California Public Utilities Commission

| POLICY NUMBER: | EFFECTIVE DATE: |
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| **01-202107** | **July 1, 2021** |
| TO: **All CPUC Staff** | REFERENCES: **SUPERSEDES: EEO 01092015** |
| POLICY NAME: **Equal Employment Opportunity** | Applicable references are listed in detail on the last page of this policy under References and Resources. |

## PURPOSE AND SUMMARY

The purpose of this policy is to establish and reflect the California Public Utilities Commission's (CPUC) strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in employment related to the state of California's protected classes. This policy will define discrimination, harassment, and retaliation, list protected classes, identify staff roles and responsibilities, and include proper related authority. In addition, this policy will set forth a procedure for addressing and resolving internal complaints. The CPUC encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this policy.

## POLICY

The CPUC uses merit and excellence of qualifications as the basic principles guiding CPUC Equal Employment Opportunity (EEO) efforts regarding employee recruitment, hiring, retention, training, transfers, promotions and related public and private sector business activities.

CPUC strives to maintain a diverse workforce and to provide EEO to all applicants, employees, clients, and customers, without regard to race, religious creed, color, national origin, ancestry, age, disability (physical or mental), medical condition (cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, sexual

orientation, political affiliation, or military and veteran status (Government Code sections 12920 and 19702 et seq). CPUC has a zero tolerance policy for EEO-related discrimination and/or harassment.

It is a violation of this policy to retaliate against CPUC employees, applicants, vendors, contractors, special service employees, or an employee of another department or agency who has supported this policy, filed a complaint, testified, or assisted in any proceeding under this policy.

All applicants and employees have the right to file complaints alleging discrimination. All internal EEO complaints must be filed with the CPUC EEO Officer by email at EEOConcerns@cpuc.ca.gov within three years from the last date upon which the alleged violation(s) of policy occurred.

**INTENDED RESULTS**

CPUC's EEO policy has been developed to ensure a work environment free from all forms of discrimination and harassment for its diverse workforce. The principles of EEO are applied in all employment decisions and business practices, unless such practices would violate state or federal laws and statutes, court orders, or result in a loss of federal funds.

**DEFINITIONS AND PROTECTED CLASSES**

**Discrimination –** Any act or failure to act, or an employment decision that is based in whole or in part on a person's status in a protected class or retaliation that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on employees, applicants, and business partners.

**Harassment –** A form of employment discrimination that violates related civil rights laws. Harassment is unwelcome conduct that is based on the state of California protected classes. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Retaliation –** Civil rights laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. It is unlawful to retaliate against applicants, employees, or business partners for filing an EEO complaint or participating in an EEO-related investigation, or the perception of either.

**Protected Classes –** Race, color, ancestry/national origin, religion, age (40 and over), disability (physical or mental), sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), gender (including identity and expression), sexual orientation, medical condition (cancer and genetic characteristics), genetic information, marital status, military or veteran status, political affiliation, as well as protection from retaliation for filing/perception of filing an EEO complaint and protection from retaliation if participating/being perceived to participate in an EEO investigation.

**RESPONSIBILITIES**

**EEO Officer:**

- Ensures that the CPUC's EEO Program and plan are fully implemented and complied with in all programs and business activities.
- Ensures that employment, recruitment, hiring, retention, training, transfers, promotions and business activities comply with EEO guidelines and laws.
- Ensures that active recruitment efforts for qualified applicants are broad and inclusive of all segments of the relevant workforce.
- Prepares annual Workforce Analysis (WFA) and biennial Bilingual Survey, and oversees Upward Mobility (UM), Disability Advisory Committee (DAC), and Limited Examination and Appointment Program (LEAP).
- Provides EEO technical assistance to managers and supervisors.
- Provides oversight for CPUC informal and formal discrimination complaint processes.
- Ensures that comprehensive, neutral and timely investigations of formal discrimination complaints and provides a thorough, impartial, uniform, and confidential complaint intake process.
- Serves as point of contact for employees to initiate the complaint process.
- Conducts fair, impartial, and timely reviews of discrimination complaints (including allegations of sexual harassment and denial of reasonable accommodation) and, recommends resolutions.
- Serves as the liaison to the State Personnel Board (SPB), California Department of Human Resources (CalHR), the United States Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), and representatives from other State agencies, and executive and legal staff regarding EEO matters.
- Submits reports and data to SPB and analyzes data from SPB.

**Managers and Supervisors:**

- Provide a work environment that is free from discrimination and harassment by ensuring that standards and practices comply with EEO guidelines and this policy.
- Review this policy with employees on an annual basis.
- Forward EEO complaints to the EEO Officer in a confidential and timely manner.
- Ensure that employees are aware of their responsibility to cooperate fully in the investigation processes of a complaint and in any disciplinary proceedings for violations of this policy.
- Work with the EEO Office, Legal, and HR Performance Management to take immediate and appropriate corrective action when a violation of this EEO policy occurs. Corrective action may include remedial or disciplinary action after an appropriate finding that a policy violation occurred, and/or taking steps during the period that an investigation of a complaint is pending to prevent additional potential or alleged policy violations.
- Provide a work environment that is free from retaliation for those who have supported this policy, filed a complaint, testified, or assisted in any proceeding under this policy.

**Employees, Applicants and Business Partners:**

- Ensure that fellow employees, business partners, and the general public are treated with dignity and respect, in a work environment that is free from discrimination and harassment.
- Immediately report alleged violations of this policy to a supervisor, manager, or the CPUC EEO Officer.
- Cooperate fully in the investigation processes of a complaint and in disciplinary proceedings for violations of this policy.

## APPLICABILITY

This policy applies to all CPUC employees, applicants and business partners.

**REFERENCES AND RESOURCES**

Government Code sections 19790-19799
California Fair Employment and Housing Act (Government Code 12900-12996)
Title VII, US Civil Rights Act of 1964
The Age Discrimination in Employment Act of 1967 (ADEA)
Rehabilitation Act of 1973 (29 USC 791 et. seq.)
The Pregnancy Discrimination Act
Title I of the Americans with Disabilities Act of 1990 (ADA)
Unruh Civil Rights Act (Civil Code 51-53)
Article 1, Section 31, California Constitution

EEO concerns email EEOConcerns@cpuc.ca.gov
Employment Discrimination Complaint Form (EXEC-EEO-001)