



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
PERSONNEL COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON ERIC MAR – VICE CHAIRPERSON
HAROLD BROWN JOHN GIOIA
SUSAN GORIN CAROLE GROOM
SCOTT HAGGERTY JENNIFER HOSTERMAN
CAROL KLATT

MONDAY
SEPTEMBER 19, 2011
9:30 A.M.

4th FLOOR CONFERENCE ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

AGENDA

1. **CALL TO ORDER - ROLL CALL**
 2. **PUBLIC COMMENT PERIOD** *(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*
 3. **APPROVAL OF MINUTES OF JANUARY 19, 2011 AND MARCH 28, 2011**
 4. **SUMMARY OF HUMAN RESOURCES AUDIT REPORT AND STATUS OF CURRENT AIR DISTRICT PROGRAMS**
J. Broadbent/5052
jbroadbent@baaqmd.gov
- The Committee will receive a summary of human resources audit report and status of current Air District programs.*
5. **PROPOSED AMENDMENTS TO (1) THE AIR DISTRICT'S ADMINISTRATIVE CODE, DIVISION III PERSONNEL POLICIES AND PROCEDURES – SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY AND (2) EQUAL EMPLOYMENT OPPORTUNITY PLAN**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will consider recommending that the Board of Directors provide notice of proposed amendments to the (1) Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy and (2) Equal Employment Opportunity Plan.

CLOSED SESSION

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)

Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the District Counsel.

OPEN SESSION

7. COMMITTEE MEMBER COMMENTS/OTHER BUSINESS

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

8. TIME AND PLACE OF NEXT MEETING: AT THE CALL OF THE CHAIR

9. ADJOURNMENT

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5130
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Executive Office should be given at least 3 working days prior to the date of the meeting, so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

SEPTEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i> - RESCHEDULED TO 9/19/11	Monday	12	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i>	Thursday	29	9:30 a.m.	Board Room

OCTOBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	19	Following Board Meeting	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

NOVEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i> - CANCELLED	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

HL – 9/12/11 (2:15 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 19, 2011

Re: Personnel Committee Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Personnel Committee meetings of January 19, 2011 and March 28, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the January 19, 2011 and March 28, 2011 Personnel Committee meetings.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kris Perez-Krow

Reviewed by: Rex Sanders

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Wednesday, January 19, 2011
9:00 a.m.

Call to Order: Chairperson Brad Wagenknecht called the meeting to order at 9:02 a.m.

Roll Call: Present: Chairperson Brad Wagenknecht, Vice Chairperson Eric Mar (arrived late), and Directors Tom Bates, John Gioia, Scott Haggerty, Carole Groom and Pamela Torliatt (arrived late)

Absent: Director Harold Brown and Jennifer Hosterman

Public Comment Period: None

Approval of Minutes of January 12, 2011:

Committee Action: Director Gioia made a motion to approve the minutes of January 12, 2011; Director Groom seconded the motion; carried unanimously without objection.

Conduct a Second Round of Interviews and Consider Recommending Board of Directors' Approval of a Candidate for Appointment to the Air District's Advisory Council:

The Personnel Committee interviewed two finalists to recommend filling one term of office on the Advisory Council under the *Community Planning Member* category.

Directors voiced individual preferences of candidates related to position specific criteria.

Committee Action: Director Bates made a motion to recommend the appointment of Peter Chamberlin to the Advisory Council, to a term effective immediately and expiring on December 31, 2012 under the *Community Planning* category; Director Groom seconded the motion; carried unanimously without objection.

CLOSED SESSION:

Public Employee Performance Evaluation – Executive Officer/APCO, Pursuant to Government Code Section 54957 and 54957.6

The Committee adjourned to Closed Session at 9:35 a.m.

OPEN SESSION:

The Committee reconvened in Open Session at 9:42 a.m. Chairperson Wagenknecht stated there was no reportable action taken in Closed Session.

Draft Minutes of January 19, 2011 Personnel Committee Meeting

Committee Member Comments/Other Business: None

Time and Place of Next Meeting: At the Call of the Chair.

Adjournment: The meeting was adjourned at 9:43 a.m.

Lisa Harper
Clerk of the Boards

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Monday, March 28, 2011

Call to Order: Chairperson Brad Wagenknecht called the meeting to order at 1:09p.m.

Present: Chairperson Wagenknecht and Directors Hosterman, Klatt and Gorin.

Absent: Vice Chairperson Eric Mar and Directors Brown, Groom, Gioia and Haggerty.

Public Comment Period: Chair Wagenknecht opened the public comment period and there were no public comments made.

Approval of Minutes of January 19, 2011:

Due to lack of a quorum, Chairperson Wagenknecht deferred the approval of the January 19, 2011 to a future meeting.

Conduct Interviews and Consider Recommending Board of Directors' Approval of Candidates to fill (2) Alternate Hearing Board Member Vacancies.

Committee members interviewed applicants for the Hearing Board. There are two vacancies for Alternate Board members, in the *Public Member* category.

Applicants were asked about their education and experience as it relates to the position. The Committee interviewed five of six applicants.

CLOSED SESSION:

Public Employee Performance Evaluation – Executive Officer/APCO, Pursuant to Government Code Section 54957 and 54957.6

Chair Wagenknecht adjourned to the closed session at 2:05 p.m.

OPEN SESSION:

Chair Wagenknecht reconvened the open session at 2:25 p.m.

Conduct Interviews and Consider Recommending Board of Directors' Approval of Candidates to fill (2) Alternate Hearing Board Member Vacancies. (continued)

The interview process was completed with the sixth and final interview. Committee members discussed the merits of each of the applicants.

Committee members reached a consensus to recommend Board of Directors' approval to re-appoint incumbent Peter Chiu, as an Alternate Hearing Board Member; and to appoint Michael

McGowan, as an Alternate Hearing Board Member, each to three year terms expiring on April 2, 2014.

CLOSED SESSION (con't):

Public Employee Performance Evaluation – Executive Officer/APCO, Pursuant to Government Code Section 54957 and 54957.6

The Committee adjourned again into Closed Session at 2:35 p.m.

OPEN SESSION (con't):

The Committee reconvened in Open Session at 2:52 p.m. Chair Wagenknecht reported there was no action taken in the Closed Session.

Committee Member Comments/Other Business: None.

Time and Place of Next Meeting: At the call of the Chair.

Adjournment: The meeting was adjourned at 2:53p.m.

Kris Perez Krow
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Summary of Human Resources Audit Report and Status of Current Air District
Programs

RECOMMENDED ACTION

None; receive and file.

BACKGROUND AND DISCUSSION

In 2010, the professional law firm, Meyers Nave, conducted a legal audit of the Human Resources Division. The audit found no violations of current local, state or federal employment or labor laws. Attached is a summary of specific recommendations along with information describing the status of the Air District's response to each of the recommended action areas.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachment: Summary of Human Resources Audit Report and Status of Current District
Programs

Summary of Human Resources Audit Report and Status of Current District Programs

In 2010, an audit of the District's human resources program was conducted by Meyers Nave, a local law firm. The audit found no violations of current local, state or federal employment or labor laws. A summary of specific recommendations is provided below along with information describing the status of the District's response to each of the recommended action areas.

1. Employee Designations: Although the District's practices with respect to treatment of "at will" and "good cause" employees and paying overtime to non-exempt employees appear to comply with the law, the District's policies do not adequately distinguish between at-will employees and good cause employees and exempt and non-exempt (for overtime purposes) employees. We recommend clarifying these provisions, as well as being clearer on these subjects in the District's employment offer letters.

Status of District program – The District has reviewed this recommendation and concluded that it is in compliance. The District currently has only two 'at will' employees, including the Executive Officer and District Counsel, who both are contracted, with 'at will' status provisions included. Most other District employees are represented by the EA, with 'good cause' contract provisions.

2. Overtime: The primary potential legal concern among the District's overtime practices is that the District is in fact including all "remuneration" paid to an employee (except payments specifically excluded) in the overtime rate for FLSA overtime hours (hours actually worked over 40 in a designated workweek). The Admin Code and MOU indicate certain types of pays that are included in the overtime rate (e.g. differential pay, hazard pay) but are silent as to other types of pays that also should be included (bilingual pay, standby pay, acting assignment pay and longevity pay). We understand you are going to follow-up on this question. Our recommendation of course is that, if the District is not currently including these types of pay in the FLSA overtime rate, then the District should do so. Failure to include these types of compensation means that the District would be paying overtime at 1.5 times too low a rate. If affected employees successfully sued under the FLSA, they would be entitled to the amounts not paid going back two years from the date of the lawsuit, as well as an equal amount in double ("liquidated") damages and payment of their attorneys' fees.

Status of District program – The District has reviewed its current overtime pay practices, and concluded that current practices conform both to FLSA and contract requirements.

3. New Policies: We suggest the District adopt certain policies or rules in areas where none currently exist. Doing so will make the District's rights clearer, and protect against an Association claim that the District cannot take a particular action. These suggested policies include bargaining impasse procedures, a fitness for duty policy, expanded sick leave rules and Workers Compensation rules, and a broader technology policy.

Status of District program – The District is unable to unilaterally implement recommended personnel policy changes pursuant to its contract with the EA. The District is currently meeting and conferring with the EA over a variety of proposed policy changes.

4. Affirmative Action Plan: Under Proposition 209, it is unconstitutional for public agencies “to discriminate against, or grant preferential treatment to, any individual group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment . . .” Case law following Proposition 209 has confirmed that affirmative action programs that establish goals and timetables designed to overcome areas of underutilization of minorities and women by job category were unlawful. As such, we recommend updating the District’s written “Affirmative Action Plan” by changing the title to “Equal Opportunity Plan” and by eliminating from its provisions language indicating the District will take “affirmative action to increase the number of ethnic minority and female employees in all occupational categories” and establishing specific goals for hiring minorities and females. Please note that the District may lawfully continue its practices of working through fair and appropriate hiring criteria and processes, and through inclusive public outreach and recruitment programs, toward the more general goal of a non-discriminatory work place.

Status of District program – The District has revised the EEO plan pursuant to advice received from Meyers Nave. The revised document is included in this agenda item.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Proposed Amendments to the (1) Air District's Administrative Code Division III
Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy
and (2) Equal Employment Opportunity Plan

RECOMMENDED ACTION

This item is to request that the Committee recommend that the Board of Directors provide notice of proposed amendments to (1) the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, Air District staff requests that the Personnel Committee recommend that notice be given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors will consider at its next regular meeting, amendments to (1) the Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

In 2010, the professional law firm, Meyers Nave, conducted a legal audit of the Human Resources Office. One aspect of the legal audit involved reviewing the Air District's Affirmative Action Program for legal compliance. Meyers Nave recommends that the Air District perform the following:

- 1) Change the name of the Affirmative Action Plan to the Equal Employment Opportunity Plan and replace all references to "affirmative action" with "equal employment opportunity."
- 2) Delete the items that refer to affirmative action plan activities, e.g. those that would favor applicants or employees based on gender or ethnic status.

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachments: Proposed Amendments to Administrative Code Division III Personnel Policies
and Procedures, Section 2 Equal Employment Opportunity Policy

Equal Employment Opportunity Plan

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 2 Equal Employment Opportunity Policy as follows:

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

~~To effect its policy of equal employment opportunity, the Board commits itself and the District to implementing an Affirmative Action Plan. The plan is designed to achieve the goal of a District work force which reflects the gender and ethnic minority work force composition of the nine Bay Area counties covered by the District.~~

The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

~~Provisions of the Affirmative Action Plan of the District prevail over the Memorandum of Understanding.~~

2.1 OBJECTIVES.

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area to identify the effectiveness of its outreach and training programs. ~~to identify areas where women and ethnic minorities are underutilized.~~
- (c) The District will establish practical short range and long range hiring, promotion and training goals to eliminate under utilization.
- (d) ~~The District will take affirmative action to increase the number of ethnic minority and female employees in all occupational categories.~~

- (e) The District will establish and administer programs for employment, training and promotion of all employees to aid in reaching the goals and objectives of the Affirmative Action Plan without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (f) ~~The District will establish responsibility for carrying out the goals and objectives of the program appoint an Affirmative Action Officer, and establish an Equal Employment Opportunity Council.~~
- (g) ~~Establish a timeline for implementation of objectives and goals. The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity. The District will focus its equal employment opportunity efforts on enhanced outreach and training programs to work towards a non-discriminatory work place.~~
- (h) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (d) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

2.2 RESPONSIBILITY FOR AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY.

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity ~~Plan~~ Policy.
- (b) The responsibilities of the ~~Affirmative Action~~ Equal Employment Opportunity Officer, the Personnel Manager and the Affirmative Action Council are ~~listed~~ delineated in the ~~Affirmative Action~~ Equal Employment Opportunity Plan.

2.3 **DISCRIMINATION COMPLAINT PROCEDURE (Revised 9/6/95)**

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

for

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980**

EEO Contact:

Human Resources Officer
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980

**EQUAL EMPLOYMENT OPPORTUNITY PLAN
FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

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BACKGROUND

The Bay Area Air Quality Management District (Air District) is a regional government agency responsible for improving air quality in the San Francisco Bay Area. The Air District employs approximately 350 full-time employees in a variety of jobs ranging from Air Quality Engineers and Inspectors, to clerical and administrative support staff. Most of the Air District's employees work in the main office located in San Francisco, California.

The Air District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

To affect its policy of equal employment opportunity, the Board commits itself and the Air District to implementing an Equal Employment Opportunity Plan. The plan is designed to analyze the Air District's workforce and the population of the Bay Area and to set forth specific plans and procedures to ensure equal employment opportunity.

APPLICABLE REGULATIONS

The Air District's Equal Employment Opportunity Plan has been prepared according to the Air District's Administrative Code Division 3, Section 2: Equal Employment Opportunity Policy.

Federal and State equal employment opportunity laws and regulations include Title VII of the Civil Rights Act, the Equal Pay Act, the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act, the California Fair Employment and Housing Act.

For purposes of the Equal Employment Opportunity Plan, the Air District collects data on gender, race or ethnic groups.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 1: COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

The Bay Area Air Quality Management District reaffirms its commitment to a policy of equal employment opportunity. The Air District will continue to administer its personnel policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience, and other work related criteria, without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

The Air District is committed to maintaining a meaningful, result-oriented Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

The Air District will designate the Human Resources Officer to also serve as the Equal Employment Opportunity Officer, and will focus its equal employment opportunity efforts on enhanced outreach and training programs. The Air District is committed to making a good faith effort to successfully achieve equal employment opportunity.

(Signature)

Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 2: ORGANIZATIONAL PROFILE

Workforce Analysis/Lines of Progression

The Air District conducts a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data is collected from payroll records.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, the lower threshold of the salary range is provided, as well as the EEO Category to which the title is assigned. For each job title, the Air District identifies the total number of employees, the number of male and female employees, the total number of White, Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native employees, and the male and female employees within each of these race/ethnic groups.

Lines of Progression

In conjunction with the workforce analysis, the Air District develops lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments that employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns are evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 3: JOB GROUP ANALYSIS

The Air District conducts the workforce analysis individually for every job title. The job titles are grouped for the comparison of incumbency to availability. There are several reasons for grouping jobs.

Many job titles are similar in content such that handling them individually in the Equal Employment Opportunity Plan is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability.

For many job titles, there is limited data available and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical.

Many job titles have few incumbents. A meaningful comparison is conducted by grouping several similar titles and increasing the number of employees involved.

The most critical guideline in creating job groups is that job titles discuss "similar" or "related" jobs. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Listed below are the guidelines that are followed in developing the job groups.

Job Grouping Guidelines

1. The content of the jobs in a group must be similar. Similar content refers to job responsibilities and requisite skills required.
2. The wage or salary rate for the jobs in a group must be similar. Pay rates are considered in conjunction with job content. Large apparent differences in pay, when associated with differences in job title and/or location within an organization, suggest an unacceptable job grouping.
3. Job titles placed in a job group should be similar in opportunity. Opportunity refers to the ability to take advantage of training, transfers, promotions, mobility to desirable situations, and other employment benefits. Ideally, each job within a job group should have opportunities similar to other job titles within the same job group.
4. The groups should not include jobs with clearly different representation patterns. For example, jobs predominately filled with males should not be combined in the same group with jobs predominately filled with females.
5. Many job groups, if appropriately constructed, should cut across departmental or organizational units, but not across EEO Categories.

6. Employers with over 150 employees should not use EEO occupational categories as the only job groups in an Equal Employment Opportunity Plan. EEO categories are generally much too broad for proper availability analysis purposes. However, jobs placed in a group should generally belong to the same EEO Category.
7. Employers with less than 150 employees may use EEO categories as the only job groups.
8. The size of the employer's workforce is a major factor in determining how well the criteria above can be met in creating job groups.
 - A. Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage.

Although the Air District recognizes that it is not possible to adhere to every guideline above when creating job groups, the Air District does not combine job titles with different content, wages, or opportunities.

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CHAPTER 4: PLACEMENT OF INCUMBENTS IN JOB GROUPS

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, pay grade, job title, employee headcounts for each job title, and overall percentages by gender and race/ethnicity.

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CHAPTER 5: DETERMINING AVAILABILITY

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the Air District for a given job group in the relevant labor market during the life of the Equal Employment Opportunity Plan. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if the Air District's employment decisions are being made without regard to gender, race, or ethnic origin. Correct comparisons of incumbency to availability depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis).

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the most recent Census of Population.
 - a. Local labor area: An employee residence zip code analysis was conducted to identify the local labor areas.
 - b. Reasonable labor area: National: 100.0%
2. Internal Factor: The percentage of employees promotable, transferable, and trainable within the Air District.

Assign Internal and External Factor Weights: Weights are assigned to each factor for each job group. A combination of historical data and experience are used to determine the weights. Weights are never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights are multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component are summed. This produces a final availability estimate for each sex and race/ethnic group.

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CHAPTER 6: COMPARING INCUMBENCY TO AVAILABILITY

Availability estimates are made for each job group. The Air District compares the percentage of incumbents in each job group to their corresponding availability. A comparison is made between the percentage and that group's final availability.

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CHAPTER 7: DESIGNATION OF RESPONSIBILITY

The Executive Officer/Air Pollution Control Officer of the Air District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan. The Executive Officer/Air Pollution Control Officer or his designee reports to the Board of Directors on the progress and objectives of the plan.

The Executive Officer/Air Pollution Control Officer designates the Human Resources Officer to also serve in the role of Equal Employment Opportunity Officer and be responsible to ensure that the equal employment policies and programs are implemented.

Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division, including informing all supervisory personnel of the Air District's Equal Employment Opportunity policy and ensuring hiring, promotion, and employee development are consistent with program objectives.

It is the responsibility of Management to ensure that the workplace is free of sexual harassment and that the Air District takes corrective action when an employee is determined to have violated the Equal Employment Opportunity Plan's objective regarding harassment.

Equal Employment Opportunity Officer

The responsibilities of the Equal Employment Opportunity Officer will include:

1. Reviewing the Air District's personnel policies to ensure they are consistent with the equal opportunity laws and the Air District's Equal Employment Opportunity Plan.
2. Reviewing, evaluating, and updating the Equal Employment Opportunity Plan as necessary, and with the approval of the Executive Officer/Air Pollution Control Officer.
3. Providing assistance to divisions in implementing the Equal Employment Opportunity Plan.
4. Reporting progress of equal employment opportunity programs to the Executive Officer/Air Pollution Control Officer.
5. Advising divisions on training needs and encouraging development of training programs.
6. Recommending revision of job description forms when necessary so forms accurately reflect duties, responsibilities, and qualifications required for each job.

Human Resources Officer

The responsibilities of the Human Resources Officer will include:

1. Disseminating the Equal Employment Opportunity Plan to all employees and other interested parties.
2. Providing all recruiting and hiring data to aid in monitoring the equal employment opportunity program, including the number hired, the number of terminations, the number of promotions, the number of persons trained, the number of persons interviewed, and other relevant data.
3. Providing the liaison between the Air District and school, community, and professional organizations, both inside and outside the Air District.
4. Providing the liaison between the Air District and compliance agencies.
5. Developing and implementing training programs that support the Equal Employment Opportunity Plan.
6. Reviewing all recruiting procedures, to ensure that they conform to equal opportunity and employment practice guidelines.
7. Providing various training programs.
8. Advising employees on availability of training inside and outside the Air District with emphasis on individual career development and training.
9. Submitting employment pattern reports to the Executive Officer/Air Pollution Control Officer.
10. Reviewing hiring and promotion procedures to ensure equal employment opportunity-guidelines are followed.
11. Reviewing the desirable qualifications on job descriptions to ensure that job requirements are non-discriminatory.
12. Reviewing the effectiveness of the Equal Employment Opportunity Plan from time to time and suggest changes as necessary.

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CHAPTER 8: ACTION-ORIENTED PROGRAMS

The following programs have been developed to meet the Air District's Equal Employment Opportunity Plan:

A. SELECTION PROCESS

1. Review all class descriptions to ensure that they accurately reflect the position functions and contain the essential functions of the position in order to conform with the Americans With Disabilities Act.
2. Review the qualifications for each class to determine that the qualifications are job-related and nondiscriminatory.
3. Distribute class descriptions to management staff involved in recruiting, screening, selection, and promotion process.
4. Train all personnel involved in a selection process.
5. Evaluate selection tests to ensure that they are based on valid job-related criteria.

B. RECRUITMENT PROCEDURES

1. Maintain an extensive recruitment list of state and local community and professional organizations, state and local organizations representing persons with disabilities, state employment development departments, state vocational agencies, local sheltered workshops, college placement offices, and state and local educational institutions.
2. Actively encourage employees to refer applicants.
3. Make employees available for participation in Career Days, Job Fairs, and related activities in the community.
4. Maintain active interest file of applicants and distribute position announcements.
5. Contact community and professional organizations representing persons with disabilities for referrals.
6. Remain active in community organizations and encourage Air District employees to participate.
7. Advertise in various Bay Area newspapers and publications.
8. Continue recruitment efforts at colleges and schools. Provide brochures, conduct

informational presentations, and participate in career day activities.

9. Participate in career fairs.

PROMOTIONAL OPPORTUNITIES AND TRAINING

1. Post job announcements for promotional opportunities on bulletin boards, electronic bulletin boards, and distribute to all personnel.
2. Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.
3. Inform employees about the Air District's Educational Reimbursement Program and Leave Policy for educational purposes.
4. Provide educational courses that will aid employees in obtaining mobility through promotions.
5. Provide career counseling to employees.
6. Continue to offer speech classes to employees who are non-native speakers of English.

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CHAPTER 9: INTERNAL AUDIT AND REPORTING

To assure that the Air District's Equal Employment Opportunity Plan is fully implemented, the following internal audit system has been established.

1. The Human Resources Office will maintain and monitor accurate records of all employment activities, including, but not limited to, applicants, hires, promotions, transfers, and terminations.
2. The Executive Officer/Air Pollution Control Officer will review reports provided by the Equal Employment Opportunity Officer to ensure that the Air District's Equal Employment Opportunity program is being carried out.
3. The Human Resources Officer will file an EEO-4 Report as required by the federal guidelines.
4. The Executive Officer/Air Pollution Control Officer or his designee will present the Equal Employment Opportunity Plan to the Executive Committee of the Board of Directors.
5. The Equal Employment Opportunity Plan will be provided to interested parties upon request.
6. The reporting and auditing system will be utilized to measure the status and effectiveness of the Air District's Equal Employment Opportunity Plan.