger/Mail Clerk	Senior Messenger/Mail Clerk	
Administrative Assistants		
Accounting Technician	Human Resources Intern I-II	Real Estate Technician
Administrative Assistant	Human Resources Technician	Risk Management Assistant
Administrative Secretary I-II	Legal Secretary I-II	Senior Legal Secretary
Administrative Secretary I-II, Confidential	Litigation Secretary	Student Intern
	Office Assistant, General Manager's Office	Supervising Legal Secretary
Assistant To The General Manager	Paralegal	
Executive Assistant I-II	Public Affairs Specialist	

Exhibit 2

## Job Group Summary

Customer Services		
Customer Services Representative I-III	Field Services Representative I-II	Senior Dispatch/Contact Center Representative
Customer Services Supervisor	Meter Reader	Senior Field Services Representative
Dispatch Center Representative	New Business Representative I-II	Senior New Business Representative
Dispatch Center Supervisor	Senior Customer Services Representative	Water Conservation Technician
Technicians		
Computer Operations Technician	Fisheries/Wildlife Technician	Materials Testing Technician I-II
Corrosion Control Technician	Information Systems Specialist I-III	Printing Technician I-II
Electronic Technician	Materials Inspector	Senior Printing Technician
Fisheries/Wildlife Aide	Materials Testing Supervisor	
Plant Operator Leads/Supervisors		
Assistant Superintendent Aqueduct/Pardee	Power, Treatment & Transmission Maintenance Supervisor	Wastewater Operations Coordinator
Assistant Superintendent, Water Treatment & Distribution	Power Plant Supervisor	Wastewater Shift Supervisor
Assistant Wastewater Shift Supervisor	Superintendent of Aqueduct Section	Wastewater Treatment Superintendent
Hydroelectric Power Plant Supervisor	Superintendent of Pardee Section	Water Distribution Supervisor
Pardee Water/Wastewater Supervisor	Superintendent of Water Treatment/Distribution/ System Water Quality	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 Treatment/Distribution Operator Trainee
Senior Water Distribution Operator	Wastewater Plant Operator Trainee	
Laboratory and Quality Control Technicians		
Laboratory Technician I-III	Supervising Wastewater Control Representative	Water Sampler
Senior Wastewater Control Inspector	Wastewater Control Inspector I-II	Water Systems Inspector I-II
Supervising Wastewater Control Inspector	Wastewater Control Representative	
Engineers		
Assistant Corrosion Control Specialist	Associate Corrosion Control Specialist	Junior Electric Engineer
Assistant Engineer	Associate Electrical Engineer	Junior Engineer
Associate Civil Engineer	Associate Mechanical Engineer	Senior Corrosion Control Engineer
Associate Control Systems Engineer		

## Exhibit 2

### Job Group Summary

Supervising Engineers		
Senior Civil Engineer	Senior Electrical Engineer	Supervising Administrative Engineer
Senior Control Systems Engineer	Senior Mechanical Engineer	
Engineering Technicians		
Assistant Surveying Supervisor	Geographic Information System Specialist	Senior Geographic Information System Specialist
Chief of Party	Graphic Design Supervisor	Senior Graphic Designer
Construction Inspector	Graphic Designer I-II	Supervising Construction Inspector
Drafter I-III	Hydrographer I-III	Supervising Hydrographer
Drafting Supervisor	Senior Construction Inspector	Supervising Plant Inspector
Engineering Aide	Senior Drafter	Survey Technician I-II
Engineering Designer I-II	Senior Engineering Designer	Surveying 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	Mechanical Supervisor	Plant Maintenance Worker I-III
Equipment Supervisor	Meter Mechanic I-II	Plant Mechanical Maintenance Supervisor
General Equipment Mechanic	Meter Reader/Mechanic	Senior Mechanic
Heavy Equipment Maintenance Worker I-III	Meter Reader/Mechanic Foreman	Senior Meter Mechanic/Backflow Tester
Heavy Equipment Mechanic	Meter Reader & Maintenance Supervisor	
Machining & Maintenance Worker I-III	Meter Mechanic/Backflow Tester	
Maintenance Machinist	Meter Repair and Testing Supervisor	
Pipeline Maintenance Leads/Supervisors		Pipeline Maintenance
Assistant Construction & Maintenance Superintendent	Maintenance Shift Supervisor	Concrete Finisher I-II
Construction & Maintenance Scheduler	Paving Crew Foreman	Paving Raker A-B
Construction & Maintenance Superintendent	Pipeline Welding Supervisor	Pipeline Welder I-III
General Pipe Supervisor	Senior Supervisor of Maintenance Shift Operations	Water Distribution Plumber I-IV
	Water Distribution Crew Foreman	

Exhibit 2

## Job Group Summary

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	
Facility Foreman	Instrument Worker I-III	
Service Maintenance		
Automotive Services Attendant I-II	Janitor Foreman	Recreation Area Attendant
Distribution Maintenance Worker	Janitor Supervisor	Storekeeper I-II
Gardener I-II	LT Spec. Employment Program Trainee	Stores Supervisor
Gardener Foreman	Materials Specialist	Utility Laborer
Housekeeper	Materials Storage Foreman	
Janitor	Materials Storage Supervisor	
Heavy Equipment/Truck Operators		Rangers
Crane Operator	Heavy Forklift Operator	Ranger Supervisor
Heavy Equipment Operator	Heavy Transport Operator	Ranger/Naturalist I-II
Heavy Equipment Operator Trainee	Truck Driver II	Senior Ranger/Naturalist
	Truck Driver II Trainee	

Exhibit 3  
As of June 30,2020

### Job Group Analysis

FEMALES			
Job Group	Total Number Incumbents	Total Number Females	Total Percentage Females
Administrative Assistants	58	51	88.00%
General Clerical	110	91	82.70%
Analysts	51	32	62.70%
Professionals	55	32	58.20%
Customer Services	92	53	57.60%
Laboratory & Quality Control Techs	59	30	50.80%
Directors/Managers	65	27	41.50%
Science Professionals	40	16	40.00%
Engineering	181	63	34.80%
Programmers	106	33	31.10%
Supervising Engineering	43	9	21.00%
Rangers	34	7	20.60%
Service Maintenance	91	18	19.80%
Technicians*	29	5	17.20%
Plant Operators Leads/Supervisors	40	5	12.50%
Engineering Technicians*	112	14	12.50%
Plant Operators*	124	13	10.50%
Electrical/Structural Maintenance*	100	3	3.00%
Pipeline Maintenance Lead/Superv.*	81	2	2.50%
Pipeline Maintenance*	202	4	2.00%
Heavy Equipment/Truck Operators*	119	2	1.70%
Mechanical Maintenance*	153	2	1.30%
<b>Totals</b>	<b>1,945</b>	<b>512</b>	<b>26.30%</b>

\* Targeted outreach strategies will be applied to all recruitments for positions in the lowest third job groups by percentages and areas wherein placement goals have been established for women and minorities.

Exhibit 3  
As of June 30,2020

### Job Group Analysis

MINORITIES			
Job Group	Total Number Incumbents	Total Number Minorities	Total Percentage Minorities
Administrative Assistants	58	44	75.90%
Analysts	51	37	72.50%
Customer Services	92	64	69.60%
General Clerical	110	74	67.30%
Engineering	181	121	66.90%
Programmers	106	68	64.20%
Technicians*	29	16	55.20%
Service Maintenance*	91	47	51.60%
Professionals	55	28	51.00%
Pipeline Maintenance Lead/Superv.	81	41	50.60%
Laboratory & Quality Control Techs	59	29	49.20%
Plant Operators Leads/Supervisors	40	19	47.50%
Pipeline Maintenance*	202	96	47.50%
Plant Operators	124	58	46.80%
Engineering Technicians	112	52	46.40%
Heavy Equipment/Truck Operators*	119	51	42.90%
Science Professionals*	40	15	37.50%
Directors/Managers*	65	23	35.40%
Mechanical Maintenance*	153	50	32.70%
Supervising Engineering*	43	13	30.20%
Electrical/Structural Maintenance*	100	28	28.00%
Rangers*	34	5	14.70%
<b>Totals</b>	<b>1,945</b>	<b>979</b>	<b>50.30%</b>

\* Targeted outreach strategies will be applied to all recruitments for positions in the lowest third job groups by percentages and areas wherein placement goals have been established for women and minorities.

Exhibit 4  
As of June 30,2020

## Availability Analysis

Job Group: Directors/Managers

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	37.9	39.0	40.00	15.2	15.6	Source for 01- See below
Reasonable	33.7	21.0	5.00	1.7	1.0	National
Reasonable	35.1	37.7	5.00	1.8	1.9	California
Internal Factors:						
Feeders	41.3	51.3	50.00	20.6	25.7	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>39.2</b>	<b>44.2</b>	

\*Local Source: Alameda, California – 41.06 %, Contra Costa, California – 28.83%, Sacramento, California – 6.65%, Alpine and Nearby Counties, California – 5.13%, San Francisco, California- 3.99%, Solano, California – 3.99%, Los Angeles, California – 2.66%, San Mateo, California – 2.66 %, Santa Clara, California – 2.47%, Marin, California – 1.71%, San Joaquin, California – 1.33%

Job Group: Programmers

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	25.1	53.5	70.00	17.6	37.5	Source for 01- See below
Reasonable	24.0	51.4	2.50	0.6	1.3	California
Reasonable	25.2	34.5	2.50	0.6	0.9	National
Internal Factors:						
Feeders	54.9	65.0	25.00	13.7	16.2	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>32.5</b>	<b>55.9</b>	

\*Local Source: Alameda, California – 48.62%, Contra Costa, California – 33.06%, San Francisco, California – 4.86%, Santa Clara, California – 4.05%, San Mateo, California – 2.76%, Solano, California – 2.59%, San Joaquin, California -2.27 %, Sacramento, California – 1.78%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Analysts

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	60.6	44.8	65.00	39.4	29.1	Source for 15- See below National California
Reasonable	59.0	25.0	2.00	1.2	0.5	
Reasonable	59.9	38.8	3.00	1.8	1.2	
Internal Factors:						
Feeders	84.5	70.2	30.00	25.4	21.1	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>67.7</b>	<b>51.9</b>	

\*Local Source: Alameda, California – 51.79%, Contra Costa, California -33.39 %, San Francisco, California – 4.32%, San Joaquin, California – 1.93%, San Mateo, California – 2.48%, Santa Clara, California -1.84 %, Solano, California – 4.23%

### Job Group: Other Professionals

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	53.7	50.7	72.50	38.9	36.8	Source for 16- See below National California
Reasonable	49.7	25.1	2.50	1.2	0.6	
Reasonable	51.9	45.2	5.00	2.6	2.3	
Internal Factors:						
Feeders	54.0	67.6	20.00	10.8	13.5	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>53.6</b>	<b>53.2</b>	

\*Local Source: Alameda, California – 55.19%, Contra Costa, California -27.78 %, San Francisco, California – 7.10%, San Mateo, California – 2.46%, Santa Clara, California – 3.10%, Solano, California - 4.37 %

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Science Professionals

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	47.3	44.0	60.00	28.4	26.4	Source for 17- See below
Reasonable	43.1	25.7	5.00	2.2	1.3	National
Reasonable	46.7	43.7	10.00	4.7	4.4	California
Internal Factors:						
Feeders	50.8	49.2	25.00	12.7	12.3	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>47.9</b>	<b>44.4</b>	

\*Local Source: Alameda, California – 41.16%, Contra Costa, California – 23.64%, Sacramento, California – 5.27%, San Francisco, California – 8.16%, San Joaquin, California – 6.46%, San Mateo, California – 3.74%, Santa Clara, California – 6.63%, Solano, California -4.93 %

### Job Group: Administrative Assistants

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	84.7	51.1	47.50	40.2	24.3	Source for 20- See below
Reasonable	84.0	46.7	2.50	2.1	1.2	California
Internal Factors:						
Feeders	82.7	67.3	50.00	41.4	33.6	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>83.7</b>	<b>59.1</b>	

\*Local Source: Alameda, California – 55.73%, Contra Costa, California -29.00 %, Sacramento, California – 3.89%, San Francisco, California – 4.27 %, San Joaquin, California – 1.42%, San Mateo, California – 1.42%, Santa Clara, California -1.33 %, Solano, California – 2.94%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: General Clerical

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	85.0	50.7	95.00	80.7	48.1	*Source for 21 - See below California
Reasonable	83.8	48.9	5.00	4.2	2.4	
Internal Factors:						
Feeders						
<b>Final Availability %</b>			<b>100.00</b>	<b>84.9</b>	<b>50.6</b>	

\*Local Source: Alameda, California – 52.11%, Contra Costa, California – 32.44%, San Francisco, California – 2.54%, San Joaquin, California – 8.43%, Solano, California – 4.48%

### Job Group: Customer Services

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	62.9	62.1	70.00	44.0	43.5	*Source for 27 - See below California
Reasonable	60.5	57.7	5.00	3.0	2.9	
Internal Factors:						
Feeders	30.5	54.5	25.00	7.6	13.6	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>54.6</b>	<b>60.0</b>	

\*Local Source: Alameda, California – 53.77%, Contra Costa, California – 34.14%, San Francisco, California – 2.43%, San Joaquin, California – 2.11%, Solano, California – 7.55%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Technicians

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	32.2	56.2	65.00	20.9	36.5	*Source for 32- See below
Reasonable	30.9	57.2	12.50	3.9	7.2	National
Reasonable	31.8	31.0	12.50	4.0	3.9	California
Internal Factors:						
Feeders	57.6	69.6	10.00	5.8	7.0	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>34.5</b>	<b>54.5</b>	

\*Local Source: Alameda, California - 44.87%, Contra Costa, California - 33.33%, San Joaquin, California – 4.49 %, Santa Clara, California – 2.88 %, Santa Cruz, California - 3.21%, Solano, California – 6.41%, Stanislaus, California – 2.56%, Sonoma, California – 2.24%

### Job Group: Plant Operators

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	5.2	38.1	65.00	3.3	24.8	*Source for 33 - See below
Reasonable	5.1	39.2	10.00	0.5	3.9	California
Internal Factors:						
Feeders	13.0	47.9	25.00	3.3	12.0	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>7.1</b>	<b>40.7</b>	

\*Local Source: Alameda, California – 37.73%, Contra Costa, California – 40.12%, San Francisco, California – 2.92%, San Joaquin, California – 3.20%, San Mateo, California – 2.67%, Santa Clara, California – 1.96%, Solano, California – 11.38%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Plant Operators Lead/Supervisors

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	24.7	49.7	75.00	18.5	37.3	*Source for 34 - See below
Reasonable	22.1	56.6	15.00	3.3	8.5	California
Reasonable	19.6	26.0	5.00	1.0	1.3	National
Internal Factors:						
Feeders	13.4	40.8	5.00	0.7	2.0	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>23.5</b>	<b>49.1</b>	

Local Source: Alameda, California – 28.89%, Contra Costa, California – 37.78%, San Joaquin, California -10.37 %, San Mateo, California – 2.22%, Solano, California – 16.30%, Marin, California – 2.22%, Santa Clara, California – 2.22%

### Job Group: Laboratory & Quality Control Technicians

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	35.3	51.1	85.00	30.0	43.4	*Source for 35 - See below
Reasonable	31.2	26.8	2.50	0.8	0.7	National
Internal Factors:						
Feeders	33.9	51.7	12.50	4.2	6.5	California
<b>Final Availability %</b>			<b>100.00</b>	<b>35.0</b>	<b>50.5</b>	

\*Local Source: Alameda, California – 49.15%, Contra Costa, California – 32.45%, San Francisco, California – 5.96%, San Joaquin, California – 2.02%, San Mateo, California – 2.77%, Santa Clara, California – 2.77%, Solano, California – 4.89%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Rangers

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	15.4	56.8	80.00	12.3	45.4	*Source for 43 - See below National
Reasonable	18.5	30.9	5.00	0.9	1.5	
Internal Factors:						
Feeders	19.5	57.8	15.00	2.9	8.7	California
<b>Final Availability %</b>			<b>100.00</b>	<b>16.2</b>	<b>55.6</b>	

\*Local Source: Alameda, California – 29.93%, Contra Costa, California – 37.41%, San Joaquin, California – 14.97%, Santa Cruz, California – 6.80%, Solano, California – 6.80%, Sonoma, California – 4.09%

### Job Group: Engineers

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	14.9	55.1	75.00	11.2	41.3	*Source for 50 - See below National
Reasonable	11.3	23.0	7.50	0.8	1.7	
Reasonable	13.2	43.6	15.00	2.0	6.5	California
Internal Factors:						
Feeders	13.5	48.2	2.50	0.3	1.2	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>14.3</b>	<b>50.8</b>	

\*Local Source: Alameda, California – 46.68%, Contra Costa, California – 28.15%, San Francisco, California – 7.82%, San Joaquin, California – 1.33%, San Mateo, California – 3.83%, Santa Clara, California – 8.68%, Solano, California – 3.52%

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Supervising Engineers

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	6.3	42.0	30.00	1.9	12.6	*Source for 51 - See below California
Reasonable	10.0	35.6	10.00	1.0	3.6	
Internal Factors:						
Feeders	34.8	66.9	60.00	20.9	40.1	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>23.8</b>	<b>56.3</b>	

\*Local Source: Alameda, California – 42.76%, Contra Costa, California – 45.52%, Marin, California – 2.76%, San Francisco, California -5.52 %, Santa Clara, California – 2.07, Solano, California – 1.38

### Job Group: Engineering Technicians

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	21.3	40.7	70.00	14.9	28.5	*Source for 60 - See below California
Reasonable	20.5	40.0	10.00	2.1	4.0	
Reasonable	19.1	22.0	5.00	1.0	1.1	National
Internal Factors:						
Feeders	2.0	47.5	15.00	0.3	7.1	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>18.2</b>	<b>40.7</b>	

\*Local Source: Alameda, California – 43.02 %, Contra Costa, California – 34.49%, San Francisco, California – 7.56%, San Joaquin, California – 2.22%, San Mateo, California – 2.04%, Santa Clara, California – 4.18%, Solano, California – 6.49%

### Job Group: Pipeline Maintenance

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	1.1	61.6	90.00	1.0	55.4	*Source for 70 - See below California
Reasonable	1.4	60.2	7.50	0.1	4.5	
Internal Factors:						
Feeders	19.8	51.6	2.50	0.5	1.3	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>1.6</b>	<b>61.2</b>	

\*Local Source: Alameda, California – 37.22%, Contra Costa, California- 47.73%, San Joaquin, California – 4.31%, Solano, California – 10.73%

## Availability Analysis

### Job Group: Heavy Equipment/Truck Operators

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	3.8	57.2	62.50	2.4	35.8	*Source for 72 - See below California
Reasonable	3.8	57.1	7.50	0.3	4.3	
Internal Factors:						
Feeders	2.0	47.5	30.00	0.6	14.3	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>3.3</b>	<b>54.3</b>	

\*Local Source: Alameda, California – 28.80%, Contra Costa, California – 38.16%, San Joaquin, California – 10.25%, Solano, California -18.55 %, Stanislaus, California – 4.24%

### Job Group: Pipeline Maintenance Lead/Supervisors

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	7.5	38.5	7.50	0.6	2.9	*Source for 78 - See below California
Reasonable	7.5	38.1	2.50	0.2	1.0	
Internal Factors:						
Feeders	1.9	45.8	90.00	1.7	41.2	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>2.4</b>	<b>45.1</b>	

\*Local Source: Alameda, California – 32.82%, Contra Costa, California – 52.45%, San Joaquin, California -6.46 %, Solano, California – 8.27%

### Job Group: Electrical/Structural Maintenance

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	8.1	51.8	80.00	6.5	41.5	*Source for 81 – See below California
Reasonable	8.2	56.7	15.00	1.2	8.5	
Internal Factors:						
Feeders	17.2	55.2	5.00	0.9	2.8	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>8.6</b>	<b>52.7</b>	

\*Local Source: Alameda, California – 34.70%, Contra Costa, California – 43.10%, San Joaquin, California – 6.68%, Solano, California -15.52 %

Exhibit 4  
As of June 30,2020

## Availability Analysis

### Job Group: Mechanical Maintenance

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	4.8	54.6	80.00	3.8	43.7	*Source for 82 - See below California
Reasonable	4.5	56.7	10.00	0.5	5.7	
Internal Factors:						
Feeders	2.3	41.1	10.00	0.2	4.1	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>4.5</b>	<b>53.4</b>	

\*Local Source: Alameda, California – 41.98%, Contra Costa, California – 40.91%, San Francisco, California – 2.23%, San Joaquin, California – 6.38%, Solano, California -8.50%

### Job Group: Service Maintenance

Factor	Raw %		Factor Weight	Weighted %		Source
	Female	Minority		Female	Minority	
External Factors:						
Local	23.0	72.4	92.50	21.2	67.0	*Source for 85 – See below California
Reasonable	23.0	72.8	5.00	1.2	3.6	
Internal Factors:						
Feeders	2.0	47.5	2.50	0.0	1.2	Feeders
<b>Final Availability %</b>			<b>100.00</b>	<b>22.4</b>	<b>71.8</b>	

\*Local Source: Alameda, California – 43.28%, Contra Costa, California – 42.76%, San Francisco, California – 2.14%, San Joaquin, California – 3.81%, Solano, California – 8.01%

Exhibit 5  
As of June 30,2020

### Placement Goals Analysis

	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
<b>Pipeline Maintenance</b>	<b>202</b>	<b>47.5</b>	<b>61.2</b>	2.0	1.6	<b>YES</b>	NO
Engineers	181	66.9	50.8	34.8	14.3	NO	NO
<b>Mechanical Maintenance</b>	<b>153</b>	<b>32.7</b>	<b>53.4</b>	<b>1.3</b>	<b>4.5</b>	<b>YES</b>	<b>YES</b>
Plant Operators	124	46.8	40.7	10.5	7.1	NO	NO
<b>Heavy Equipment / Truck Operators</b>	<b>119</b>	<b>42.9</b>	<b>54.3</b>	1.7	3.3	<b>YES</b>	NO
Engineering Technicians	112	46.4	40.7	12.5	18.2	NO	NO
General Clerical	110	67.3	50.6	82.7	84.9	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.

\* For many of the job groups with "Overall Minority" goals, although there are not statistically significant disparities for every racial minority, the District's diversity recruitment efforts will include outreach to all minorities. The District will also develop outreach strategies targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups
- There is a trend of declining incumbency representation for that minority group at the District

The minority group is significantly under-represented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e. when there is low external availability) due to historical, external, and/or systemic barriers.

Exhibit 5  
As of June 30,2020

### Placement Goals Analysis

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Programmers	106	64.2	55.9	31.1	32.5	NO	NO
<b>Electrical/Structural Maintenance</b>	<b>100</b>	<b>28.0</b>	<b>52.7</b>	<b>3.0</b>	<b>8.6</b>	<b>YES</b>	<b>YES</b>
Customer Service	92	69.6	60.0	57.6	54.6	NO	NO
<b>Service Maintenance</b>	<b>91</b>	<b>51.6</b>	<b>71.8</b>	<b>19.8</b>	<b>22.4</b>	<b>YES</b>	NO
Pipeline Maintenance	81	50.6	45.1	2.5	2.4	NO	NO
Lead/Supervisors							
Directors/Managers	65	35.4	44.2	41.5	39.2	NO	NO
Laboratory & Quality Control Techs.	59	49.2	50.5	50.8	35.0	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.

\* For many of the job groups with “Overall Minority” goals, although there are not statistically significant disparities for every racial minority, the District’s diversity recruitment efforts will include outreach to all minorities. The District will also develop outreach strategies targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups
- There is a trend of declining incumbency representation for that minority group at the District
- The minority group is significantly under-represented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e. when there is low external availability) due to historical, external, and/or systemic barriers.

Exhibit 5  
As of June 30,2020

### Placement Goals Analysis

Job Group	Number Of Incumbents	Total Minority		Female		Placement Goal Established? (Yes* / No)	
		Employment %	Availability %	Employment %	Availability %	Minority	Female
Administrative Assistants	58	75.9	59.1	87.9	83.7	NO	NO
Professionals	55	50.9	53.2	58.2	53.6	NO	NO
Analysts	51	72.5	51.9	62.7	67.7	NO	NO
<b>Supervising Engineers</b>	<b>43</b>	<b>30.2</b>	<b>56.3</b>	20.9	23.8	<b>YES</b>	NO
Science Professionals	40	37.5	44.4	40.0	47.9	NO	NO
Plant Operator	40	47.5	49.1	12.5	23.5	NO	NO
Leads/Supervisors							
<b>Rangers</b>	<b>34</b>	<b>14.7</b>	<b>55.6</b>	20.6	16.2	<b>YES</b>	NO
<b>Technicians</b>	29	55.2	54.5	<b>17.2</b>	<b>34.5</b>	NO	<b>YES</b>

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

\* For many of the job groups with “Overall Minority” goals, although there are not statistically significant disparities for every racial minority, the District’s diversity recruitment efforts will include outreach to all minorities. The District will also develop outreach strategies targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups
- There is a trend of declining incumbency representation for that minority group at the District

The minority group is significantly under-represented in the relevant occupations/ professions in the broader workforce outside of EBMUD (i.e. when there is low external availability) due to historical, external, and/or systemic barriers.

## **II. 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, 2019 – June 30, 2020**

### **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:** Laura Acosta  
Manager of Human Resources  
East Bay Municipal Utility District  
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Oakland, CA 94623-9979  
Attn: Diversity and Inclusion Office  
(510) 287-0710

## 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 race (including hair style/texture), color, religion, creed, sex, gender, genetic information, gender identity (including transgender status), gender expression, marital status or registered domestic partnership status, age forty or older,, national origin, ancestry, disability (mental or physical, medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military or veteran status, or 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 protected status, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee on the bases of any of the aforementioned protected categories, in regard 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 workplace 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 the protected categories. The District's EEO policy and affirmative action (AA) obligations include the full support from General Manager, Clifford C. Chan 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 Workplace Harassment.

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 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, workplace 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. 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, Diversity and Inclusion 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 Program and AAP to the Diversity and Inclusion (D&I) Officer. The Manager of HR ensures, through the D&I Officer, 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 AAP and EEO program. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP and EEO program 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 Americans with Disabilities Act (ADA) Compliance Officer. The HRRC responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA and Fair Employment and Housing Act (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 AAP 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 District's Procedure on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals (Procedure 227) 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 AAP and EEO program and make good faith efforts by considering alternative 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 AAP and EEO program, 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.

### **C. 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. 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 apply 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.

#### ***D. Audit and Reporting System***

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

The D&I Officer, in partnership with the Manager of HR, the Manager of R&C, and the Manager of EOD, the Manager of Employee Relations and the Manager of Information Systems, is responsible for implementing the auditing and reporting system. 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 D&I 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.

#### ***E. 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 knowledge, skills and abilities of a classification to ensure they are critical and essential 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 Recruitment and Classification (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.

## ***F. 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 those who are disabled veterans. Such reasonable accommodations are explained and documented in the 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 2) 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: Winnie Anderson

Title: HR Regulatory Coordinator

Phone: (510) 287-0380

Email: [winnie.anderson@ebmud.com](mailto:winnie.anderson@ebmud.com)

## ***G. 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 and Policy 2.26 on Prevention of Workplace Harassment include sections prohibiting harassment of IWDs or Protected Veterans and is available for distribution to new as well as to existing employees. The District's Procedure 227 on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals outlines the complaint and investigation process.

## H. Data Collection Analysis

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

### 1. Protected Veterans

Definition of "Protected Veteran" A veteran is a "protected veteran" under VEVRAA if he or she, served on active duty in the U.S. Military; and was discharged or released from service under conditions other than dishonorable; and falls into one or more of the following categories:

- Disabled veteran
- Recently separated veteran (within the last three years)
- Active-duty wartime or campaign badge veteran
- Armed Forces service medal veteran

Additional information about Protected Veteran status is provided in this info-graphic provided through the US DOL:

[https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17\\_ENGESQA508c.pdf](https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17_ENGESQA508c.pdf)

During FY2020 AAP period, six Protected Veterans out of a total of 332 successful candidates were hired for a hiring rate of 1.8% Protected Veterans. This is a slight increase in hiring rate from last year, but below the mark from two years ago and below the District's hiring benchmark/ goal of 2.9%.

#### EBMUD Protected Veteran Incumbency, Hiring Goals, Applicant Rates, & Hiring Rates

Fiscal Year	Protected Veteran Incumbency (per VETS-4212)**	Protected Veteran Placement Goal*	Protected Veteran Applicants/ All Applicants	Protected Veteran Applicant Rate	Protected Vet. Hires/ All Hires	Actual Veteran Placement Rate (%)
FY2021	TBD	2.5%	TBD	TBD	TBD	TBD
FY2020	55/ 1,938= 2.8%	2.9%	313/ 9,280	4.0%	6/ 332	1.8%
FY2019	56/ 1,890= 3.0%	3.0%	303/ 9,489	3.2%	5/335	1.5%
FY2018	62/ 1,853= 3.4%	6.7%	293/ 9,816	3.0%	9/330	2.7%
FY2017	63/ 1,828= 3.5%	6.9%	299/ 11,060	2.7%	7/310	2.3%

\* The District updates its Protected Veteran hiring benchmark annually.

\* 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.

\* Prior to 2019, the District used the national percentage of veterans in the civilian labor force as our hiring benchmark

\*\* The **VETS-4212 Report** is filed annually by the District. It requires slightly different reporting periods than the AAP; however, it is useful for evaluating year-over-year trends in the District's incumbency rate of protected veterans as a percentage of overall employees.

The District has established an individualized hiring benchmark of 2.5% for Protected Veterans for FY2021. This represents a slightly lower goal/ benchmark compared to the previous year. The District has calculated and established its Protected Veterans benchmark by taking into consideration the 5 criteria set forth by the OFCCP. In establishing that hiring benchmark, the District considered the

following factors:

1. The average percentage of veterans in the civilian labor force in California for the previous five years—which has been on a downward trend: 2015 (4.8%), 2016 (4.9%), 2017 (4.7%), 2018 (4.3%), and 2019 (3.8%)
2. The number of veterans who participated in the employment service delivery system in California over the previous four quarters – April 1, 2019 to March 31, 2020 (36,055).
3. The District's applicant ratio (4.0%; 313 protected veterans/ 9,280 total applicants) and hiring ratio (1.8%; 6 protected veterans hires/ 332 total hires) for the prior year (7/01/2019 to 6/30/2020).
4. The relative effectiveness of the District's most recent outreach and recruitment efforts. The District continues to perform outreach to attract more qualified protected veteran applicants. In FY2020, there was a small but notable increase in the percentage of protected veteran applicants. This increase to 4.0% in FY2020 was achieved after much more modest increases in prior recent years--- (FY2017= 2.7%; FY2018= 3.0%; and FY2019= 3.2%).
5. Other factors that may affect the availability of qualified protected veterans. The District is located more than 52 miles from the nearest military base (Travis Air Force Base in Fairfield, CA), and more than 112 miles from the next closest base (Presidio of Monterey, CA). The District's distance from these military installations generally results in limited numbers of veterans who apply for open positions at the District.

## 2. Individuals With Disabilities (IWD)

Definition of "Individuals With Disabilities": Per the US DOL, an individual with disabilities is "*someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment.*" For District employees and applicants this status is self-reported.

The District has adopted the current national utilization goal of 7.0% for qualified IWDs. The 7.0% utilization goal is applied to each job group within the District. Although this number has remained constant in recent years, the District will update its utilization goal as new data becomes available, updated and published.

Over the past several years, the numbers of self-identified IWD applicants has been steadily increasing both as a total annual number and as a percentage of total applicants. Likewise, the District has been steadily improving on its IWD hiring numbers and hiring rate. The FY2020 hiring rate reached 6.3%, after increasing from 2.2% in 2017, to 3.6% in 2018, and 5.7% in 2019. This further corresponds with a steadily increasing number and percentage of IWD on staff at the District over the past four years –from 75 employees in 2017 (4.1% incumbency rate) up to 94 employees in 2020 (4.8% incumbency rate). Although the increases seem to have leveled off over the past year, the overall increases since 2017 have still been significant. Ongoing efforts will be maintained (and opportunities for continuous improvement explored) as we strive towards our overall hiring goal of 7%.

**Individuals w/Disabilities (IWD)**  
**EBMUD Incumbency, Hiring Goals, Applicant Rates, & Hiring Rates**

Fiscal Year	IWD Incumbency (%)	IWD Hiring Goal (%)	IWD Applicants/ All Applicants	IWD Applicant Rate	IWD Hires/ All Hires	Actual IWD Hiring Rate (%)
FY2021	TBD	7%	TBD	TBD	TBD	TBD
FY2020	4.8% (n=94)	7%	374/ 9,280	4.0%	21/ 332	6.3%
FY2019	4.9% (n=93)	7%	353/ 9,489	3.7%	19/ 335	5.7%
FY2018	4.4% (n=82)	7%	330/ 9,816	3.4%	12/ 330	3.6%
FY2017	4.1% (n=75)	7%	301/ 9,901	3.0%	6/ 276	2.2%

**Analysis of IWD by Job Group:**

The following chart lists the top ten EBMUD job groups in descending order according to their FY2020 IWD utilization rate (i.e., the number of EBMUD workers in these jobs who self-identify as IWD, divided by the total number of all workers in these jobs at the District). This chart also shows a year over year comparison for 2018, 2019, and 2020.

**IWD Utilization Rates: Job Groups At or Near Goal**

Job Group	2019 IWD/ Total Employees	2018 IWD %	2019 IWD/ Total Employees	2019 IWD %	2020 IWD/ Total Employees	2020 IWD %
General Clerical	9/ 111	8.1%	14/ 113	12.4%	16/ 110	14.5%
Directors/ Managers	6/ 64	9.4%	7/ 65	10.8%	7/ 106	10.8%
Service Maintenance	8/ 82	9.8%	6/ 87	6.9%	7/ 91	7.7%
Plant Operators Lead/Supv.	2/ 39	5.1%	3/ 40	7.5%	3/ 40	7.5%
Professionals	3/ 52	5.8%	3/ 55	5.5%	4/ 55	7.3%
Laboratory & Qual. Ctrl. Tech.	4/ 55	7.3%	5/ 45	9.3%	4/ 59	6.8%
Analysts	4/ 46	8.7%	3/ 47	6.4%	3/ 51	5.9%
Rangers	1/ 34	2.9%	2/ 35	5.7%	2/ 34	5.9%
Programmers	5/ 99	5.1%	5/ 100	5.0%	6/ 106	5.7%
Administrative Assts.	3/ 60	5.0%	4/ 56	7.1%	3/ 58	5.2%

During FY2020, the District's incumbency rate for IWDs was at or above the 7% utilization goal for the following five job groups (highlighted in **dark green** in the chart above):

1. General Clerical
2. Directors/Managers
3. Service Maintenance
4. Plant Operators Lead/ Supervisors
5. Professionals

Another five job groups would have been at 6.5% or higher IWD utilization with just one additional IWD hired into each group. These groups (highlighted in light green in the chart above) include:

1. Lab & Quality Control Techs
2. Analysts
3. Rangers
4. Programmers
5. Administrative Assistants

#### IWD Utilization Rates: Job Groups NOT At or Near Goal

Of the remaining 12 job groups, half are comprised primarily of highly physical, hands-on labor and skilled-trades job classes. These jobs require use of heavy equipment and tools, as well as a high-degree of mobility to perform at a high-level. The physical requirements for these jobs may discourage many IWD from applying for these jobs. See the table below for additional details.

Job Group	2019 IWD/Total Employees	2018 IWD %	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %
Electrical/Structural Workers	2/ 106	1.9%	6/ 105	5.7%	4/ 100	4.0%
Water Distn. Plumb. & Maint.	5/ 189	2.6%	6/ 197	3.0%	7/ 202	3.5%
Mechanical Maintenance	5/ 154	3.2%	5/ 154	3.2%	5/ 153	3.3%
Plant Operators	4/ 125	3.2%	3/ 122	2.5%	4/ 124	3.2%
Heavy Equip./Truck Operators	0/ 104	0.0%	1/ 107	0.9%	2/ 119	1.7%
Pipeline Maint. Lead/Supv.	2/ 74	2.7%	1/ 78	1.3%	1/ 81	1.2%

Three of the remaining job classes with low utilization rates include high numbers of jobs requiring a mix of moderately physical field work and/or intensive mobility requirements. Again, these work conditions and requirements may discourage many IWD from applying for these jobs. These three job groups are analyzed in the following table:

1. Engineering Technicians (Construction Inspectors, Drafters, Engineering Designers, Surveyors, GIS Specialists, Graphic Designers, Hydrographers, and Engineering Aides)
2. Technicians (including Fisheries/Wildlife Aides and Technicians, Info Systems Specialists, Computer Operations, Materials Testing, Printing, Corrosion Control, Electronic Techs, and Plant Inspectors)
3. Customer Service (Customer Service Reps, Field Service Reps, Meter Readers, New Business Reps)

Job Group	2019 IWD/ Total Employees	2018 IWD %	2019 IWD/ Total Employees	2019 IWD %	2020 IWD/ Total Employees	2020 IWD %
Engineering Technicians	4/ 96	4.2%	6/ 106	5.7%	6/ 112	5.4%
Technicians	1/ 28	3.6%	1/ 29	3.4%	1/ 29	3.4%
Customer Service	5/ 100	5.0%	6/ 97	6.2%	3/ 92	3.3%

The last three remaining job groups do not generally require the physicality or mobility as described in the preceding sections. However, many require regular field work/ visits to work-sites outside of the office environment. These three job groups are analyzed in the following table:

1. Engineering (Assistant, Associate, and Junior Engineers)
2. Supervising Engineers (Senior Civil, Electrical, and Mechanical Engineers)
3. Science Professionals (Environmental Health & Safety Specialists, Chemists, Fisheries/ Wildlife Biologists, Laboratory Supervisors, and Microbiologists)

Job Group	2019 IWD/Total Employees	2018 IWD %	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %
Engineering	6/ 170	3.5%	5/ 173	2.9%	5/ 181	2.8%
Science Professionals	2/ 40	5.0%	1/ 39	2.6%	1/ 40	2.5%
Supervising Engineers	1/ 42	2.4%	0/ 43	0.0%	0/ 43	0.0%

Based on a review of aggregated applicant flows and data reports for the job groups where Protected Veteran hiring benchmarks and IWD utilization goals were not reached, it was determined that the primary problem areas were the lack of sufficient representation of Protected Veterans and IWDs in applicant pools, as well as the lack of success of such candidates passing T&E review and written, performance and/or oral exams.

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 I (External Dissemination of Policy, Outreach, and Positive Recruitment) and measures described in subpart D (Internal Audit and Reporting) of this AAP.

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



**I. External Dissemination of Policy, Outreach, and Positive Recruitment**  
 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

**Evaluation of FY2020 AAP Outreach Activities:**

Below is the District's evaluation of ongoing outreach activities set forth in the FY2020 AAP:

Activity & Description	Evaluation of Each Activity
<p><b>Internal and external partnerships for Veterans.</b></p> <p>Develop partnerships to attract more qualified Protected Veteran and IWD applicants.</p>	<ul style="list-style-type: none"> <li>▪ Staff partnered with BAYWORK for several military veteran recruitment events prior to COVID (thru 2/2020).</li> <li>▪ Staff partnered with other industry employers to create a new BAYWORK webpage for military veterans.</li> <li>▪ Staff helped establish a working group for veterans in the regional water/ wastewater industry through BAYWORK. Through this BAYWORK working group, District staff actively contribute to developing and implementing industry outreach specifically targeted to veterans.</li> <li>▪ Staff is supporting the establishment of an EBMUD Affinity Group for military veterans. Staff will leverage Affinity Group members to enhance targeted outreach efforts to military veterans.</li> </ul>
<p><b>Test Prep Services/ Support:</b> Develop partnerships for test preparation, application, &amp; interview workshops.</p>	<p>District efforts in this area have been with community partners representing diverse populations in general, not specifically with organizations targeting veterans or IWDs.</p>
<p><b>Protected Vet &amp; IWD data:</b></p> <p>Extract and analyze Vet and IWD data from applicant tracking system. Generate reports at each step of the recruitment process to identify barriers to hiring.</p>	<ul style="list-style-type: none"> <li>▪ The District will be issuing an RFP for an upgraded Human Resources Information System (HRIS). The new system will allow staff to create customized applicant flow reports for IWD and Protected Veterans.</li> </ul>
<p><b>EBMUD-Toolworks Internship Program</b></p> <p>Continue to implement the EBMUD-Toolworks Internship program as operational needs and safety protocols allow.</p>	<ul style="list-style-type: none"> <li>▪ FY2020 internships were renewed for four returning interns and one new intern was engaged.</li> <li>▪ In addition, the internship was expanded to additional District workgroups in FY2020.</li> <li>▪ The program has successfully demonstrated to staff the value of disabled workers and generated interest among disabled interns to pursue EBMUD employment.</li> <li>▪ Due to COVID safety restrictions and operational logistics, the EBMUD-Toolworks internship program was suspended in March 2020. It will be reactivated once safety protocols and operational logistics allow (TBD).</li> </ul>

## FY2021 Outreach Activities:

During FY2021 the District will continue exploring partnerships with Veteran and Disability organizations to attract more qualified Protected Veteran and IWD applicants. Moving forward, the District will look at investing in targeted social media efforts to reach out to military veterans and IWDs. The District will also coordinate with community partners to develop application, interview and test preparation workshops. Furthermore, the District will continue the Toolworks Internship program once COVID workplace safety and operational protocols allow. The District's D&I Strategic Plan will inform future outreach, recruitment and workforce development activities.



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 D&I 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 AAP 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 notifies all subcontractors, vendors, and suppliers in writing regarding the District's AAP policy and requests appropriate action on their part.
6. The District arranges for referral of applicants with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
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.

## ***J. Internal Dissemination of Policy***

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

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 the 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, which includes the District's harassment policy that incorporates protection from workplace harassment on the basis of disability.

## ***K. 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 AAP goals.

# EXHIBITS

### Hiring Benchmark Analysis

DATA METRICS FOR PROTECTED VETERANS 41 C.F.R. §§§ 60-300.44(k)				
		FY 2018	FY 2019	FY 2020
1	Total number/% of all Applicants who self-identified as a protected veteran	293 of 9,816 (2.98%)	303 of 9,489 (3.2%)	313 of 9,280 (3.4 %)
2	Total number of job openings in AAP Year at EBMUD	402	337	409
3	Total number of jobs filled	395	335	405
4	Total number of all Applicants to EBMUD	9,816	9,489	9,280
5	Total number/% of protected veterans Applicants (external and competitive promotions) hired	9 of 330 (2.7%)	5 of 335 (1.5%)	6 of 332 (1.8%)
6	Total number of Applicants hired (external and competitive promotions)	330	335	332

### Utilization Goals Analysis

<b>DATA METRICS FOR INDIVIDUALS WITH DISABILITIES 41 C.F.R. § 60-741.44(k)</b>				
		<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
1	Total number/% of all Applicants who self-identified as an individual with a disability	330 of 9,816 (3.4%)	353 of 9,489 (3.7%)	374 of 9,280 (4.0%)
2	Total number of job openings in AAP Year at EBMUD	402	337	409
3	Total number of jobs filled	395	335	405
4	Total number of all Applicants	9,816	9,489	9,280
5	Total number/% of Applicants (external and competitive promotions) with disabilities hired	12 of 330 (3.6%)	19 of 335 (5.7%)	21 of 332 (6.3%)
6	Total number of Applicants hired (external and competitive promotions)	330	335	332