

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

March 11, 1993

(Organization and Personnel Committee--Action)
To: Board of Directors (Legal and Claims Committee--Action)
From: General Manager
Subject: Revision of Affirmative Action Policy

Report

The Board of Directors has established in Administrative Code Sections 6300 through 6305 a policy which requires the District to ensure equal opportunity in employment for all qualified persons without unlawful discrimination because of race, sex, creed, color, physical handicap (as defined in subdivision (b) of Section 6305), disabled veteran status, Vietnam veteran status, religion, age, medical condition (as defined in subdivision (a) of Section 6305), marital status, and ancestry.

Since these Sections were adopted, state and federal laws have been revised to expand the prohibited bases of discrimination. These revisions include:

Title I of the 1990 Americans With Disabilities Act (ADA) prohibits discrimination against a "qualified individual with a disability" in all terms and conditions of employment.

AB 2601 (Friedman) has added to the Labor Code a new Section 1102.1 which explicitly prohibits employment discrimination based on "actual or perceived sexual orientation."

In response to the ADA, and AB 2601 the District's General Manager proposes to revise Administrative Code Section 6300, to substitute "disability" for "handicap," and add sexual orientation to the list of prohibited bases of discrimination in employment. Attachment A to this letter proposes changes to the Administrative Code to restyle the existing Affirmative Action Policy to reflect current law and is consistent with federal and state laws and guidelines relative to equal employment opportunity. Attachment B shows the referenced changes by underscoring and strikeout.

March 11, 1993

Board Committee Assignments

This letter is referred for action 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).

This letter is referred for action to the Legal and Claims Committee because of its authority to study, advise and make recommendations with regard to proposed amendments of the Metropolitan Water District Act, legislation dealing with public agencies, and proposed District ordinances, pursuant to Administrative Code Section 2461(f).

Recommendation

That Administrative Code Sections 6300 and 6305 (b) be revised to read as shown on attachment A.

DD
Attachments


for Carl Boronkay

Chapter 3

GENERAL EMPLOYEE MATTERS

Article		Sec.
1	Affirmative Action	6300
2	Expense Account Regulations	6320
3	Employee Tours	6340
4	Miscellaneous	6350

Article 1

AFFIRMATIVE ACTION

Sec.	
6300.	Statement of Policy
6301.	Good Faith Efforts Required
6302.	General Manager's Responsibility to Implement Affirmative Action Policy
6303.	Objectives of Affirmative Action Program
6304.	General Manager's Report on Affirmative Action Policy and Program
6305.	Definitions

§ 6300. Statement of Policy.

The policy of this organization is one of equal employment opportunity for any qualified person without unlawful discrimination because of race, sex, creed, national origin, color, disability, disabled veteran status, Vietnam veteran status, religion, age, medical condition (as defined in subdivision (a) of Section 6305), marital status, ancestry and sexual orientation.

Res. 7606 - September 17, 1974; Section 351.1 amended by M.I. 34148 - March 9, 1982; amended by M.I. 35592 - April 9, 1985. Section 351.1 repealed and Section 6300 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6301. Good Faith Efforts Required.

The Board recognizes that the mere prohibition of unlawful discriminatory practices will not assure equal opportunity in employment and therefore directs that good faith efforts be undertaken to assure that equal treatment is accorded all applicants and employees in all matters affecting employment, including but not limited to, recruitment, selection, transfer, promotion, discipline, demotion, discharge, training, and benefits.

Res. 7606 - September 17, 1974; Section 351.2 amended by M.I. 34148 - March 9, 1982. Section 351.2 repealed and Section 6301 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6302. General Manager's Responsibility to Implement Affirmative Action Policy.

The General Manager shall establish, direct, and monitor a detailed program implementing the affirmative action policy herein expressed, and he shall take appropriate steps to cause all personnel within this organization to abide and affirmatively support said policy.

Res. 7606 - September 17, 1974. Section 351.3 repealed and Section 6302 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6303. Objectives of Affirmative Action Program.

The detailed affirmative action program to be developed by the General Manager shall provide, through an affirmative action plan, for attainment and maintenance, within a reasonable time frame to be established by the program, of the following minimum objectives:

(a) To ensure equal employment opportunity in each District department.

(b) To eliminate non-job-related barriers in the terms, conditions, and privileges of employment and to ensure equal consideration of all qualified applicants and employees without regard to the factors in Section 6300.

(c) To encourage sensitivity to and respect for persons of differing sexual, ethnic, cultural and racial backgrounds in all District employment related activities.

(d) To analyze employment data to ensure compliance with equal employment opportunity and any affirmative action requirements imposed by law.

(e) To disseminate information on equal employment opportunity and affirmative action to all District personnel.

(f) To review District personnel practices, including but not limited to recruitment, selection, classification, training, and career development to ensure equal access is provided to qualified applicants and employees without unlawful discrimination.

(g) To promptly resolve questions or complaints arising from this program.

Res. 7606 - September 17, 1974; Section 351.4 amended by M.I. 34148 - March 9, 1982. Section 351.4 repealed and Section 6303 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6304. General Manager's Report on Affirmative Action Policy and Program.

Section 6303 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6304. General Manager's Report on Affirmative Action Policy and Program.

Semi-annually, the General Manager shall report to the Organization and Personnel Committee on the implementation of this Article and on the status of the Affirmative Action Program.

Res. 7606 - September 17, 1974; Section 351.5 amended by M.I. 34148 - March 9, 1982. Section 351.5 repealed and Section 6304 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

§ 6305. Definitions.

Term, whenever used in this Article shall have the meaning provided for in applicable law. In conformance with state law, the following term shall have the meaning indicated herein:

Medical condition. - Any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence.

Section 351.6 - M.I. 34148 - March 9, 1982. Section 351.6 repealed and Section 6305 adopted by M.I. 36464 - January 13, 1987, effective April 1, 1987.

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(a) Medical condition. - Any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence.

~~(b) Physical handicap. — Includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services.~~

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