

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 28, 1992

To: Board of Directors (Organization & Personnel Committee--Information)

From: General Counsel

Subject: Legal Department Involvement in Ensuring Compliance with Equal Employment Opportunity and Affirmative Action Requirements

Report

At the September meeting of the Organization and Personnel Committee, a member of your Board requested a report on the role of the General Counsel in ensuring compliance with the District's legal responsibilities regarding equal employment opportunity and affirmative action.

While the primary responsibility for implementing and ensuring equal employment opportunity and affirmative action compliance rests with the General Manager, the General Counsel works closely with both the Personnel Division and the Equal Employment Opportunity Officer in ensuring compliance with the District's legal responsibilities in that area.

1. General Counsel's Review of Affirmative Action Plan and Compliance Documents

The General Counsel's office extensively reviewed the current Affirmative Action Plan prior to its implementation. The General Counsel fully considered and addressed the legal issues raised by the Affirmative Action Plan and, in particular, evaluated various plan drafts against statutory, regulatory, and case law requirements.

Since implementation of the Affirmative Action Plan, the General Counsel's staff has reviewed all of Psychological Services, Inc.'s (PSI) analyses, reports and recommendations prior to their finalization and presentation to the Board.

2. Response to Critique of PSI Report

At the September Organization and Personnel Committee meeting, an attorney from the Mexican American Legal Defense and Education Fund (MALDEF) commented on the report given on

the District's Affirmative Action Plan compliance activities. The attorney expressed her general belief that the District's affirmative action activities do not go far enough. She provided several examples from the most recent PSI report.

Many of the points raised by the MALDEF attorney are addressed by current District practices and procedures. It is important to note that the PSI report does not discuss general practices and procedures, but rather focuses on the "targeting" of certain minority groups in certain positions. This "targeting" represents an additional voluntary step taken by the District to reinforce the District's commitment to equal employment opportunity in those positions where there has been statistical under-selection. However, the District's general hiring practices and procedures, in and of themselves, fully address and comply with the District's legal responsibilities under the equal employment opportunity laws.

For instance, one concern noted by the MALDEF attorney was that training regarding appropriate and non-discriminatory hiring procedures should be provided to all employees involved in hiring, rather than just those hiring for targeted positions. In fact, the District does provide such training. The Personnel Division provides a one-day "Selection Interviewing" program for all employees with current or projected hiring responsibilities. A major focus of that program is to educate individuals responsible for interviewing applicants about the legal aspects of selection interviewing. In addition, before any panel interview, a Personnel Analyst conducts a pre-panel briefing with the panel members and reviews the District's equal employment opportunity and affirmative action responsibilities in connection with the interview process.

Thus, while the District may undertake additional training, reporting or other procedures with reference to targeted positions, the District has extensive general personnel policies and procedures that fully satisfy the District's legal responsibilities under the equal employment opportunity laws.

3. General Counsel's Involvement in Other Equal Employment Opportunity Areas

In addition to reviewing the District's affirmative action documentation for legal sufficiency, the General Counsel regularly advises the General Manager in other equal employment opportunity areas. For instance, the General Counsel advises the General Manager of the District's legal

responsibilities when new equal employment opportunity legislation, such as the Americans with Disabilities Act or the California Family Leave Act, is enacted. The General Counsel then may assist in the implementation of new equal employment opportunity requirements.

As a further example, the General Counsel has advised the Equal Employment Opportunity Officer regarding the District's legal responsibility to prevent sexual harassment. Prior to the Equal Employment Officer's implementation of sexual harassment prevention training for District managers, the General Counsel reviewed the course material to insure its legal accuracy and sufficiency.

Finally, in a related area, the General Counsel's office has been extensively involved in the establishment of a minority and women-owned business enterprise policy and program in order to ensure that the policy and any resulting program comply with all legal requirements.

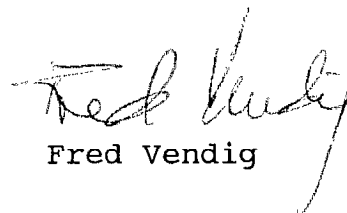
In summary, the General Counsel is directly and continually involved in assuring that the District is complying with its equal employment opportunity and affirmative action responsibilities.

Board Committee Assignment

This letter is referred for information to the Organization and Personnel Committee because of its authority to study, advise and make recommendations with regard to equal employment opportunity and affirmative action, pursuant to Administrative Code section 2471(d).

Recommendation

For information only.


Fred Vendig