

0-227

orig - Central Files 6/23
SM Williams
EOWillie's
W Wadlow
PK Whitlock
AC Bennetti
E Cote
R Callender

GRAND JURY
SANTA CLARA COUNTY



June 26, 2000

Stan Williams
General Manager
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Dear Mr. Williams:

Pursuant to Penal Code Section 933.05 (f), the 1999-2000 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **Investigation of the Santa Clara County Water District's Implementation of its Equal Opportunity/Non-Discrimination Program Plan.**

Penal Code Section 933.05 (f)

After the presiding judge determines that the report complies with the requirements of the Penal Code, the grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Sincerely,

I. Alne
Foreperson
1999-2000 Civil Grand Jury

NOTED JUL 18 2000



0 228

1999-2000 SANTA CLARA COUNTY CIVIL GRAND JURY

**INVESTIGATION OF THE SANTA CLARA VALLEY WATER DISTRICT'S
IMPLEMENTATION OF ITS
EQUAL OPPORTUNITY/NON-DISCRIMINATION PROGRAM PLAN**

INTRODUCTION

The last published Santa Clara County Civil Grand Jury Report, 1997-1998, disclosed that an investigation commenced upon the recommendation of the previous Grand Jury into allegations of racial bias and harassment in the work place at the Santa Clara Valley Water District (hereafter the District). This investigation was not completed and it recommended that the next Grand Jury take up the matter. Accordingly, the 1998-1999 Grand Jury continued this study but was dissolved before a report could be completed. This year's Grand Jury reviewed the considerable work that was done to date and proceeded with its own study into the matter. Additionally, last year's Grand Jury received a complaint from a District employee alleging arbitrary hiring and promotion practices. This matter was incorporated into the study.

DESCRIPTION

For the past 30 years, the Santa Clara Valley Water District has provided integrated water resource management for the County. It is responsible for the system of dams, reservoirs and percolation ponds that capture rainfall and runoff to replenish the valley's underground aquifers while supplementing it with imported water from the Sierra snowmelt as it moves from rivers to the delta and through a system of pipelines. The water that does not percolate into the ground is treated at one of three water treatment plants owned and operated by the District. It then retails this water to local water companies for delivery to consumers. The District also pro-

vides flood control through its water management system and ensures that creeks and streams are maintained to properly drain water away from homes and businesses. It also provides sandbags at various sites when needed.

The District employs 575 full-time and 30 to 30 temporary, contract people in various occupations, ranging from engineers and scientists to technicians, craft workers, service, maintenance staff and support personnel. In the 1999-2000 Equal Opportunity/Non-Discrimination Program Plan (hereafter the Plan) the work force is divided in this manner: 35.3% female with another chart showing 11.9% Hispanic; 11.17% Asian; 4.02% Black and 1.83% Native American. The administrative offices have recently been combined into one location, with the completion of its new headquarters located near the intersection of Almaden Expressway and Blossom Hill Road in San Jose.

The Equal Opportunity/Non-Discrimination Program Plan Shortly after beginning this investigation, the Grand Jury received a draft of the Plan developed by the District for its fiscal year, ending June 30, 1999. This draft addressed the problems reflected in the allegations by acknowledging in the following excerpt of the Plan's goals and objectives:

"Discrimination and harassment have been a part of our society from the beginning and the District has not been excluded from its share of problems. However, over the last few years, the District

has worked to change past practices and alleviate these injustices through establishing educational awareness programs, events and activities. During this period the District has moved from an affirmative action program to an equal opportunity program that focuses on the many aspects of diversity."

The Grand Jury initially met with the General Manager and his administrative staff, including two Assistant General Managers, the EO Administrator, the Human Resources Manager and the Business Resources Administrative Assistant. They confirmed that the Plan was formally adopted and had already forwarded the Grand Jury the current fiscal year's Plan. An overview of the program was provided in a question/answer format and further oral acknowledgements were made that the Plan was in response to concerns raised by the previous Grand Juries and the District's own consultant study in 1997.

Policy In the District Policies and Procedures Manual of December 1998, the stated objective is:

"...to build a diverse work force, which is reflective of the qualified labor pool within the community, it serves and the Plan is revised annually to achieve this objective. All employees and their unique contributions to the business are valued and recognized as the foundation of the District's combined strength as officially recognized in the Values Statement adopted by the District.

The District embraces the principals of Diversity and Equal Employment Opportunity to ensure that all employment decisions are based on individual merit. These include employment decisions regarding

recruitment, candidate selection, training, compensation, promotion, and recreation. All District employees shall enjoy the benefits of decisions which are free of discrimination or harassment on the basis of race, color, religion, gender, national origin, ancestry, marital status, veteran status, sexual orientation, age (over 40), medical condition (cancer), parental status, pregnancy, the exercise of family care leave rights, political affiliation, physical disability (including HIV and AIDS) or mental disability. No employee will experience retaliation for exercising his or her rights to these protections."

FINDINGS

Dissemination of the Plan The Grand Jury reviewed the Plan, various in-house publications, bulletin boards, the policy and procedures manual, the District website and interviewed staff at all levels. In addition, numerous in-house memos dealing with this subject have been reviewed. The Grand Jury learned that all employees are shown a detailed slide presentation during orientation and are directed to the District website where the Plan is posted for further study. The Grand Jury also reviewed and examined plans, programs, memos and reports that were produced during the years 1996 through 1999 and is satisfied that all employees are sufficiently acquainted with the Program as it relates to them.

Implementation of the Plan The Plan suggests a two-prong approach of long-term planning and immediate-term measures with the goal of establishing a diverse work force to foster tolerance, while addressing the immediate problems of bias and harassment. The long-term plan focuses on recruitment, candidate selection, training, compensation and promotion to achieve parity with the qualified labor

0-230

pool available in the County and the areas surrounding it. The District developed specific parity goals for females and each targeted ethnic group to establish a baseline against which it measures current District staffing. The District hopes to determine the progress of its long-term objective of a diverse workforce on an annual basis. The results are published in its annual updated Plan and shows detailed comparison graphs and pie charts reflecting District job categories with ethnic and gender breakdowns. Although there appears to be some progress noted in the short term, the Grand Jury believes that no valid findings or conclusions can be drawn.

However, short-term measures can be assessed and its progress may be an indication of the District's good faith efforts. The measures examined were the complaint process, training and staff involvement of Equal Opportunity Liaisons (EO Liaisons) personnel.

Complaint Process The District has no database for complaint processing and prepares reports by manual tabulation. A database is reportedly planned. A request for data on complaints has shown the following for the period covering 1996 to April 2000: Of the sixteen (16) complaints recorded for sexual harassment, nine (9) cases were upheld. The range of discipline included termination, suspension without pay, letter or meeting with the on-site contractor and training. Of the nine (9) complaints recorded for racial discrimination, one (1) was upheld. A complaint found to have no merit is generally discussed with the complainant to explain the reasons for the finding. Other avenues are explored for addressing the complainant's concerns such as counseling, guidance and referral to labor relations. The

Human Resources Manager cited an example of an employee alleging unlawful discrimination because he was a white male. He applied for a promotion and was not selected. The reasons were discussed with the complainant and he was instructed on how he could become more competitive in the future. Statistical data were shared demonstrating that white males were hired regularly and the complainant withdrew his complaint.

Training In June 1997, two training classes, considered the cornerstone of Equal Opportunity policy, were initiated and are mandatory for all employees. The first class, "Valuing Differences," is concerned with equal treatment for all employees and seeks to assist employees in promoting a workforce that values diversity and working together for the benefit of the District and the community. The second class, "Harassment Prevention," is concerned with maintaining an open and friendly work environment and provides employees with the tools for preventing and eliminating unlawful harassment in the workplace.

In reviewing various memos regarding this training it was found that supervisors were informed of the individuals who have not yet taken the classes. Information on upcoming classes was included and supervisors were asked to provide release time to ensure that the employees enroll and complete the training. The Human Resources Manager reports that six employees have not completed "Harassment Prevention" training and one employee has not completed "Valuing Differences" training. It is anticipated that these newly hired employees will complete their mandatory training when the classes are offered for new employees.

Equal Opportunity Liaisons (EO Liaisons) The EO Liaison's are employees who volunteer for the appointment. They are charged with the task of mediating disputes and teaching the two mandatory classes. During the tenure of the first EO Administrator, the EO Liaisons were left without direction. As a result, they were confused as to their role in the new program. Failure to communicate effectively is an overriding and sensitive issue, and was repeatedly commented on by the majority of personnel interviewed. These individuals represented a broad range of experience and levels of responsibility throughout the District. The lack of clear communication about the EO Liaison role was causing misunderstanding on the part of the EO Liaisons who no longer saw a definitive role for themselves. There exists a written plan of action for the EO Liaisons that is included in a report titled, *Review of the Work Environment Issues*. This plan of action provided the following:

- The original purpose of the EO Liaison was to resolve conflicts at the lowest possible level. When appropriate, EO Liaisons will serve as conflict resolution facilitators.
- The Board adopted a Policy that was adopted in January 1997 to support the EO Liaison's participation in the complaint procedure.
- Employees volunteer to receive intensive diversity training to become EO Liaisons.
- EO Liaisons will represent the Equal Opportunity Office on ad hoc committees.
- After a new recruitment cycle to identify employees with energy, interest and

talent, EO Liaisons will be used to support a variety of cultural events such as, Echoes in Ebony, Echoes in Emerald Irish Celebration, Native American Celebration and Women's History Celebration.

The EO Liaison's job description was not included in the 1999-2000 Plan. The Human Resources Manager reports that the District currently has eight (8) EO Liaisons; however, the District is in the process of phasing out the EO Liaison program and is looking at a new approach for training and development. Although no reason was given for the change, there have been implementation problems.

CONCLUSIONS

The Grand Jury believes that the District has sufficiently acknowledged the elements presented in the allegations made to this body and has demonstrated appropriate efforts, as reflected in the Plan, to remedy the problems of discrimination, harassment and arbitrary personnel practices. Many of the efforts have been fruitful and some have not. The long-term objective of establishing parity with the existing labor pool to achieve diversity must be closely monitored by the General Manager and Board of Directors. The more immediate measures of complaint processing, training and staff involvement needs work. The lack of a database system for recording the complaint process makes reports, analysis, improvements and scrutiny difficult. The effectiveness of the training classes, while apparently attended by staff is not being assessed. Staff involvement in the Plan appears to be undergoing modification after obvious problems in role definition, communication and expectations.

RECOMMENDATIONS

The Santa Clara County Civil Grand Jury recommends that the Santa Clara Valley Water District Board of Directors and the General Manager:

1. Continue to make quarterly reports on the progress and goals on its Equal Opportunity/Non-Discrimination Program Plan and publish annual updated Plans and disseminate them to the Board of Supervisors, District staff, job candidates and the District web site, which are reviewed and signed by the General Manager.
2. Develop a database management system to record, track and report data on all complaints.
3. Develop an assessment tool to determine the effectiveness of its mandatory training classes, "Harassment Prevention" and "Valuing Differences".
4. Develop a comprehensive program that will engage staff at all levels, and is aimed at promoting the goals, objectives and ideals of the Plan. Particular focus should be given to such areas as conflict resolution, mentoring, employee liaison/advocacy, positive leadership modeling and commensurate training and funding.

BIBLIOGRAPHY

Santa Clara Valley Water District, SCVWD Policies and Procedures Manual, 1998

Santa Clara Valley Water District, Equal Employment Opportunity/Non-Discrimination Program Plan, 1999-2000

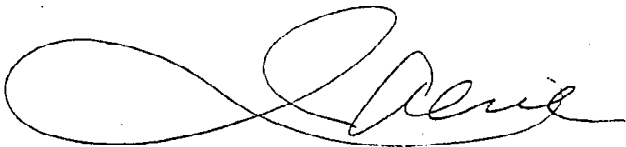
Santa Clara Valley Water District, Equal Opportunity/Non Discrimination Complaint Procedure, 1999

Santa Clara Valley Water District, Review of Work Environment Issues One Year Later, SCVWD Board of Directors. May 27, 1998

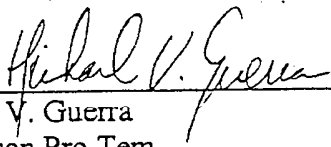
Santa Clara Valley Water District, Equal Employment Opportunity Complaint Status Tracking Statistics, 1999-2000

Young, Carlene, Report on the Organizational Culture Analysis of Santa Clara Valley Water District, December 17, 1996

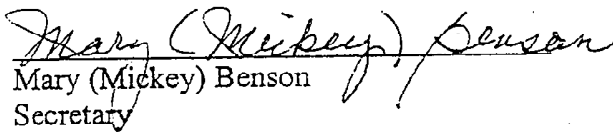
PASSED and ADOPTED by the Santa Clara County Civil Grand Jury this 18th day of May, 2000.



I. Alne
Foreperson



Michael V. Guerra
Foreperson Pro Tem



Mary (Mickey) Benson
Secretary