



● Follow-up on Equal Employment Opportunity issues

Summary

This Report is submitted for informational purposes and summarizes the general outcomes of past Equal Employment Opportunity (“EEO”) complaints with respect to their frequency, basis, and workforce demographics. Some of the information in this report was presented at the September 15, 2020 Organization, Personnel & Technology Committee and additional information is provided based on questions received at that meeting.

Over a 15- year period from 2005 to 2019, Metropolitan has received a total of 180 EEO complaints. Complaints most frequently allege discrimination based upon Race/Ethnicity/National Origin; Disability/Medical Condition; Gender; Age; or Sexual Harassment. The percentages of male versus female complainants is roughly equivalent. However, the female share of the total workforce has ranged from 24-28 percent over this period indicating a higher relative share of complaints filed by female employees. The percentages of complainants by race vary, though are not necessarily proportionate to their percentages of the overall workforce.

Metropolitan maintains an internal process by which complaints are thoroughly investigated. Though most employees (82%) do opt to use this internal process, some also exercise their right to file with an outside agency, which is either the U.S. Equal Employment Opportunity Commission (“EEOC”), or the State Department of Fair Employment and Housing (“DFEH”). Although the majority (84 percent) of the complaints over this period were unsubstantiated after a thorough investigation, each complaint is a serious matter. An unsubstantiated complaint may indicate other workplace issues, that although not a violation of the District’s EEO policy, need to be addressed. Finally, the Ethics Officer has initiated a review of the EEO investigation process by reviewing the last five years of complaints.

Purpose

To provide a summary of information presented at the September 15, 2020 Organization, Personnel & Technology Committee and to respond to questions received at the meeting.

Attachments

None

Detailed Report

Overview of Complaints Filed From 2005-2019

During the period of 2005-2019, 180 complaints were received. Figure 1 and 2 illustrates the specific number received during each of these years. Complaints received each year generally represent one percent or less of the overall workforce. Although as a percentage of the overall workforce, this represents a small percentage, each complaint is a serious matter that is thoroughly investigated.

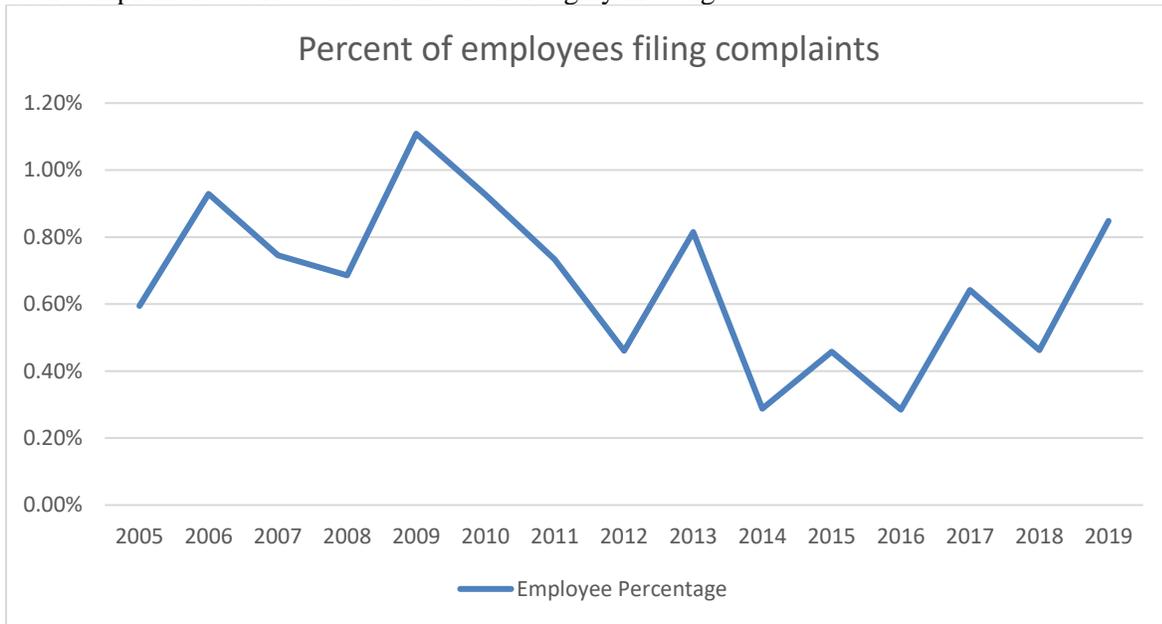


Figure 1

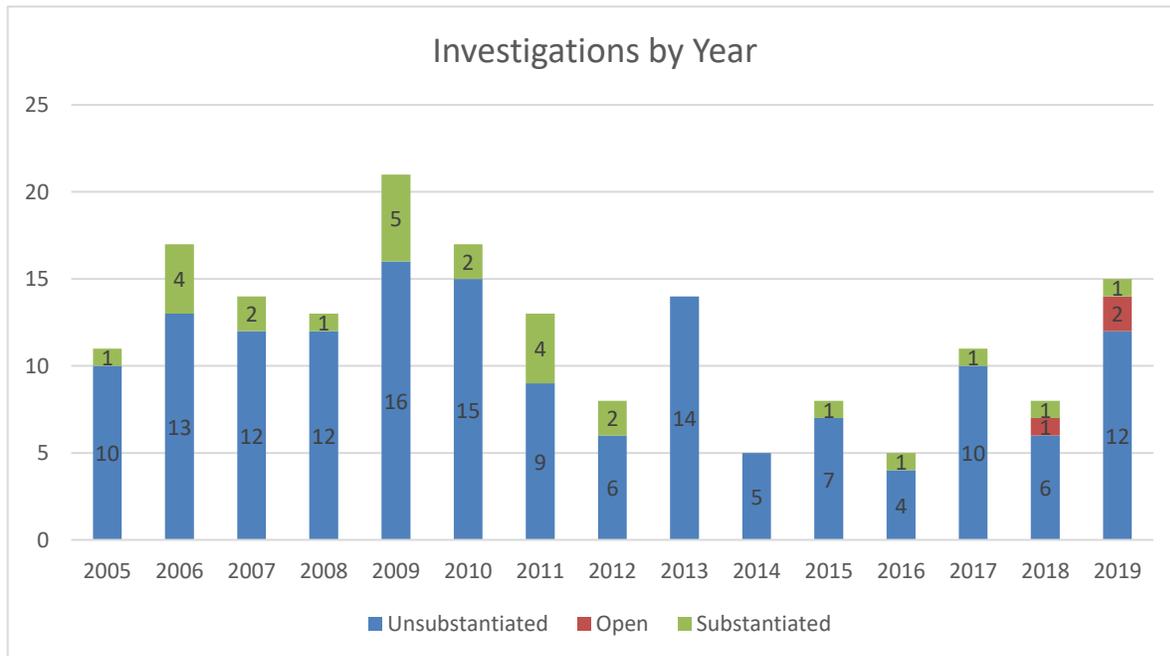


Figure 2

Board Report (Follow-up on Equal Employment Opportunity issues)

As shown in Figure 3 below, of these 180 complaints, 14% were substantiated, meaning that there was sufficient evidence to support the allegations made. Eighty-four (84%) were unsubstantiated, while two (2%) percent are still open for investigation. Where a complaint is unsubstantiated, the investigator found insufficient evidence of unlawful discrimination or harassment. However, even when a complaint is unsubstantiated, the investigator may find other issues worthy of follow-up by management (e.g., poor communications or misunderstandings; interpersonal conflict in need of resolution).

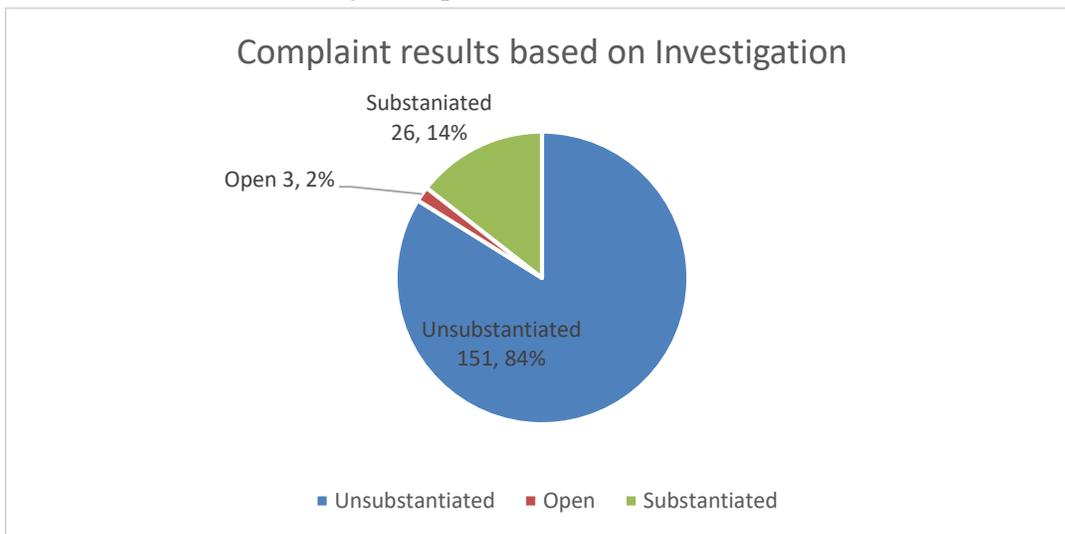
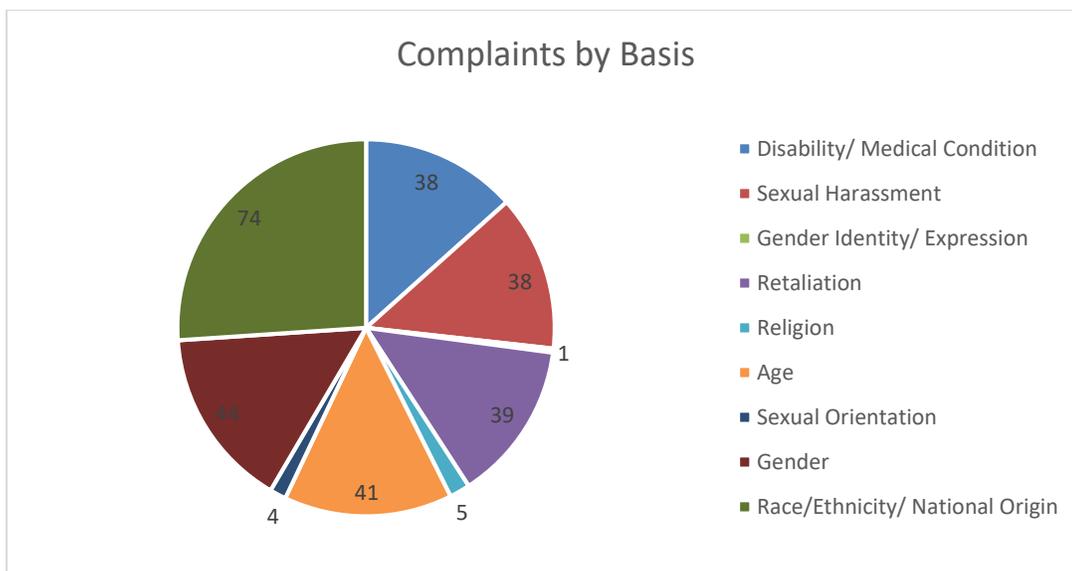


Figure 3

Typically, the most frequently alleged areas of discrimination have been: Race/Ethnicity/National Origin (26%); Gender (15%); Age (14%); Retaliation for having raised a complaint (14%); Disability/Medical Condition (13%); and Sexual Harassment (13%). Smaller percentages of complaints have been received based upon Religion (2%); Sexual Orientation (1%); and Gender Identity/Expression (<1%). Figure 4 illustrates these percentages. Note that the total number of basis exceeds the total number of complaints received because a complaint may contain more than one bias.



Board Report (Follow-up on Equal Employment Opportunity issues)

How Complaints Are Investigated

Metropolitan maintains an internal complaint procedure, which is administered by the Human Resources Group. Metropolitan retains internal staff trained to investigate complaints, though as needed, it can also retain outside investigators. Metropolitan uses a wide range of outside investigators, but in all cases, they are trained and highly experienced in conducting complex investigations, and in most instances have a legal background.

Additionally, employees have the option of going outside the internal complaint process and filing a complaint directly with the EEOC or DFEH. An outside agency complaint may be filed in lieu of utilizing Metropolitan's internal complaint procedure, or, in addition to it. When outside agency complaints are filed, Metropolitan will still conduct its own investigation, as this information is needed in order to be responsive to the EEOC or DFEH.

During the 15-year period of 2005 to 2019, most employees (82%) chose to avail themselves of the internal complaint procedure, while a smaller number (18%) opted to file with an outside agency as shown in Figure 5.

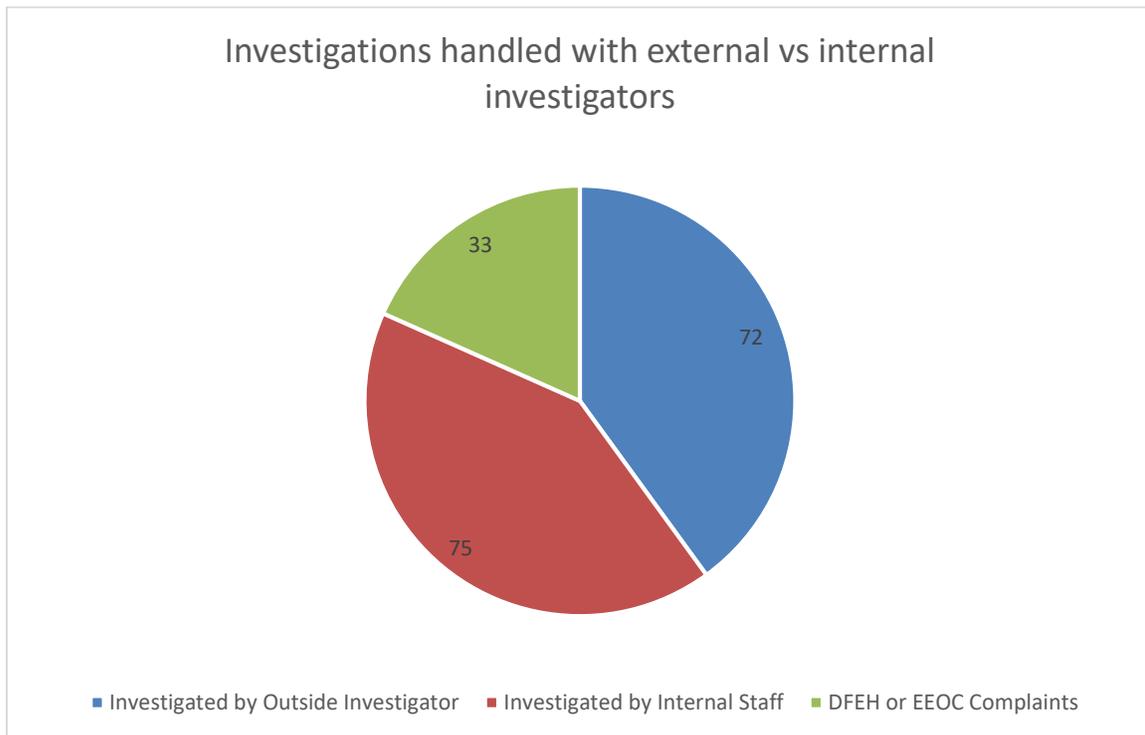


Figure 5

Board Report (Follow-up on Equal Employment Opportunity issues)

Demographics of Complaints

From 2005 to 2019, the number of male complainants has been roughly equal to the number of female complainants as seen in Figure 6 below. However, it should be noted that females comprised just over a quarter of the Metropolitan workforce during this time, so the percentage of females filing complaints is disproportionately high relative to the female share of the workforce

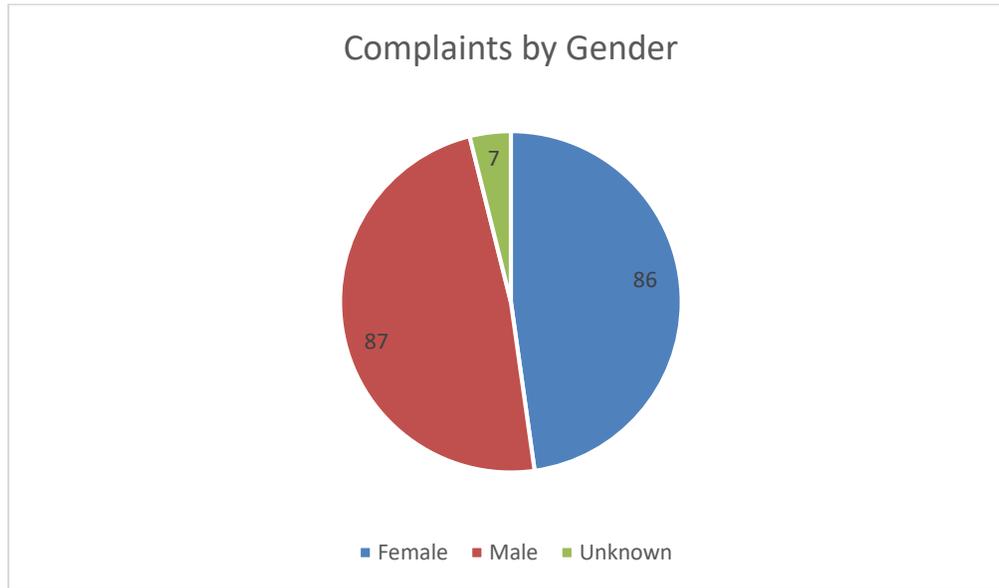


Figure 6

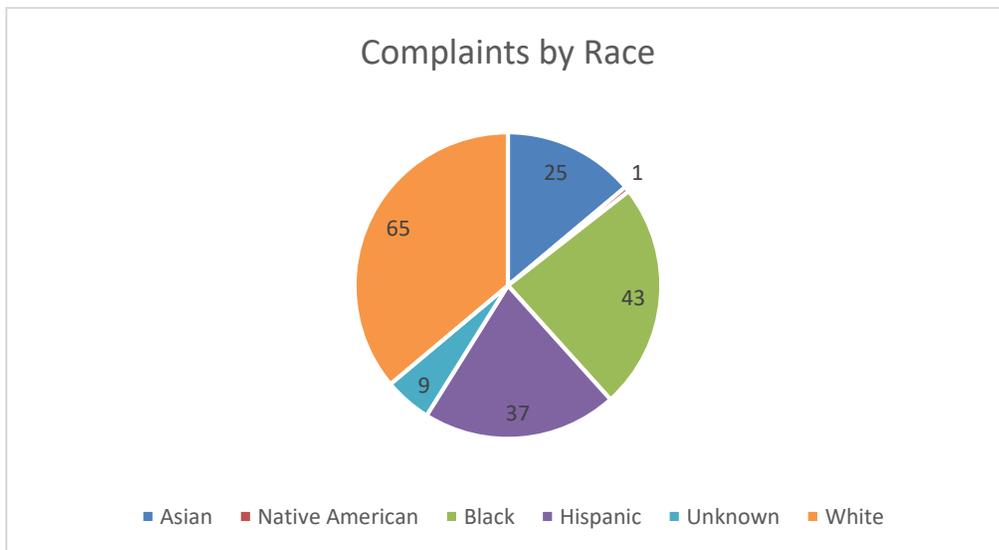


Figure 7

With regard to race, white employees represented 36% of the complaints filed during this time, with minority employees comprising 64% as shown in Figure 7 above. Overall, the percentages of white and minority employees have been roughly equivalent, with the percentage of minorities surpassing whites just in the past few years. As such, the percentage of minorities filing complaints is disproportionately high relative to the minority share of the workforce.

Board Report (Follow-up on Equal Employment Opportunity issues)

Figure 8 below shows additional information based on Board requests received at the September OP&T Committee. Specifically, the Board requested that staff review the complaints against Managers vs Nonmanagers and how many complaints were substantiated. The following bar chart shows the breakdown of the number of complaints filed against managers vs nonmanagers and how many of those complaints had findings. Although more complaints have been filed against managers, more complaints as a percentage, have been substantiated against nonmanagers.

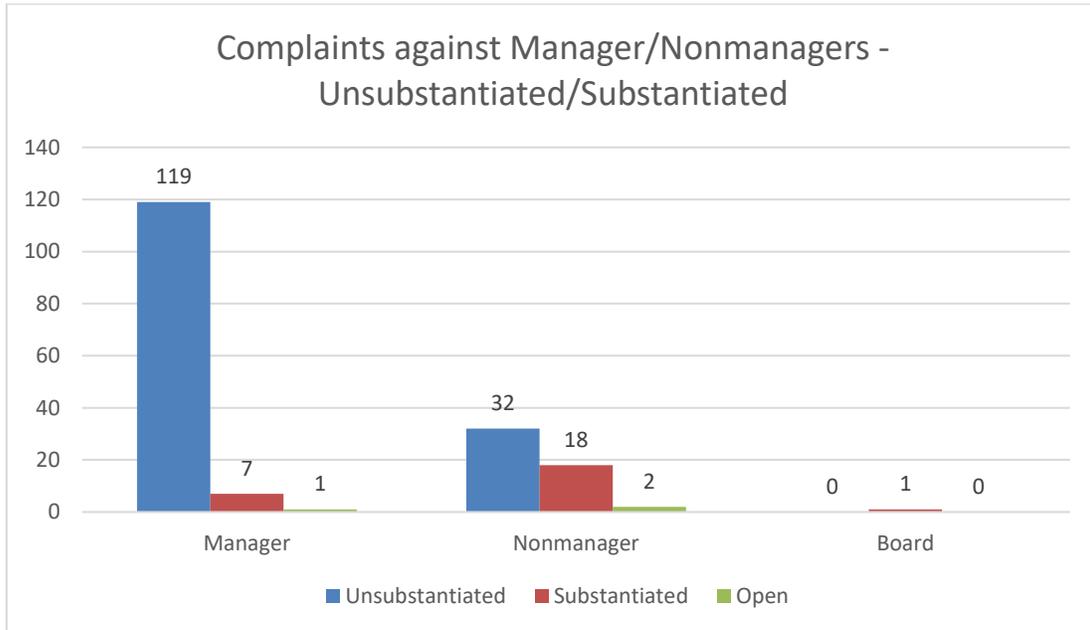


Figure 8

A specific request received in September asked about the types of complaints filed by females and how many were substantiated. Figure 9 shows the breakdown of female complaints by basis and whether they were substantiated. The largest number of substantiated complaints is in the category of Sexual Harassment with 10 of 21 complaints substantiated.

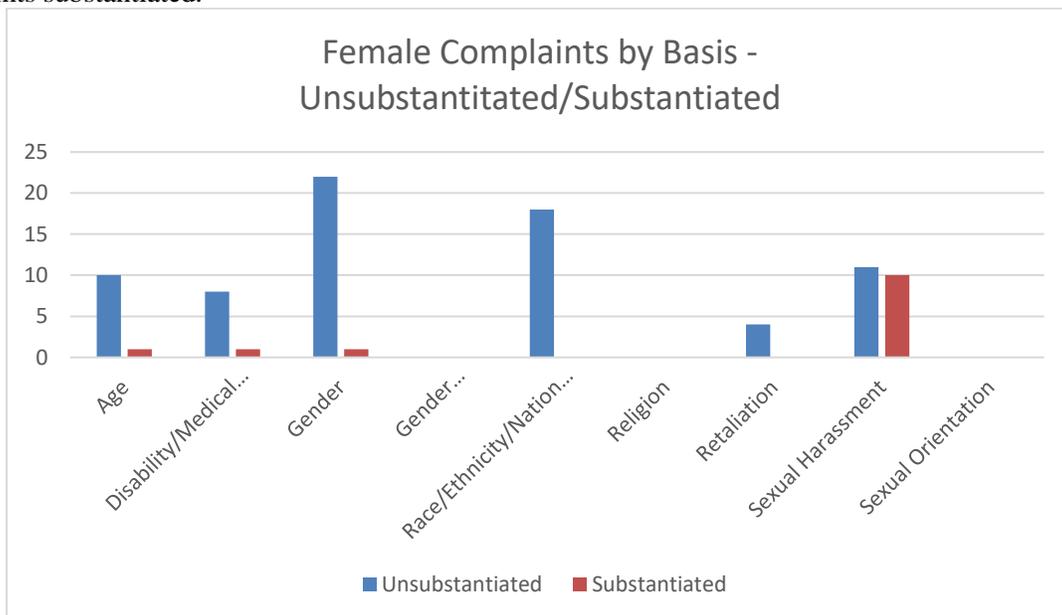


Figure 9

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An additional request focused on the number of retaliation complaints that have been filed based on employees filing sexual harassment complaints. After reviewing the specific basis of complaints, retaliation complaints were filed 13 times since 2005, with only 1 of the retaliation complaints based on a previous sexual harassment complaint. A majority of retaliation complaints were filed based on retaliation for raising an issue or filing a complaint of a non-sexual harassment nature.

Actions Moving Forward

Metropolitan seeks to maintain a workplace free of discrimination and harassment. It has done so by adopting clear Operating Policies; mandating training to prevent unlawful discrimination and harassment; maintaining an internal complaint procedure to address employee complaints; vigorously investigating those complaints; and taking appropriate disciplinary action when needed. However, as an employer Metropolitan acknowledges the need to self-evaluate and adjust its process as needed to ensure protections for all employees through best practice.

Additionally, the Ethics Office has undertaken an impartial review of Metropolitan's internal EEO complaint procedure. This review is intended to ensure that best practices are being used, and to make recommendations for improvement if needed.

Staff will continue to provide periodic updates to the Board, through the Organization, Personnel & Technology Committee.