



BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time Change


**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

10:00 a.m.

Tuesday, February 9, 2016

Notice is hereby given that on Tuesday, February 9, 2016 the Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m. The meeting will be held in the Training Resource Center of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: February 4, 2016


Lynelle M. Lewis
Secretary of the District

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

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

**Legislative/Human Resources Committee
Tuesday, February 9, 2016
10:00 a.m.
Training Resource Center**

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

ROLL CALL:

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

DETERMINATION AND DISCUSSION:

1. 2016 Diversity and Inclusion Program Update - Testing and Outreach Efforts (Brunson)
2. Legislative Report (Dumaine)
 - Update on Legislative Issues of Interest to EBMUD

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.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 4, 2016
MEMO TO: Board of Directors
THROUGH: Alexander R Coate, General Manager *ARC*
FROM: Laura Brunson, Manager of Human Resources *Laura*
SUBJECT: 2016 Diversity and Inclusion Program Update - Testing and Outreach Efforts

SUMMARY

The 2016 Diversity and Inclusion Program was presented to the Legislative/Human Resources Committee on January 12, 2016. At that meeting, the Committee and a member of the public asked for more information about the District's 1) current diversity numbers, 2) the perceived change of diversity in the Wastewater (WW) Operator job series, 3) diversity action-oriented programs, and 4) recruitment and selection testing processes. This update will be presented to the Legislative/Human Resources Committee on February 9, 2016.

DISCUSSION

The District is proud of its diverse workforce. Today's employee base consists of employees who live in the communities we serve and, therefore, the employee base is largely representative of people living in our community.

1. Current EBMUD Workforce Diversity Numbers

The diversity numbers of today's EBMUD workforce are represented in the following chart. This chart shows current incumbency in the District's job groups compared to available candidates in our recruitment area as defined in the Diversity and Inclusion Program. The available candidate numbers are derived from occupational code census data found at the United States Census website. The bold categories are those categories the District will focus its diversity action-oriented program on for 2016.

Job Group	Number of Incumbents	Total Minority		Total Female	
		Employment %	Availability %	Employment %	Availability %
Directors/Managers	62	32.3	40.0	35.5	34.5
Programmers	93	59.1	51.6	34.4	34.6
Analysts	44	52.3	51.8	65.9	70.0
Other Professionals	50	58.0	49.7	54.0	56.2
Science Professionals	39	30.8	35.9	35.9	48.1
Administrative Assistants	57	70.2	53.8	94.7	84.0
General Clerical	110	59.1	49.4	82.7	90.1
Customer Services	104	60.6	60.0	55.8	59.2
Technicians	25	52.00	55.6	16.0	33.7
Plant Operators	117	41.9	34.5	9.4	10.4
Plant Operator Leads/Supervisors	37	37.8	46.3	10.8	20.5
Laboratory & Quality Control Techs.	53	45.3	50.8	45.3	54.9
Rangers	33	15.2	65.8	21.2	13.3
Engineers	156	59.0	49.7	30.8	14.6
Supervising Engineers	41	43.9	52.5	19.5	24.2
Engineering Technicians	91	41.8	40.5	13.2	20.1
Pipeline Maintenance	194	47.9	61.0	1.5	1.9
Heavy Equipment/Truck Operators	85	31.8	68.0	3.5	4.8
Pipeline Maintenance Leads/Supervisors	66	53.0	47.1	3.0	5.2
Electrical/Structural Maintenance	108	26.9	51.4	2.8	4.4
Mechanical Maintenance	141	36.2	46.2	1.4	4.1
Service Maintenance	74	52.7	72.9	27.0	26.5

2. Wastewater Operator Series Diversity Numbers

During the January 12, 2016 Committee meeting, a comment was made that it appears that the District no longer has diversity among the employees in the WW Operator series. The diversity within the WW Operator series has not changed significantly over the years as shown in the following chart. A more detailed chart (Attachment 1) shows the District's current WW Operator workforce compared to availability in Alameda and Contra Costa Counties, broken out by ethnic subgroups.

Year	Total # of WW Operators	Total # of Minority Operators	Total % of Minority Operators	Total % Minority Availability
FY15	62	27	43.5%	34.4%
FY14	67	29	43.3%	34.4%
FY13	66	28	42.4%	34.4%
FY12	65	28	43.1%	34.4%
FY11	70	29	41.4%	34.4%
FY10	67	33	49.3%	29.2%
FY09	67	32	47.8%	29.2%
FY08	64	29	45.3%	29.2%
FY07	63	30	47.6%	29.2%
FY06	66	33	50.0%	29.2%
FY05	65	31	47.7%	29.2%
FY04	68	34	50.0%	29.2%
FY03	72	35	48.6%	29.2%
FY02	72	35	48.6%	29.2%
FY01	78	38	48.7%	29.2%
FY00	80	38	47.5%	28.6%
FY99	82	40	48.8%	28.6%

3. FY 2016 Action-Oriented Programs

At the January 12, 2016 Committee meeting, a concern was expressed that the District needs to be doing more to increase diversity. As discussed in the 2016 Diversity and Inclusion Program, the District tailors its action-oriented programs each year to ensure they are specific to the problems identified. This year, based on the analysis, the plan includes the following actions:

- Details in job postings regarding the length of certification lists (1½ to 2 years) so potential applicants understand the importance of applying for a position when they see it posted.
- Leveraging the coordinated efforts of multiple work groups to develop further outreach strategies, internal employee development strategies, and an outreach protocol for “key exams.” Key exams are for those positions the District will be seeking to fill in each year that also have a diversity Placement Goal. The outreach protocol for those exams will be developed between staff in Diversity and Inclusion, Recruitment and Classification, and Employee and Organizational Development to assure the District receives the most diverse and qualified applicant pool possible.
- Encouraging and supporting employee affinity groups to partner with the District to recruit, develop and retain a diverse workforce.
- Providing details in job descriptions regarding the testing procedure in order to allow applicants to better prepare for the tests so they can adequately compete to get on the certification list.
- Providing application and interview workshops to employees and to potential applicants, including potential minority and female applicants.

- Providing interview feedback to employees and applicants, including minority and female applicants.
- Partnering with organizations, including organizations representing minorities and females, to provide application and interview workshops, interview feedback and test preparation services, such as the services successfully provided by Laney College and Swords to Plowshares in FY 2015, for District jobs.
- Evaluating sponsoring a class at a community college on the application process, test taking and interviews for our entry level trade positions.
- Working with a team of staff from throughout the District to identify and remove potential barriers in the recruitment process and the District's Civil Service Rules and/or practices.
- A District-hosted Career and Resource Fair on January 23, 2016.
- The balance of the strategies listed from the FY 2015 Affirmative Action Plan.

The action-oriented programs listed above will be evaluated and/or implemented over a three-year period. Action-oriented programs will be evaluated each year and adjustments made as opportunities for new or more effective actions are identified.

Additionally, the District will continue to engage in its current action-oriented programs. Some examples are set forth below:

1. Attachment 2 is a list of organizations the District is working with that have identified as having a minority focus. Additionally, staff has compiled a more complete database of partner agencies (over 100) in the community to work with in its outreach efforts to minorities, women, veterans, and individuals with disabilities (IWDs).
2. The District actively encourages minority and female employees to refer applicants.
3. The District encourages minority and female employees to participate in Career Days, Youth Motivation Programs, and related outreach activities in the community, to represent EBMUD's diversity, including but not limited to the following:
 - a. Serving as judges in Richmond High School's Robotics competition
 - b. Serving as mentors for high school engineering students in several Alameda and Contra Costa County schools
 - c. Supporting Mathematics, Engineering, Science Achievement (MESA) and the Minority Engineering Program (MEP)
 - d. Serving as judges at the Alameda County and Contra Costa County Science Fairs
 - e. Attending the Annual Tradeswomen Inc. Celebration
 - f. Participating in the Helms Middle School Career Fair
 - g. Participating in the San Leandro African American Business Council's 11th Annual Career Day
 - h. Participating in the Laney College Manufacturing Career Fair
 - i. Participating in the Los Medanos College Industrial Technologies Job Fair
 - j. Participating in the BAYWORK STEM Career Fair
 - k. Participating in CSU East Bay's STEM Career Awareness Day

4. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
5. 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.
6. In the spring and summer, the District offers internships for students at diverse high schools in its service area to help develop a pipeline of future talent.
7. The District offers trade internships/training programs to diverse populations. Classifications/job groups include: Water Distribution Plumber I/Pipeline Maintenance job group; Instrument Worker II and Electrical Worker II / Electrical/Structural Maintenance job group; Machining and Maintenance Worker II, Plant Maintenance Worker II and Mechanical Maintenance Worker/Mechanical Maintenance II; and WW Plant Operator Trainee, Water Treatment/Distribution Operator Trainee. Such internships are tied to upcoming job openings in related classifications. See Attachment 3 for historical information about the District's community college programs.
8. The District also offers administrative internships to increase diversity. See Attachment 3 for historical information about the District's internship programs.

4. Recruitment and Selection - Testing

The District's recruitment and selection process is governed by the MUD Act, Civil Service Rules, Title VII of the Civil Rights Act of 1964, and the Memoranda of Understanding. Some of the excerpts related to testing are:

MUD Act:

Article 2. Appointments

12101. All appointments under the civil service system shall be made for the good of the public service and solely on the basis of integrity, character, merit, fitness, and industry as established by appropriate competitive tests, without regard to partisan, political, social, or other considerations, and shall be made from lists of eligibles prepared by the general manager.

Civil Service Rules:

Rule VI – Examinations

Section 2. Content and Types of Examinations. Examinations shall be competitive. Their content, type, and the relative weighting of examination parts shall be determined by the Manager of Human Resources, based upon the requirements of the class or particular positions within the class requiring specific job-related skills. Examinations shall be designed to fairly measure and evaluate the knowledge, skills, abilities, and other qualifications of candidates to perform the duties of the class for which they seek appointment.

Rule VII – Employment Lists

Section 2. Open and Internal Eligible Lists and Their Duration. The names of candidates successful in an examination shall be placed upon an open eligible or an internal eligible list in the order of their final ratings or scores, starting with the highest. Successful candidates will be ranked on either the open eligible or the internal eligible list based on their District employment status as of the date the recruitment period closed; . . .

Title VII of the Civil Rights Act of 1964:

UNLAWFUL EMPLOYMENT PRACTICES

SEC. 2000e-2. *[Section 703]*

(1) Prohibition of discriminatory use of test scores

It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, religion, sex, or national origin.

History of Testing at EBMUD:

McIntosh-Irving Class Action Lawsuit

In 1988, two Water Distribution Plumbers (WDP) sued EBMUD for disparate hiring practices. Part of the settlement of that lawsuit included an evaluation of the District's selection processes by three consultants to ensure that the processes were valid. The evaluation included a job analysis for all classifications containing five or more employees, and review and revision of all recruitment selection processes. One example of a change that was instituted was the development of video-based learning tests for entry-level blue collar jobs (Tradesworker, Plant Operator Trainee, WDP I). At the January 12, 2016 Legislative/Human Resources Committee meeting, a concern was raised about the length of the video-based learning tests used for the WW Plant Operator Trainee. It was expressed that the test is four hours long and, as such, is cumbersome and causes a high failure rate. This testing procedure is no longer utilized by the District.

A. WW Plant Operator Trainee Test

From approximately 1992 to 2014, the District used a video-based learning test developed by the consultants and District staff. This was a four hour long test that assessed learning based on written, visual and auditory learning, as well as other areas such as reading comprehension, math, and blueprint reading. Due to administrative constraints, in 2014 the video-based learning test was replaced with a two hour paper and pencil mechanical abilities test.

B. WDP I Test

From approximately 1991 to March 2015, the District used a video-based learning test developed by the consultants and District staff. This was a four hour long test that assessed learning based on written, visual and auditory learning, as well as other areas such as reading comprehension, math, and blueprint reading. Due to administrative constraints, in March 2015 the video-based learning test was replaced with a two hour paper and pencil mechanical abilities test.

Test results are analyzed regularly to determine their effectiveness and to assess their adverse impact. Adjustments to the tests are made where appropriate in order to ensure that test items and sections are updated and valid, in an attempt to minimize adverse impact. With regard to the last examinations for WDP I and WW Plant Operator Trainee, EBMUD utilized a different test format (from the video-based learning test to a written test format) to assess if there was an alternate measure that could be utilized that might help reduce adverse impact.

Additionally, staff will be evaluating potential improvements to the recruitment and selection process that may provide other opportunities to attract diverse applicant pools. As presented on January 12, 2016, the 2016 Diversity and Inclusion Program includes action-oriented programs that focus on increasing the representation of qualified minorities, women, protected veterans and IWDs in the applicant pools and removing operational barriers, if feasible, that impede the hiring of such individuals.

NEXT STEPS

Staff will continue to evaluate its recruitment and selection processes, and outreach programs to identify potential improvements that will enhance the District's ability to attract top talent that includes veterans, IWDs, women and minorities.

ARC:LB:rdw

Attachments

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I:\Sec\2016 Board Related Items\02-09-16 LEGHR Committee\HRD - 2016 Diversity and Inclusion Program Update

ATTACHMENT 1

Wastewater Operators

Year	Total # of WW Operators	Total # of Minority Operators	Total % of Minority Operators	Total % Minority Availability	Total # of Black Operators	Total % of Black Operators	Total % Black Availability	Total # of Hispanic Operators	Total % of Hispanic Operators	Total % Hispanic Availability	Total # of Asian Operators	Total % of Asian Operators	Total % Asian Availability	Total # of Other Min. Operators	Total % of Other Min. Operators	Total % Other Min. Availability
FY15	62	27	43.5%	34.4%	8	12.9%	3.3%	8	12.9%	10.5%	8	12.9%	14.0%	3	4.8%	6.6%
FY14	67	29	43.3%	34.4%	6	9.0%	3.3%	12	17.9%	10.5%	11	16.4%	14.0%	0	0.0%	6.6%
FY13	66	28	42.4%	34.4%	6	9.1%	3.3%	11	16.7%	10.5%	11	16.7%	14.0%	0	0.0%	6.6%
FY12	65	28	43.1%	34.4%	7	10.8%	3.3%	11	16.9%	10.5%	10	15.4%	14.0%	0	0.0%	6.6%
FY11	70	29	41.4%	34.4%	7	10.0%	3.3%	12	17.1%	10.5%	10	14.3%	14.0%	0	0.0%	6.6%
FY10	67	33	49.3%	29.2%	8	11.9%	13.3%	14	20.9%	14.7%	10	14.9%	1.2%	1	1.5%	0%
FY09	67	32	47.8%	29.2%	8	11.9%	13.3%	14	20.9%	14.7%	9	13.4%	1.2%	1	1.5%	0%
FY08	64	29	45.3%	29.2%	8	12.5%	13.3%	13	20.3%	14.7%	7	10.9%	1.2%	1	1.6%	0%
FY07	63	30	47.6%	29.2%	9	14.3%	13.3%	14	22.2%	14.7%	6	9.5%	1.2%	1	1.6%	0%
FY06	66	33	50.0%	29.2%	9	13.6%	13.3%	15	22.7%	14.7%	6	9.1%	1.2%	1	1.6%	0%
FY05	65	31	47.7%	29.2%	9	13.8%	13.3%	16	24.6%	14.7%	4	6.2%	1.2%	3	4.5%	0%
FY04	68	34	50.0%	29.2%	12	17.6%	13.3%	16	23.5%	14.7%	4	5.9%	1.2%	2	3.1%	0%
FY03	72	35	48.6%	29.2%	13	18.1%	13.3%	16	22.2%	14.7%	4	5.6%	1.2%	2	2.9%	0%
FY02	72	35	48.6%	29.2%	13	18.1%	13.3%	16	22.2%	14.7%	4	5.6%	1.2%	2	2.8%	0%
FY01	78	38	48.7%	29.2%	16	20.5%	13.3%	16	20.5%	14.7%	4	5.1%	1.2%	2	2.8%	0%
FY00	80	38	47.5%	28.6%	16	20.0%	6.7%	16	20.0%	18.1%	4	5.0%	3.8%	2	2.5%	0%
FY99	82	40	48.8%	28.6%	17	20.7%	6.7%	17	20.7%	18.1%	4	4.9%	3.8%	2	2.4%	0%

ATTACHMENT 2

Minority Organizations for Outreach

Organization Name	Minority Group	Type of Jobs	Application Services?	Exam Preparation (Written or Performance)?	Interview Workshop?
Asian Neighborhood Design	Asian	Skilled Trades		Yes	
Contra Costa College	Hispanic, Black, Asian	Skilled Trades, Admin	Yes	Yes	Yes
Cypress Mandela Training Center	Black, Hispanic	Skilled Trades	?	?	?
Institute for Business & Technology		Skilled Trades	?	Yes	?
Los Medanos College	Hispanic, Black	Skilled Trades, Admin	Yes	Yes	Yes
Oakland International High School (Includes Adult Education)	Asians, Hispanics, African-Americans		?	Yes	?
Oakland Workers Collective – Street Level Health Project		Trades	?	Maybe	?
Pacific Asian American Women Bay Area Coalition (PAAWBAC)	Asians		?	Yes	?
Peralta College/Laney	Black, Asian, Hispanic	Skilled Trades, STEM	Yes	Yes	Yes
Richmond Works/RichmondBUILD	Black, Hispanic	Skilled Trades	Yes	Yes	Yes
Rising Sun Energy		Skilled Trades	?	?	?
Skyline College	Asian, Multi-Ethnic, Hispanic	Skilled Trades, Admin	Yes	Yes	Yes
Solano Community College	Hispanic, Black, Asian	Skilled Trades, Admin	Yes	Yes	Yes
SparkPoint			Yes	Yes	Yes
The Spot - Oakland			?	Yes	?
The Unity Council Multicultural One-Stop Career Center	Hispanic		Yes	Yes	?
Tri-Cities One Stop Career Center – Fremont - Hayward	Asian, Hispanic	Admin	Maybe	No	?
Tri-Valley One-Stop Career Center	Hispanic, Black, Asian	Engineering Admin	Yes	Yes	Yes
Upwardly Global		Skilled Trades	Yes	Maybe	Yes
West Oakland Job Resource Center		Skilled Trades	?	Yes (particularly math)	?
West Valley College	Asian, Hispanic	Skilled Trades	?	Yes	?

Staff has started preliminary discussions regarding application and/or interview workshops and test preparation classes with the organizations highlighted in yellow.

ATTACHMENT 3

College	Total Pool	Hires	% Hired
Solano College	3	0	0.0%
Los Medanos College	5	0	0.0%
Diablo Valley College	6	1	16.7%
Peralta College Foundation	5	2	40.0%
Laney College	50	1	2.0%
	69	4	5.8%

District Internship Program	Total Pool	Hires	% Hired
Special Employment Program	152	33	21.7%
Engineering Aide Program	63	12	19.0%
Human Resources, Administration, Customer Service	48	4	8.3%
Information Technology	11	5	45.5%
TOTALS	274	54	19.7%

