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Assembly California Legislature



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COMMITTEES
BUSINESS AND PROFESSIONS
GOVERNMENTAL ORGANIZATION
HUMAN SERVICES
INSURANCE
TRANSPORTATION

April 1, 2021

The Honorable Rudy Salas, Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, California 95814

Revised/Received
04/02/2021

Re: Metropolitan Water District of Southern California

Dear Assemblymember Salas:

I respectfully request the Joint Legislative Audit Committee approve an audit of all personnel policies and practices of the Metropolitan Water District of Southern California (“Metropolitan”) in an effort to increase transparency and provide state oversight of workplace health and safety, and prevention of workplace discrimination, including harassment, bullying, retaliation, and related issues, in light of recent reports raising serious concern over Metropolitan human resource practices.

As the *Los Angeles Times* reported in a groundbreaking article on February 12, 2021, 20 current and former staffers have come forward exposing a pattern of complaints alleging sexual harassment and bullying of women who enrolled in the apprentice program at Metropolitan. The reporting entailed the review of hundreds of pages of Metropolitan records, court documents, and audio recordings. See [Adam Elmahrek, *They thought I was so low’: Women say they were harassed, bullied, ignored at powerful water agency*, L.A. TIMES, Feb. 12, 2021, <https://www.latimes.com/california/story/2021-02-12/mwd-accused-sexual-harassment-abuse-against-women>.](https://www.latimes.com/california/story/2021-02-12/mwd-accused-sexual-harassment-abuse-against-women)

Metropolitan workers need a comprehensive review of these matters, which is desperately needed to provide justice for women and LGBTQ+ individuals working at Metropolitan.

Background

Metropolitan is a public corporation created under the Metropolitan Water District Act (MWD Act) for the purpose of developing, storing, and distributing water to its service area. Metropolitan is governed by a 38-member board of directors (Board), representing 26 member agencies, including 14 cities, 12 municipal water districts and one county water authority that provide drinking water to nearly 19 million people in parts of Southern California. Its member agencies serve residents of more than 300 cities and numerous unincorporated communities. Metropolitan’s service area includes portions of six counties: Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. It provides 40 percent to 60 percent of the water used

within its service area, with individual member agencies relying on the district to provide 30 percent to 100 percent of their water

The administration of Metropolitan is under the direction of the Board, consisting of at least one representative from each member agency. Metropolitan's chief executive officer, general counsel, general auditor, and ethics officer report to the Board. As of January 2021, the district had approximately 1,800 employees.

As recent reports have shown, Metropolitan has repeatedly been shown to be an unsafe workplace with serious problems of sexual harassment, bullying, and retaliation.

Between 2005 and 2019, 18 women worked in trades positions for the district, and six of those filed formal equal employment opportunity complaints. After their complaints, women said they were ignored by agency officials and three said they were pressured to continue working around their abusers. One woman was transferred to a facility more than 100 miles from her home.

On October 27, 2020 an independent investigation was initiated by the Metropolitan Board's [Organization, Personnel and Technology \("OP&T"\) Committee](#), but there is concern that the investigation will be inadequate to the scope of the problem, by focusing too narrowly only on specific issues identified in recent reports rather than a broader look at the employee experience at Metropolitan, and lacking the truly independent and objective audit process that only the state auditor can provide.

In order to create the institutional change necessary to ensure a workplace free from bullying, discrimination, harassment, retaliation, and other abuses on the job for all Metropolitan workers, the State of California needs a comprehensive investigation into the alleged abuses, and related human resources policies and practices, no matter how long it takes.

There is precedent for such a review. Metropolitan was also audited in 1996 (California State Auditor Report 1995-105) and 2004 (California State Auditor Report 2003-136). The 2004 Audit addressed two issues that merit continued review: (1) the progress of Metropolitan's implementation of its Ethics office and its compliance with the requirements of Chapter 415, Statutes of 1999 (SB 60), including the establishment of an effective process for handling ethics complaints that employees feel comfortable utilizing; and (2) the consistency and comprehensiveness of Metropolitan's personnel policies, in particular related to hiring and promotion practices, including the process for review of settlement agreements for employees who separate from Metropolitan.

Request and Scope of Audit

I respectfully request that the Joint Legislative Affair Committee approve an audit of Metropolitan's employment practices based on the above concerns. At a minimum the audit should address the following questions:


1. To what extent have the recommendations identified in the 2004 Audit, in particular those related to the Ethics office and personnel policies, been implemented, and what implementation issues remain? Has Metropolitan followed through with the commitments listed in its response to the 2004 Audit (see California State Auditor Report 2003-136, pp. 78–87)?
2. What are current personnel policies and practices regarding recruiting, job posting and examinations, promotions, and transfers? What safeguards are in place to ensure such Metropolitan is sensitive to gender and LGBTQ+ status diversity and barriers to equal employment?
3. How does Metropolitan notify employees, including their union representatives, regarding changes to operating or personnel policies affecting employees? How does Metropolitan inform employees, including their union representatives, regarding changes to job descriptions and job postings?
4. How does Metropolitan conduct employee evaluations?
5. What are Metropolitan’s current policies and practices for handling Equal Employment Opportunity (“EEO”) complaints, including complaints of sexual harassment? How are employees informed of such procedures? Who is the EEO point person and how are employees informed of changes in complaint-filing procedures, including changes to the EEO point person for such complaints?
6. How have EEO complaints filed since 2004 been handled? What process was pursued, what findings were made, and how were claims resolved? Did employees who brought complaints suffer any form of retaliation or other detriment, such as being required to transfer to worksites in areas with fewer community resources? What actions, including discipline, did Metropolitan take to address employees accused of EEO violations or sexual harassment?
7. What are Metropolitan’s current policies and practices for workplace bullying? How are employees informed of such procedures?
8. How have workplace bullying complaints filed since 2004 been handled? What process was pursued, what findings were made, and how were claims resolved? Did employees who brought complaints suffer any form of retaliation or other detriment, such as being required to transfer to areas with fewer community resources? What actions, including discipline, did Metropolitan take to address employees accused of workplace bullying?
9. What policies and practices for training employees are in place related to EEO, sexual harassment, and workplace bullying?
10. What are Metropolitan’s policies regarding non-disclosure agreements (“NDAs”) in situations involving EEO complaints, sexual harassment, workplace bullying, and related issues? What measures has Metropolitan taken to implement SB 820 (Code of Civil Procedure § 1001) related to NDAs? How many NDAs has Metropolitan entered into from 2004 to the present, and what type of employee issues do such agreements concern? Has Metropolitan reconsidered its reliance on NDAs entered into prior to 2017, including whether it will release signatories of such agreements from their non-disclosure obligations?

11. What are Metropolitan's policies and practices for reporting settlement agreements regarding employment complaints to the Metropolitan Board? What are the policies and practices for Metropolitan's legal department to report such settlement agreements to the Board's OP&T Committee?
12. What is Metropolitan's safety program? Since 2010, how has Metropolitan handled safety issues, including employee complaints related to safety, training, and handling of reports of unsafe working conditions and other safety incidents? What practices and policies are in place to protect employees who make safety-related complaints from retaliation?
13. What protocols are in place for reporting of safety incidents by employees, and by supervisors and management employees to higher authorities within Metropolitan? How does Metropolitan manage the variety of safety reporting protocols it uses (e.g. SCOPE, Safety Review Request [SRR]), and ensure consistency across reporting protocols?
14. What is the role of safety representatives at Metropolitan worksites? In the event of an unsafe working condition, may such representatives issue orders to stop unsafe work or have the power to ensure that such safety issues or conditions are corrected? What protections are in place to ensure that safety representatives feel free to report any and all safety incidents to higher authorities?
15. What is Metropolitan's Hazardous Waste Operations and Emergency Response (HAZWOPER) Program and how effective has it been in addressing hazardous waste issues? What policies and procedures are in place for training of employees on HAZWOPER issues, and for employees to address HAZWOPER issues on the job?
16. What safety and other Personal Protective Equipment ("PPE") does Metropolitan provide to employees? What safety protocols are in place for Metropolitan employees who work on roads and streets, including equipment and procedures for lane closures and other safety-related issues?
17. How are Metropolitan employees informed of changes to safety protocols, including those described above as well as changes to Metropolitan's Illness and Injury Prevention Program?
18. How does Metropolitan handle its obligations as a landlord to those employees for whom it provides company housing due to the location of their work? In particular, how does Metropolitan: (a) handle landlord-tenant relations, rental agreements, and landlord-tenant disputes, including in the case of tenants who separate from employment; (b) address habitability issues such as lead, asbestos, water and faucet quality, provision of adequate utilities, and related issues; (c) address other concerns of living conditions, including replacement housing, repairs, and provision of rental insurance; (d) provide for emergency medical services in remote locations including 9-1-1 service, life flight/medical transport, as well as fire, police, security and how these matters are addressed when such services may be unavailable; (e) services for the children of employees, including educational arrangements, busing, and community safeguards


to prevent accidents, injuries, and potential hazards; and (f) otherwise manage its housing program?

Should you have any questions or would like more information please contact me or my staff at (916) 319 - 2064. Thank you for your consideration of this request.


Sincerely,



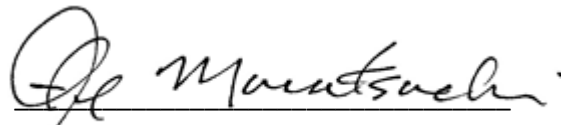
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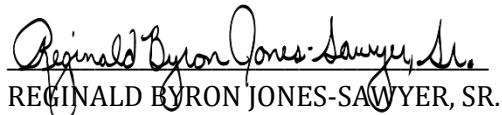
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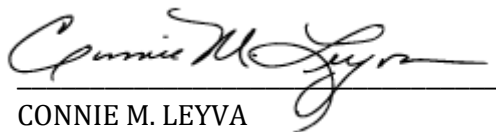
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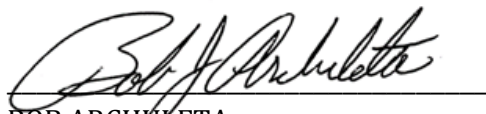
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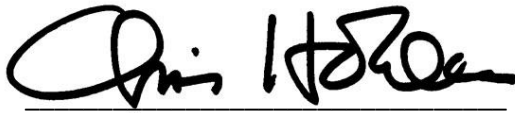
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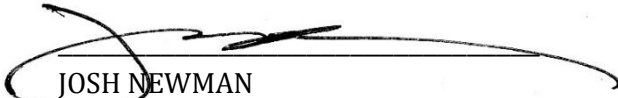
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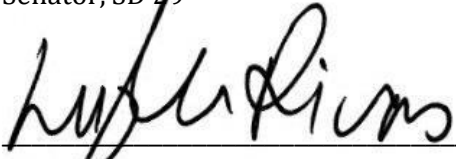
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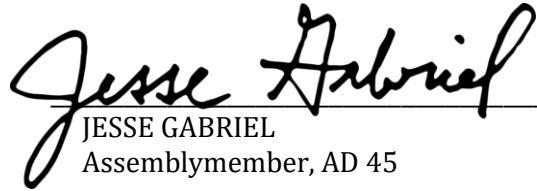
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