

Status of State Audit Recommendations

#	Category	Recommendation	Deadline	Status
1.	Ethics	To ensure that its ethics office is independent, as required by state law, MWD should revise its Administrative Code to:  Prohibit interested parties from participating in the office’s investigation process, except when necessary to provide information or otherwise respond to allegations.	10/22	MWD accepts and will implement the audit recommendations.
2.	Ethics	Administrative Code Update Establish the best practices highlighted in the audit report for protecting the independence of the ethics office, such as ensuring that the ethics officer has sole authority to interpret MWD’s ethics rules and that the ethics office can obtain advice from outside legal counsel.	10/22	MWD accepts and will implement the audit recommendations.
3.	Hiring/ Recruitment	Develop formal procedures for analyzing employee demographics and taking appropriate action based on those data.	4/23	With input from the newly hired EEO Officer and DE&I officer, we will formalize procedures for analyzing and using employee demographics.
4.	Hiring/ Recruitment	MWD should report to its board on the results of the demographic analysis and actions.	4/23	This information will be reported to the Board on a regular basis.
5.	Hiring/ Recruitment	Formally train hiring managers and human resources staff on their roles and responsibilities.	4/23	A formal recruitment “desk manual” has been drafted for recruiters and will be reviewed and revised based on revisions to the recruitment procedures and used to train HR staff.  A separate instruction/procedure document will be created for managers.
6.	Hiring/ Recruitment	To ensure fairness and accountability in the hiring process, MWD should adopt and publish comprehensive formal hiring procedures that include: <ul style="list-style-type: none"> <li>• Process for screening applications based on defined criteria</li> <li>• Clear instructions for justifying hiring decisions, with examples of appropriate justifications</li> <li>• Document retention requirements for human resources staff and hiring managers that align with the steps of the hiring process required in MWD’s hiring procedures</li> </ul>	10/22	A recruitment procedures document has been drafted to be discussed with the bargaining units.

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7.	Hiring/ Recruitment	Reinstate EEO Office's role in the hiring process and develop formal procedures describing that role.	10/22	<p>The newly hired EEO Officer will help identify the appropriate role for EEO in the hiring process.</p> <p>Once established it will be documented in formal procedures and training will be provided</p>
8.	EEO	<p>Ensure compliance with state and federal laws and best practices, by updating policy to:</p> <ul style="list-style-type: none"> <li>• Include a robust definition and example of retaliation</li> <li>• Include information about an employee's right to file a complaint directly with DFEH or the EEOC</li> <li>• Make explicit reference to written investigatory procedures where employees can obtain a copy of procedures</li> <li>• Ensure that the policy accurately reflects all other requirements in state and federal law. In order to do so, MWD should establish a process for regularly reviewing the policy to determine whether changes are needed.</li> </ul>	10/22	<p>The newly hired EEO Officer is developing a strategic and organizational plan to eliminate the backlog of cases and ensure policies and procedures are up to date.</p> <p>In the meantime, MWD hired an outside law firm experienced in EEO matters to re-write policies and procedures, including a retaliation and abusive conduct policy.</p> <p>Policies and procedures will strengthen the specific references to employee's rights to file directly with the DFEH and EEOC, which will receive input from the Joint Labor Management Advisory Committee and the DE&amp;I Council.</p> <p>The EEO Officer will regularly review all policies and procedures to determine if changes are needed.</p>
9.	EEO	<p>To avoid future instances in which EEO complaints go unaddressed: Develop written procedures that specify how non-EEO staff who receive complaints from employees should handle referrals of EEO complaints to the EEO office, and train staff on those procedures.</p>	6/22	<p>Outside expert experienced in EEO matters is reviewing/revising policies and procedures</p> <p>Once these policies and procedures are established all HR staff, Ethics staff and management will be trained.</p>
10.	EEO	<p>To ensure that the EEO office has appropriate jurisdiction over EEO complaints: Develop written procedures for handling potential threats to impartiality in investigations. These procedures should contain explicit conditions in which a party other than the EEO office plays a lead role in an EEO</p>	6/22	<p>Outside expert is reviewing/revising policies and procedures.</p>

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		complaint, such as the Ethics Officer or the General Counsel's office		
11.	EEO	Annually share the results of its NDP analyses with various management groups as well as recruitment staff.	6/22	EEO Office will annually report results to management and recruitment staff as required for compliance with the AAP and NDP and the report.
12.	EEO	To ensure it has effective and up-to-date policies on related personnel matters:  Review and update its sexual harassment policy as needed	10/22	Outside expert is reviewing/ revising policies and procedures, including the sexual harassment policy and an official policy on prohibiting abusive conduct.
13.	EEO	To ensure it has effective and up-to-date policies on related personnel matters:  Develop an official policy defining and prohibiting abusive conduct	10/22	Outside expert is reviewing/ revising policies and procedures, including the sexual harassment policy and an official policy on prohibiting abusive conduct.
14.	EEO	To better position itself to handle all EEO responsibilities required by state and federal law and best practices, implement the following improvements to its EEO office:  Create and fill additional positions that are commensurate with the workload of the EEO office, including additional staff to handle investigations, training, and compliance.	10/22	EEO Officer is developing a strategic and organizational plan.  Approved budget includes increasing the staff of the EEO office from 2 full-time positions to 6 full-time positions  Additional resources will be considered as they are identified.
15.	EEO	To better position itself to handle all EEO responsibilities required by state and federal law and best practices, implement the following improvements to its EEO office:  Assign formal written responsibilities for specific staff within the office.	10/22	EEO Officer is developing a strategic and organizational plan.
16.	EEO	To better position itself to handle all EEO responsibilities required by state and federal law and best practices, implement the following improvements to its EEO office:  Structure the EEO office in such a manner that it can operate independently with minimal potential threats to impartiality	10/22	EEO Officer is developing a strategic and organizational plan

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17.	EEO	To ensure timely response to EEO complaint, update investigation procedures to include:  Time frames that match DFEH best practices for responding to, investigating, and closing EEO complaints and should adhere to those time frames.	10/22	Hired an outside expert to revise existing policies and procedures including references to time frames similar to the DFEH and EEOC.
18.	EEO	To ensure timely response to EEO complaint, update investigation procedures to include:  Report to its board quarterly on how many EEO complaints have been received, investigated, including how many of those investigations surpassed the time frames in MWD's procedures.	10/22	The EEO Officer will report to the Board quarterly as recommended by the State Audit.
19.	EEO	To ensure that all EEO complaints and their outcomes are recorded accurately and promptly:  Implement an electronic recordkeeping system that will allow for accurate and complete tracking of EEO complaints in a single location.	10/22	Implementing an electronic recordkeeping system to track cases and to receive anonymous calls.  System provides a comprehensive way for EEO office and Human Resources to track, document and manage cases with greater efficiency and timeliness.
20.	EEO	To ensure that all EEO complaints and their outcomes are recorded accurately and promptly:  Designate an individual to be responsible for logging, tracking, and updating EEO complaint records.	10/22	Approved budget includes additional positions for the EEO office to log, track, and update EEO complaint records.
21.	EEO	To help ensure equity and consistency in its disciplinary process:  Implement a written, formal process that outlines the steps that it must follow and the factors it must consider when deciding whether and how to issue discipline	10/22	Initiated a process to document a formal checklist, or step process, for factors that must be considered, reviewed and documented in any disciplinary action including those resulting from an EEO investigation.
22.	EEO	To ensure equity and consistency in its disciplinary process:  Develop a recordkeeping policy that documents the disciplinary process so that it can demonstrate that its process is thorough and consistent	10/22	Implementing an electronic recordkeeping system including Employee Relations cases (discipline, grievances and appeal hearings).

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23.	EEO	To prevent and address mistreatment of complaints and potential violations of its retaliation policy:  Develop written procedures for identifying and intervening in potential retaliation while EEO investigations are ongoing.	10/22	Outside expert is revise existing policies and procedures including further definition of retaliation.
24.	EEO	To prevent and address mistreatment of complaints and potential violations of its retaliation policy:  Dedicate a person to follow up with complainants after EEO investigations to ensure that incidents involving potential retaliation are not occurring, as well as track these follow-up discussions	10/22	EEO Officer's strategic plan will define roles and responsibilities for all EEO Office staff and will include a role, or person, to follow-up with complainants to ensure retaliation is not occurring.
25.	EEO	To ensure the board is informed of how often EEO matters are being settled and by what means:  Amend the administrative code to require that all personnel-related settlements that invoke confidentiality or have a financial impact (including paid and reinstated leave), be reported quarterly to the Legal and Claims Committee, regardless of settlement type.	10/22	Amending the Administrative Code to require that all settlements that invoke confidentiality or have a financial impact, be reported quarterly to the Legal and Claims Committee.
26.	EEO	To ensure the board is informed of how often EEO matters are being settled and by what means:  Develop a written policy that outlines mandatory information required when reporting settlements. To include whether EEO issues were implicated, whether the employee is still employed by MWD, the existence and type of financial or confidentiality terms, and whether MWD has taken any corrective action in response to the alleged issues	10/22	Developing a written policy that outlines mandatory information required for reporting settlements, which includes whether EEO issues were implicated, whether the employee is still employed by Metropolitan, the existence, and type of financial or confidentiality terms, and whether the action was taken to address the alleged issues including any corrective action taken.
27.	EEO	To ensure the board is informed of how often EEO matters are being settled and by what means:  Implement centralized recordkeeping procedures for all employee settlement agreements, including a means of confidentially indicating the existence of such settlement in the EEO complaint database, its personnel database, or some other central repository.	10/22	Implementing centralized recordkeeping procedures for all employee settlement agreements, including a means of confidentially indicating the existence of such settlement in the EEO complaint database, the personnel database, or some other central repository.

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28.	Safety	Establish a minimum level of collaboration between safety representatives and management, such as establishing requirements for regular meetings and requiring managers to attend safety committee meetings.	6/22	A written requirement is being added to the Health and Safety Employee (HSE) Manual establishing a minimum level of regular meetings between safety representatives and management
29.	Safety	Ensure handling of safety complaints	6/22	Began a collaboration with the National Safety Council to identify further improvements to our safety programs and practices.
30.	Safety	To better ensure the effective handling of safety complaints and the protection of workers who make them, MWD should enhance its written policies to formally define retaliation and include specific steps responsible parties should take when performing the duties laid out in policy, such as protecting employees from retaliation	10/22	The HSE Manual is being updated to reference the MWD-wide policy against retaliation.
31.	Housing	To better protect employees required to reside in employee housing from issues threatening the safety and habitability of this housing:  Improve detail and consistency of procedures for responding to maintenance requests. The enhanced procedures should detail when MWD will handle a request on its own and when it will address a request as part of a larger effort, and they should establish clear and reasonable time frames for each scenario	10/22	Held one listening sessions in the last six months with tenants of desert housing and established a "Resident Portal" to improve communication and provide repair status for resident requests and other pertinent information as it relates to the Safe, Decent and Sanitary standard condition of the homes.
32.	Housing	To better protect employees required to reside in employee housing from issues threatening the safety and habitability of this housing:  Establish procedures for tracking and regularly report its performance on these issues to the board, including any measures it has taken to improve this performance	10/22	Established a protocol for prioritizing maintenance and repairs (resident reported and proactively scheduled to avoid failure).  Hired a planner/scheduler to ensure accuracy of repair/maintenance data and trained the Maintenance Manager and technicians on the appropriate use of the asset maintenance system.  Approved budget includes additional staff positions for the to ensure the timely response to service requests of the employees required to reside in employee housing.

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				Regular reports to the board on housing maintenance activity will be provided.
33.	Housing	<p>To better protect employees required to reside in employee housing from issues threatening the safety and habitability of this housing:</p> <p>Establish contingency plan for addressing its long-term issues, such as installing prefabricated homes or renovating existing units, in case its current plan for replacing employee housing is delayed.</p>	10/22	A contingency plan is being prepared to address long-term employee housing replacement that can be put into effect in the event the planned replacement of employee housing currently underway does not move forward.