



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** Receive the City of Elk Grove’s Diversity Audit and Inclusion Strategy, and provide staff direction as needed

**MEETING DATE:** August 22, 2018

**PREPARED BY:** Jacqui Langenberg, Human Resources Manager

**DEPARTMENT HEAD:** Kara Reddig, Deputy City Manager

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**RECOMMENDED ACTION:**

Receive the City of Elk Grove’s Diversity Audit and Inclusion Strategy and provide staff direction as deemed appropriate.

**BACKGROUND INFORMATION:**

On December 13, 2017 the City Council authorized a contract with Miller Law Group to complete a Diversity Audit and Inclusion Strategy. Miller Law Group routinely conducts compliance and diversity audits for a wide range of clients. The firm subcontracted with Berkeley Research Group (BRG), an organization with expertise in data analytics and statistics, and Fogbreak Justice (formerly Daylight Justice), specialists in training and education for municipalities, to complete the Inclusion Strategy.

Over the past six (6) months, Miller Law Group conducted the following:

- Audited the City’s policies, practices and procedures related to diversity;
- Developed and implemented an organizational and cultural workplace survey focused on diversity and employee inclusion and engagement;
- Conducted an analysis of the City’s job groups, workforce composition and current compensation; and
- Developed an Inclusion strategy in response to the Audit findings.

## **Diversity Audit**

The Diversity Audit, conducted by Miller Law Group (Attachment 1), reviewed the City's policies, procedures, training and practices. The Diversity Audit did not uncover any obvious barriers to diversity or inclusion, nor did the statistical analyses reveal evidence of discrimination in the City's workforce demographics and compensation practices. However, it identified several opportunities for enhancing the diversity and inclusive culture within the City.

The Diversity Audit included statistical analysis, conducted by BRG in three main areas: Compensation, Workforce, and Job Analysis.

**Compensation Analysis** – BRG analyzed the annual base salaries of City employees to evaluate the extent to which there is evidence of meaningful differences between employees based on gender or race. Findings concluded that there is no bias in salary on the basis of gender or race.

**Workforce Analysis** – BRG analyzed the demographic composition of City employees as compared to the demographic composition of the Relevant Labor Market, in particular, whether any “subgroups” of race and gender were significantly underrepresented in the City employee population. The analysis demonstrated a high demographic similarity between City employees and the Relevant Labor Market. Only a few statistically-significant differences were found regardless of how the Relevant Labor Market was defined. The results provided evidence that personnel recruiting and selection practices at the City are non-discriminatory.

**Job Analysis** – BRG reviewed the accuracy of the current Equal Employment Opportunity (EEO) occupation codes assigned to each of the 123 jobs at the City. BRG confirmed the accuracy of EEO classification codes and worked with the City's HR Department to revise and further refine some codes.

On June 12, 2018, Miller Law Group reviewed the draft Diversity Audit Report, as well as results from an employee engagement survey and analyses of the City's job groups, workforce and current compensation with the City Council Ad Hoc Committee on Diversity.

## **Inclusion Strategy**

The Inclusion Strategy (Attachment 2) is based on the Diversity Audit findings noted above and includes a variety of recommendations and best practices for the City to consider. The five core recommendations from the Strategy are summarized below:

### **Recommendation: #1 Amend and adopt policies so that the City is in compliance with current laws and regulations.**

*Response: The City's Human Resources Department, in consultation with the City Attorney's Office, will proceed with implementing the recommended policy changes.*

*Timeframe for completion: It is expected that this work can be completed by the end of the current calendar year.*

### **Recommendation #2: Assign an executive or manager the role of Inclusion Leader with authority to act on this Plan.**

*Response: The City Manager proposes to appoint Deputy City Manager, Kara Reddig as the City's Inclusion Leader. The City Manager also proposes to appoint a Diversity and Inclusion Team, consisting of employees from different departments and varying supervisory/managerial and line level staff, which will focus on diversity and inclusion issues and strategies in the City, as recommended.*

*Timeframe for completion: 1 month.*

### **Recommendation #3: Create a strong Diversity and Inclusion Vision Statement.**

*Response: The City will work with its Diversity and Inclusion Team and employees to create a statement of its mission, vision, and values regarding diversity, inclusion and equality.*

*Timeframe for completion: 3-6 months*

### **Recommendation #4: Adopt an Education Plan as proposed to implement over the next year.**

*Response: The Inclusion Strategy includes a wide variety of training options that includes topics like implicit bias, cultural competency, procedural justice, meetings on how to establish an inclusive Elk Grove, as well as community and leader meetings. Staff will review the recommended*

*training opportunities with the Diversity and Inclusion Team and develop a training calendar for the next twelve months.*

*Timeframe for completion: Staff anticipates a firm can be selected, under contract, and the calendar can be developed within the next 3 months.*

**Recommendation #5: Review and evaluate the new policies, implementation of best practices, and education plan when complete and on a periodic basis.**

*Response: The appointment of an Inclusion Leader and Diversity and Inclusion Team, and ongoing City Council and City Manager leadership will ensure that diversity and inclusion remain a priority for the City. The City commits to continuing the dialogue among its employees and larger community and evaluating best practices that will make Elk Grove a municipal leader in diversity and inclusive practices. The City will also be joining the Government Alliance on Race and Equity (GARE), a national network, specifically tailored to city and county governments, working to achieve racial equity and advance opportunities for all. They are currently working to create a Northern California Cohort that will meet quarterly. It is anticipated that the City's Diversity and Inclusion Team will actively participate in this effort. The City is also continuing work with the Multicultural Committee for them to be an ongoing community resource. They have all been trained on the topic of implicit bias and staff will be visiting their upcoming August meeting to discuss next steps.*

*Timeframe for completion: Ongoing*

Staff will present a report to the City Council in approximately six months with a status report on the implementation of the Inclusion Strategy.

### **FISCAL IMPACT:**

The Fiscal Year (FY) 2018-19 budget includes \$50,000 for diversity specific training. Staff will also contact the Cosumnes Community Services District to see if any joint training may be beneficial between both agencies. This report has no fiscal impact to the City's General Fund outside of already budgeted funds in FY 2018-19.

### **ATTACHMENTS:**

1. City of Elk Grove – Diversity Audit
2. Elk Grove Diversity Inclusion Strategy



**VIA ELECTRONIC MAIL**

Kara Reddig  
Deputy City Manager  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
E-mail:kreddig@elkgrovecity.org

**Re: City of Elk Grove – Diversity Audit Report**

**I. INTRODUCTION AND BACKGROUND TO MILLER LAW GROUP’S DIVERSITY AUDIT**

In 2017, the City of Elk Grove (“the City”) issued a Request for Proposal (“RFP”) for entities to submit proposals for a comprehensive Diversity Audit, Inclusion Strategy, and Training Plan to include all key diversity areas. Miller Law Group, in conjunction with Daylight Justice<sup>1</sup> and Berkeley Research Group, submitted a response to the City’s RFP on October 12, 2017. Miller Law Group is a WBENC-certified and AV-rated law firm that routinely conducts compliance and diversity audits for a wide range of clients. Daylight Justice specializes in creating and providing trainings and education for municipalities and criminal justice stakeholders to promote respect, dignity, safety and fairness, and Berkeley Research Group (BRG) is a strategic advisory and expert consulting firm with expertise in data analytics and statistics. On December 4, 2107, the City and Miller Law Group entered into a contract for Miller Law Group to:

- conduct an audit of the City’s policies, practices and procedures related to diversity (“Audit”),
- develop and implement an organizational and cultural workplace survey focused on diversity and employee inclusion and engagement;
- conduct an analysis of the City’s job groups, workforce composition and current compensation, and
- develop and implement an Inclusion strategy in response to the Audit findings.

This report contains the findings related to Miller Law Group’s Audit of the City’s policies, practices and procedures related to diversity and inclusion. Section II of the Report summarizes the Audit findings; Section III explains the Methodology employed in conducting the Audit; Section IV contains Miller Law Group’s analyses and recommendations pertaining to the City’s Equal Employment Opportunity-related

<sup>1</sup> Daylight Justice has changed its name to FogBreak Justice.

**SF Office**  
111 Sutter St.  
Suite 700  
SF, CA 94104  
t 415.464.4300  
f 415.464.4336

**LA Office**  
11845 W. Olympic Blvd.  
Suite 910W  
LA, CA 90064  
t 310.943.8500  
f 310.943.8501

**millerlawgroup.com**

policies, and of the City's policies and practices related to EEO training, outreach, recruitment, hiring, talent management, promotions, separations, and marketing; Section V summarizes the results of the Diversity, Inclusion and Employee Engagement Survey ("Diversity Survey") developed and promulgated by Miller Law Group in support of the Audit; and Section VI summarizes the statistical analyses and findings of the Berkeley Research Group (BRG) regarding the City's job groups, workforce composition, and compensation. Attached as Exhibit A to this report is the Diversity Survey that was distributed to City employees; attached as Exhibits B, C, and D to this report are the full findings and statistical analyses conducted by BRG. The Diversity and Inclusion Strategy will be developed, taking into consideration the findings articulated in this report.

## **II. OVERALL ASSESSMENT**

The Audit of the City's policies, procedures, training and practices did not uncover any obvious barriers to diversity and/or inclusion, nor did the statistical analyses conducted by BRG reveal evidence of discrimination in the City's workforce demographics and compensation practices. However, as identified herein, we have called attention to several opportunities that should have an impact on enhancing the demographics and the culture within the City.

## **III. DIVERSITY AUDIT METHODOLOGY**

In conducting this Audit, Miller Law Group issued a Request for Production of Documents to the City's Human Resources (HR) Department, requesting documents and information related to the City's personnel policies and procedures, employment contracts, consulting contracts, and task orders, EEO-related training materials and course outlines, job posting sites, outreach and recruiting events, onboarding materials, application tracking, EEO-4 reports, marketing materials, job categories, classifications and demographics for all City employees, compensation and workforce analysis data, promotion data, and employment of relatives/spouses data. Miller Law Group obtained and reviewed the provided documents and information, and interviewed HR Department personnel and members of City management and the Elk Grove Police Department (EGPD). Miller Law Group also reviewed processes and practices related to outreach, recruiting, hiring, onboarding, compensation, EEO training, talent management, promotions, and separations/terminations.

In addition, Miller Law Group issued an informal request for contractor demographic data related to contractors working within City facilities and/or driving City vehicles ("Contract Staff") for the 2012-2017 time period, including those persons directly serving the City through the City's contracted solid waste provider, Allied Waste services of North America, LLC, dba Republic Services. The information request was issued to the following companies that provide Contract Staff: Clean Harbors, Dokken Engineering, Interwest Consulting Group, Michael Baker International, MV

Transportation, Republic Services, Vestra Resources, Inc., Weave, Inc., and Willdan Engineering.

Finally, Miller Law Group developed and issued to City employees an anonymous and voluntary Diversity, Inclusion and Employee Engagement Survey (“Diversity Survey”) to gauge employees’ assessment of the City’s commitment to hiring, supporting, and retaining a diverse workforce in all respects and to understand how those impacted most feel about working for the City.

To conduct the statistical portions of the Audit, including a job analysis, compensation analysis, and external workforce analysis comparing the City’s workforce to the relevant labor market, BRG reviewed the gender, age and race along with annual base salary, job title, FLSA status, hire date with the City, start date in current job, job grade, step, department, bargaining unit, and EEO classification for each City employee as of February 14, 2018 as well as the Equal Employment Opportunity (EEO) occupation codes assigned to each of the 123 jobs at the City.

#### **IV. ANALYSIS OF POLICIES, PRACTICES, PROCEDURES AND TRAINING**

The City’s personnel policies, procedures, training and practices were analyzed to evaluate whether those policies and procedures present any barriers to diversity and to evaluate their effectiveness in promoting a diverse and inclusive workplace. We reviewed the City’s Equal Employment Opportunity Program, Harassment, Discrimination & Retaliation Policy, Employment of Relatives Policy, EEO Training programs, hiring and promotion policies and practices, and policies and practices with respect to onboarding, talent management, and terminations. Our findings and recommendations are set forth below.

##### **A. Equal Employment Opportunity Policies and Procedures**

The City’s Equal Employment Opportunity (“EEO”) policies and personnel policies and procedures are contained in a 107-page document entitled “Personnel Rules & Regulations.” This comprehensive document is updated and revised as necessary and was last updated on January 1, 2017. For purposes of this Audit, we reviewed the most recent edition of the Personnel Rules & Regulations to determine whether the City has in place equal employment opportunity policies that not only meet the requirements of applicable law, but that also robustly promote the City’s commitment to recruiting, hiring and retaining a diverse workforce.<sup>2</sup>

##### **1. Equal Employment Opportunity Policy**

The City does not have a written EEO policy specifically designated as such. Rather, the City has what it refers to in the Personnel Rules and Regulations as an Equal

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<sup>2</sup> A complete review of all personnel policies in the Rules and Regulations was outside the scope of this Audit.

Employment Opportunity Program (EEOP), of which one of the stated objectives is “to ensure non-discrimination in employment and wherever possible to actively recruit and include for consideration for employment minorities, women and the physically disabled.” The EEOP provides that it will conform with the Americans with Disabilities Act and that “[I]t is the stated policy of the City of Elk Grove that all employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, religion, ancestry, national origin, age (over 40), gender, marital status, medical condition or physical disability (including HIV and AIDS).”

The EEOP also includes reference to an Affirmative Action Program (AAP) to: (1) “achieve the employment of minority persons representative of the total city population”; (2) “provide opportunity to minority and disadvantaged persons to be employed in all classifications and departments on the basis of equal employment opportunity principles”; and (3) to provide procedures to resolve complaints of discrimination.<sup>3</sup>

To demonstrate its commitment to diversity and inclusion, it is imperative that the City have a strong EEO policy that is embraced at the top levels of the organization. The policy should include a statement that sets forth unequivocally the City’s commitment to equal employment opportunity in all aspects of employment and to providing equal employment and advancement opportunities to all applicants and employees on the basis of merit, qualifications, performance and abilities as they relate to the City’s needs. The City’s current EEOP contains no such statement. Indeed, the use of the phrase “it is the stated policy of the City” suggests a passive, rather than an active, commitment to equal employment opportunity. The EEOP also does not list all of the protected characteristics under federal and state law, excluding, for example, mental disabilities, genetic information, pregnancy disability, breastfeeding and related medical conditions, and military and veteran status, and appears to place a time limit of 10 days on discrimination complaints. While a diversity-friendly EEO policy can and should encourage employees to bring forth complaints on a *timely* basis, it cannot provide a time bar for bringing forward complaints.

Finally, by including statements that the EEOP seeks to actively recruit and include for consideration for employment minorities, women and the physically disabled, and that it seeks to achieve a certain representation of minority and disadvantaged (not defined) persons, the EEOP sets forth unclear goals that could be perceived as

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<sup>3</sup> The reference to the AAP indicates that “the base data for the establishment of affirmative action goals for the achievement of equal opportunity” will be developed from an analysis of the city population and workforce composition in accordance with the latest census data and commits the HR Department to conducting an ongoing analysis of the status of minority employment within the City by department, classification, and position. The Plan further provides that the HR Department will review job classifications to assure there are no arbitrary barriers and to provide opportunity for entry employment, and that job descriptions will be studied and rewritten if the feasibility of creating lower entry classifications exists.

conflicting with the non-discrimination objectives of the EEOP. This perception was reflected in a comment made in response to the Diversity, Inclusion and Employee Engagement Survey that likened the City's focus on diversity recruiting to the "discriminatory practices of Affirmative Action."

**Recommendation:** We recommend that the City's EEOP be revised to articulate a clear EEO statement that not only sets forth the City's legal requirement to provide equal employment opportunities to applicants and employees, but that includes *diversity-friendly* statements that emphasize the City's commitment to a workplace that is inclusive of all individuals and of all protected categories under federal and state law. Moreover, rather than merely reciting the City's conformity to the Americans with Disabilities Act, the policy should articulate the City's strong commitment to providing reasonable accommodations and to engaging in the interactive process with applicants and employees who have mental or physical disabilities, who require accommodations for their religious beliefs and/or practices, and who are victims of domestic stalking. Referencing these protected groups in the EEO statement will reinforce the idea that the City is committed to working with individuals with diverse backgrounds and needs. The revised EEO policy statement, or a shorter version thereof, should be repeated on all job postings and in all contracts entered into by the City.<sup>4</sup>

Because harassment and discrimination tend to be topics of concern for both women and minority populations, the EEO policy statement also should include a firm statement that the City will not tolerate discrimination, harassment or retaliation on the basis of *any* protected characteristic and should incorporate by reference the City's Harassment, Discrimination & Retaliation Prevention Policy and Procedure (including the complaint procedure within that policy so that discrimination and harassment complaints are treated similarly). This, too, will send a clear message that the City values diversity and that it will take corrective action against those who do not. An introduction to the EEO policies by the City Manager that extols the virtues of a diverse workforce and the principles of equal employment opportunity also would be useful for demonstrating City leadership's commitment to diversity. And, pursuant to AB 46, by which public employers became subject to the California Fair Pay Act as of January 1, 2018, the policy should include a statement evidencing the City's commitment to following the principles of the California Fair Pay Act and prohibiting discrimination or retaliation against an employee by reason of any action taken by the employee to invoke or assist in any manner the enforcement of the Act.

The placement of the EEO Policy in the Rules and Regulations manual also is significant to conveying the message that equal employment opportunity and diversity

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<sup>4</sup> The City's current policy statement in job postings— "The City of Elk Grove is an equal opportunity employer. Women and minorities encouraged to apply"— does not adequately convey the City's commitment to equal employment opportunity nor does it suggest that the City's commitment to equal employment opportunity extends to all employment practices and to all protected categories.

are of upmost important to the City. Currently, the EEO Program is found on page 22 of the Rules and Regulations, while the Harassment, Discrimination & Retaliation Prevention Policy is buried on page 85, sandwiched between unrelated policies regarding “Transfers” and “Substance Abuse.” The Harassment, Discrimination & Retaliation Policy should follow, or be part of, the Equal Employment Opportunity Policy and both should be prominently displayed in the opening pages of the Rules and Regulations.

Finally, the recruitment goals in the EEOP pertaining to minorities, women and the physically disabled and the EEOP’s written affirmative action program should be removed from the City’s Equal Employment Opportunity Policy. As set forth below, our Audit findings indicate that the City is exempt from the requirements to have a written affirmative action plan under federal law.

**a. The City’s Reference to an Affirmative Action Plan Within the EEOP.**

The City’s EEOP currently contains a reference to an Affirmative Action Program. During the course of this Audit, the City asked Miller Law Group to confirm whether it is legally obligated to have a written affirmative action plan under federal law.

Affirmative action obligations require an employer to make proactive efforts to represent individuals from certain protected classes in the workplace at levels comparable to those for unprotected groups. These requirements are separate and distinct from nondiscrimination laws which prohibit discriminatory acts against protected persons, but do not mandate proactive steps in their favor. Although Proposition 209 amended the California Constitution to prohibit granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting, the ban allows for several exceptions. One such exception provides that California agencies and public contractors may have an affirmative action plan when necessary to maintain eligibility for federal funding under federal law.

There are three federal laws which determine the applicability of written affirmative action plans and affirmative action obligations to public and private employers:

- Executive Order 11246 (E.O. 11246) [30 F.R. 12319] promulgated by the Office of Federal Contract Compliance Programs (OFCCP) prohibits federal contractors *and federally-assisted construction contractors and subcontractors* who do over \$10,000 in government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin.<sup>5</sup> For federal

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<sup>5</sup> The Department of Labor addresses the intersection of Prop 209 and Executive Order 11246 pertaining to government contractors in the following FAQ: “*If my company is a federal contractor in the State of California, does California’s Proposition 209 mean that I do not need*

contractors or subcontractors with contracts over \$50,000, E.O. 11246 requires them to develop a written affirmative action plan and to take specific affirmative steps to ensure that equal opportunity is provided in all aspects of their employment. An exemption exists, however, for those companies or governments whose sole coverage comes from federally assisted construction contracts. While these entities must comply with 16 special affirmative actions outlined in the equal employment construction contract clause, they are not required to develop a written affirmative action plan.<sup>6</sup> Finally, although state and local governments who are federal contractors or subcontractors or that have federally assisted construction contracts may be subject to Executive Order 11246, *only the agency, instrumentality or subdivision of the state or local government that participates in work under a government contract or subcontract (including a federally assisted construction contract) is subject to the requirements of E.O. 11246.*<sup>7</sup>

- Section 503 of the Rehabilitation Act of 1973 (Section 503) [29 USC § 793] requires affirmative action for qualified individuals with disabilities for all

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*to meet the requirements of Executive Order 11246?* No, as a federal contractor in the State of California you will still need to meet the requirements of Executive Order 11246. Proposition 209 amended California's constitution to prohibit the state from discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting. While Proposition 209 is enforceable in California, it does not affect the application of Executive Order 11246. If a conflict develops..., the requirements of Executive Order 11246 should prevail under the U.S. Constitution's Supremacy Clause...Therefore, federal contractors in the State of California must comply with the Executive Order and its affirmative action requirements.

<sup>6</sup> The 16 affirmative action obligations are: (1) Ensure a Harassment-Free Work Environment; (2) Identify Recruitment Sources; (3) Track Applicants and results; (4) Document Relationships with Union(s); (5) Develop Training Processes; (6) Disseminate (Internally) EEO Policy; (7) Review EEO with Management; (8) Disseminate (Externally) EEO Policy; (9) Document Outreach & Recruitment; (10) Encourage Employee Referrals; (11) Validate Tests Associated with Employment; (12) Evaluate Employee Advancement Opportunities; (13) Review Seniority Practices; (14) Ensure No Segregation; (15) Document Minority and Female Subcontract Solicitation; and (16) Review EEO and AA Obligations with all Supervisors.

<sup>7</sup> The Department of Labor addresses the requirements of state and local governments with a specific FAQ on its website: *"If a State or local government has Government contracts, is it subject to the requirements of Executive Order 11246?* Yes, if the contracts meet the threshold for coverage. However, the requirements of Executive Order 11246 apply only to the agency, instrumentality or subdivision of the State or local government that participates in work on or under the Government contract or subcontract. Further, except for universities and medical facilities, a State or local government agency, instrumentality, or subdivision that has a Government contract is exempt from the requirement to develop and maintain a written affirmative action program."

federal contracts over \$10,000. Although Section 503's affirmative action requirements apply to federal construction contracts, they do not apply to federally assisted construction contracts.

- The Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) [38 USC § 4212] requires that federal contractors or subcontractors with contracts in the amount of \$100,000 or more (including construction contracts) take affirmative action to employ and advance in employment qualified covered veterans. Like Section 503, VEVRAA's affirmative action obligations apply to federal construction contracts, but not to federally assisted construction contracts.

**Recommendation:** Based on the interviews conducted in the course of this Audit regarding the City's contracts with outside entities, we have concluded that the City is not obligated to have a written affirmative action plan under federal law because the City does not have prime contracts or subcontracts with the federal government *and*, as a local government, is exempt from the requirement to have a written affirmative action plan. The City also is not subject to the affirmative action obligations under Section 503 and VEVRAA because it does not have prime contracts or subcontracts with the federal government. The City does, however, enter into public works contracts that receive federal funding and that we believe qualify as federally assisted construction contracts. At most, therefore, it appears that only those subdivisions within the City (e.g., the Public Works Department) that participate under a federally assisted construction contract would fall under the jurisdiction of EO 11246 and would therefore be required to comply with the sixteen affirmative action obligations of the Executive Order. A definitive response to this jurisdictional question, however, requires a more in-depth review and understanding of the City's external contracts, to see if and to what extent obligations have been made contractually that would subject the City as a whole, or specific subdivisions within the City, to the affirmative action obligations of the OFCCP by its application to federally assisted construction contracts.

## **2. Harassment, Discrimination & Retaliation Prevention Policy and Procedure**

The City's Harassment, Discrimination & Retaliation Prevention Policy and Procedure is a comprehensive policy that substantially meets the requirements of state and federal law. It: (i) lists most of the required protected categories; (ii) indicates that City officials, officers, employees, temporary employees, interns, volunteers and contractors are prohibited from harassing or discriminating against applicants, officials, officers, employees, interns, volunteers or contractors on the basis of any protected characteristic; (iii) sets forth a complaint process to ensure complaints receive a designation of confidentiality, to the extent possible, and provides for impartial and timely investigations, and appropriate options for remedial actions and resolutions; (iv) provides a complaint mechanism that permits employees to complain

to someone other than their immediate supervisor; (v) assures employees that if the employer receives allegations of misconduct, it will conduct a fair, timely and thorough investigation in a manner that provides all parties appropriate due process and reaches reasonable conclusions; (vi) instructs supervisors and managers to report immediately complaints of misconduct to the HR Department; (vii) indicates that if misconduct is found after investigation, appropriate remedial measures shall be taken; and (viii) confirms that employees shall not be exposed to retaliation as a result of lodging a complaint or participating in a workplace investigation. Our Audit confirmed that the HR Department follows this Policy when complaints are raised, engaging in a timely, impartial investigation which includes interviewing the complainant, respondent and potential witnesses. The HR Department findings are reviewed with the City Attorney and/or the Police Chief (if the investigation concerns employees within the EGPD) and, if harassment, discrimination retaliation or other inappropriate behavior is found to have occurred, a determination is made as to appropriate discipline. At the conclusion of the investigation, closure letters are provided to both the complainant and the respondent informing them of the results of the investigation.

**Recommendation:** The Harassment, Discrimination & Retaliation Policy Prevention Policy and Procedure should be revised to list *all* protected categories under state and federal law (e.g., “sex” includes pregnancy, childbirth, breastfeeding and any related medical conditions); to carve out a section that specifically addresses sexual harassment and its various forms; to include a statement that specifies that conduct need not be motivated by sex to constitute sexual harassment; and to include a statement regarding personal liability for supervisors or managers found guilty of sexual harassment. We further recommend that the policy include a section that defines “abusive conduct” and that clarifies that such conduct also will not be tolerated. Upon onboarding or revision of the City’s Harassment, Discrimination & Retaliation Prevention Policy and Procedure, we recommend that employees sign an acknowledgement form indicating that the employee has read the Policy and understands its contents. This should be a separate document from the general Personnel Rules and Regulations acknowledgement form. As indicated in the discussion regarding the City’s Equal Employment Opportunity Policy, the City’s Harassment, Discrimination, & Retaliation Policy and Procedures should be moved to immediately follow the Equal Employment Opportunity Policy in the foremost pages of the Personnel Rules and Regulations.<sup>8</sup>

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<sup>8</sup> The City’s HR Department has been effective in communicating the City’s Harassment, Discrimination & Retaliation Policy. As discussed in more detail in Section IV, in response to the Survey, 90% of the respondents strongly agreed that the City’s policies and procedures discourage harassment while 87% strongly agreed that the City’s policies and procedures discourage discrimination. 87% of the Survey respondents also agreed that the City has a complaint procedure for reporting incidents of harassment or discrimination. The goal, however, should be 100% recognition. By requiring applicants and current employees to sign

### 3. Other Recommended EEO Policies and Practices and Revisions

To actively demonstrate its commitment to diversity and further to promote diversity-friendly policies and practices, we recommend that the following policies and procedures be developed and included in the Personnel Rules & Regulations and that the Medical Demotion, Transfer, Termination or Retirement policy articulated in Section 12.11 of the Rules and Regulations be revised.

#### a. Transgender Employment Policy

We recommend adding a Transgender Employment Policy to the Rules and Regulations that addresses the rights of transgender employees in the workplace and that also instructs supervisors and employees as to transgender employment rights. Although there is no requirement under state law to have a written policy addressing Transgender rights, the benefits of having such a policy are two-fold: (1) to help the City's inclusion strategy by welcoming transgender, gender non-conforming and transitioning employees in the workplace; and (2) to clarify the City's obligations with respect to transgender employees under state law. The policy should address state law requirements regarding gender-neutral signage for single-occupancy facilities, equal access to facilities regardless of sex, name and pronoun change requests, preferred name requests, and the policies and procedures that are in place to assist transitioning employees.

#### b. Mission, Vision and Values Statement

The EGPD's Mission, Values, and Vision (MVV) statement was cited in the comments section of the Diversity Survey as evidence of the EGPD's commitment to diversity and inclusion. To further demonstrate its commitment to diversity and to help eliminate the perception that City leadership is not so committed, the City should adopt a Mission, Vision and Values statement (MVV) for all City staff, similar to that of the EGPD. This should be a clearly articulated philosophy and vision about diversity and its connection to the City's mission and values. While the City Council has a vision statement, it does not speak to employees, per se, and says nothing about the value that the City places on workplace diversity and inclusion, nor does it articulate the City's commitment to promoting and maintaining a diverse, inclusive, and high performing culture that makes full use of employees' talents, experience, and backgrounds.

An effective MVV can provide a framework for building and reinforcing the commitment to diversity, while responding to sources of resistance and expressions of concern regarding diversity initiatives. Clear definitions of "diversity," "inclusion" and "affirmative actions" (if applicable) can help in this regard.

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a stand-alone Acknowledgment indicating that they have read and understood the City's Harassment, Discrimination & Retaliation Policy, we believe the City can attain this goal.

### **c. Fair Chance Procedures**

The City should develop written Fair Chance Procedures in response to AB 1008, which became effective on January 1, 2018, and which applies to all public and private employers. AB 1008 amended the California Fair Employment and Housing Act to make it unlawful for private and public employers to ask questions or otherwise seek information about criminal history information from applicants.<sup>9</sup> We recommend that it do so, and provide training to managers regarding these procedures and processes.

### **d. Medical Demotion, Transfer, Termination or Retirement**

Section 12.11 of the Rules and Regulations speaks of “Medical Demotions” and links discipline to an employee’s failure to submit to tests and examinations ordered by management. This policy could act as a barrier to diversity because it does not qualify the conditions under which tests may be required and does not speak to the City’s obligation to engage in the interactive process with employees and to provide reasonable accommodations according to the provisions of the Americans with Disabilities Act and the California Fair Employment and Housing Act. We therefore recommend that this policy be revised to reflect the City’s obligations under applicable law.

Moreover, to the extent certain policies in the Rules and Regulations only apply to the EGPD, the policies should state so explicitly to avoid confusion regarding application of the rules to non-sworn personnel.<sup>10</sup>

## **4. Employment of Relatives Policy**

The City has an Employment of Relatives policy that prohibits current employees from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an

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<sup>9</sup> The new law exempts from its coverage only a handful of positions: positions for which government agencies are required by law to check conviction history; positions with criminal justice agencies; farm labor contractors; and positions for which the employer is required by federal, state or local law to check criminal history or to restrict employment based on criminal history.

<sup>10</sup> For example, the Rules and Regulations do not make clear that criminal background history will only be sought for applicants where permissible under applicable law.

employee who is a “relative”<sup>11</sup> or with whom they are involved in a personal or business relationship, and also prohibits such employees from being in a direct reporting relationship. The City does not have an “Anti-Nepotism” policy that prohibits altogether the hiring of relatives or spouses.

Pursuant to the City’s policies, employees are responsible for notifying their supervisors of their family/personal/business relationship only when the employee “knows or reasonably should know” the relationship could create a conflict of interest or other violation of the policy.

Approximately 10% of the City’s workforce have a familial relationship with at least one other City employee. In large part, this is the result of the City’s inheritance of the Police Department in 2006 at which time there already were many existing family relationships. Of the 33 employees who have a family relationship with another City employee, 30 currently are employed by the EGPD. As a result, and as evidenced by several of the responsive comments to the Diversity Survey, the City of Elk Grove, and particularly, the EGPD, is perceived by some of its employees to have a “nepotism” problem.

The City is aware of the perception of nepotism within the EGPD and is committed to maintaining the integrity of the reporting structure and chain of command within the EGPD to ensure that no family members are in a reporting relationship. This is true for employees outside of the EGPD as well. Of the 33 employees who have a family member that works for the City, we have confirmed that, consistent with the Employment of Relatives policy, none are in fact in a reporting relationship. The City also has taken steps to address concerns regarding the hiring of relatives by asking applicants on NEOGOV to disclose whether they have a familial relationship with anyone in the City’s employ. If the applicant responds in the affirmative, the HR Department will follow up to ensure that the applicant is not applying for a position that would require a reporting relationship with a family member or relative.

**Recommendation:** To address the perception that the City’s hiring practices promote nepotism and/or favoritism, we recommend that the City either adopt a true Anti-Nepotism policy that prohibits the hiring of relatives and those with personal or business relationships altogether, or that the City develop a stronger Employment of Relatives policy. Such a policy should expand the definition of “relative” to include those standing in “loco parentis” to another employee, and also to include aunts, uncles, nieces and nephews, and should require current employees who are relatives or who have a personal/business relationship with another employee and/or with a candidate for employment to disclose promptly the existence of the relationship to Human Resources. Moreover, the revised policy should provide explicitly that

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<sup>11</sup> A “relative” is defined as an “employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), child of domestic partner, sibling or grandparent.”

relatives of present employees may be hired by the City only if the individuals concerned will not work in a direct supervisory relationship with one another **and** the employment will not pose difficulties for supervision, security, safety, or morale. The latter phrase permits the City to evaluate the employment decision pertaining to a relative or personal/business relationship on an individualized basis to determine if the relationship creates an apparent or actual conflict of interest or to determine if the relationship could have legal or other implications for the City, including poor employee morale.

### **B. The City's EEO-Related Training**

The City uses Target Solutions, a web-based training solution providing several training modules that is made available through the CSAC-EIA, the City's primary insurance Joint Powers Authority. In conducting the Audit, we reviewed the following training module outlines from Target Solutions: Disability Etiquette, which is provided to new hires only; Diversity in the Workplace, also offered only to new hires; and California AB 1825 Training: Sexual Harassment Prevention for Office Managers & Supervisors, which is compulsory biennial training for all supervisory and management level employees. The City also mandates one-hour sexual harassment training for non-supervisory personnel every two years that is based on the AB 1825 training provided to supervisors and managers.

The EEO trainings required by the City satisfy and in some aspects exceed the requirements of federal and state law. The City provides compulsory harassment training to supervisors and managers (AB 1825) every two years, which includes the required training component regarding abusive conduct (AB 2053) and mandated training regarding harassment based on gender identity, gender expression and sexual orientation (SB 396). Although not required, the City also provides a one hour Sexual Harassment training every two years to non-supervisory employees and has also provided Disability Etiquette and Workplace Diversity Training to all new hires since October 11, 2016 and June 17, 2017 respectively. Notably, in 2017, the City also offered Principled Policing Implicit Bias Training to *all* of its employees and plans to provide Implicit Bias training to all new hires in the future. The City also facilitates "self-training" of its employees by complying with workplace posting requirements mandated by state and federal law,<sup>12</sup> and through its provision of mandatory notices to onboarding employees, including brochures regarding Harassment, Family Leave, SDI, Workers Compensation, and the Victims of Domestic Violence, Sexual Assault and Stalking Notice.

**Recommendation:** The City can strengthen its EEO training further by incorporating and discussing the City's specific Harassment, Discrimination & Retaliation Policy and Procedure (including the City's complaint and investigation procedures) and the City's (to be revised) Equal Employment Opportunity Policy in its Anti-Harassment and

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<sup>12</sup> The City has a contract with Cal-Chambers to update its workplace posters.

Workplace Diversity trainings. We also recommend that all current employees be required to complete workplace diversity training. The Target Solutions training is a comprehensive and informative training module that emphasizes the beneficial aspects of a diverse workforce and that describes both explicit and implicit bias, while reviewing different scenarios involving discrimination in the workplace. Despite this, in-person training is often more robust and more effective. EEO training also should be expanded to include a review of forms of illegal retaliation, including retaliation for internal or external complaints regarding harassment, discrimination, or a violation of law or policy, and retaliation for taking protected medical leave. Training for managers and supervisors regarding employee leave rights under the Family and Medical Leave Act, the Americans with Disabilities Act, the California Fair Employment and Housing Act, and workers compensation law, and cultural competency training and education on how to manage, lead, and respect cultural differences also should be incorporated into the City's EEO training repertoire. Reasonable accommodation training for managers should include instruction regarding how to respond to requests for religious accommodation and domestic violence/stalking accommodation as well.

### **C. Recruiting Practices**

Our audit of the City's recruiting and hiring practices did not reveal any overt barriers to diversity. It is our impression that the City's HR Department, despite having only five full-time employees, does an admirable job to ensure equal employment opportunity in the application, hiring and promotion process for City employment. Our recommendations for changes to further promote the goals of hiring and retaining a diverse workforce are set forth below.

#### **1. Outreach**

Since 2017, the City has taken positive steps to increase its recruitment efforts to diverse communities with the goal of promoting a diverse workforce. Notably, the HR Department has expanded its job postings for all City positions by entering into a contract with the Professional Diversity Network, which posts City requisitions for a period of 60 days to eight diverse networks that target minorities, women, the LGBTQ community, people with disabilities, and veterans (AsianCareer, BlackCareer, iHispano, Women's Career Channel, Out Professional Network, ProAble, Military2Career, and the Professional Diversity Network). HR also posts jobs through organizations that target specific minority or disadvantaged groups such as the National Association for the Advancement of Colored People (NAACP), the Greater Sacramento Urban League, the Center for Employment Training, and the Sacramento Employment and Training Agency and through more traditional recruiting resources, such as the Western City Magazine, a bi-monthly publication that posts City government jobs. Job openings are also posted on the City's website and on social media sites, such as LinkedIn, Twitter, and Facebook, and on the Elk Grove Citizen Newspaper Facebook page. In 2017, the HR Department also made other efforts to increase the visibility of the City and City jobs by participating in six job fairs, and by

having a booth at community events, such as the Elk Grove Multicultural Fair, the Sacramento Pride Parade, and the Sacramento Hiring Expo.

One potential protected group not represented in the above outreach efforts are older workers. However, when a suggestion was made to post jobs in traditional newspapers where older applicants may be more likely to see the postings, we were told that prior outreach through the Sacramento Bee, the closest major newspaper to Elk Grove, yielded poor results for the high costs of the ads.

In addition, the City does not have, nor has it ever had, any work sponsorships in place to expand outreach to foreigners working legally in the United States, but the HR Department has indicated an interest in exploring the possibility of work sponsorships in the future.

The EGPD also has greatly expanded its outreach efforts to diverse communities in the past year and a half. In 2017 alone, representatives from the EGPD attended a total of 16 outreach and recruiting events in the Elk Grove and Sacramento communities, including the Urban League of Sacramento Diversity Job Fair, the Diversity Employment Day Job Fair, the Sacramento Pride Festival, the Aloha Festival, the Los Rios Academy Career Night, the Multicultural Festival, the Mentoring In Law Enforcement (M.I.L.E.) program, the Valley High School Career Day, and the Links to Law Enforcement Career Fair. As of May 2018, the EGPD had already attended 14 outreach and recruiting events, including several job fairs, a Police and Community Relations class at Sacramento City College, a Law Enforcement Candidate Scholars Program at the State Capitol, the Elk Grove High School College & Career Fair, and the Criminal Justice Conference at Sacramento City College.

A highlight of the PD's recruiting efforts is its participation in the Links to Law Enforcement Program, a regional effort involving Asian Resources, Inc., the Greater Sacramento Urban League, and La Familia to link culturally diverse groups with the resources and mentorship needed to assist them in pursuing a career in law enforcement. Notably, in 2017, the EGPD also hosted a Careers in Law Enforcement Workshop for the public to provide information about the duties of Police and Community Service Officers, to describe the benefits offered by the EGPD, and to inform regarding the hiring process.

The EGPD's diverse outreach also extends to community events. In 2017, several male members of the EGPD participated in the Walk a Mile in Her Shoes, an international men's march to stop rape, sexual assault, and gender violence. All participants walked a mile in high heeled shoes.

**Recommendation:** The City has greatly expanded its outreach efforts in the past two years to attract a more diverse applicant pool. Much of this effort, however, has been

focused on recruiting from organizations representing minority populations. Other than posting through the Professional Diversity Network, we found little evidence of outreach to persons with disabilities, veterans, or to women-based groups. The City and the EGPD should expand their outreach efforts to include these groups as well, for example, by hosting a Women in Policing Career Fair or partnering with one of the many veterans organizations in the Elk Grove and/or Sacramento areas.

The EGPD's Careers in Law Enforcement Event should be repeated on a biennial basis to encourage the public and members of the local community to consider a career in law enforcement, particularly with the EGPD.

Potential work sponsorships also could be explored on behalf of the City as part of an inclusive strategy that promotes understanding between employees with different cultural backgrounds and ethnicities.

Finally, the HR Department and EGPD should conduct a specific analysis to determine the efficacy of different outreach attempts and efforts and to ensure that time and resources are not spent on outreach that is not productive.

## **2. Recruiting Selection Process**

The City's HR Department is responsible for administering the recruitment and hiring of the City's non-sworn personnel.<sup>13</sup> This job is assigned to one HR Specialist within the HR Department.

When the need for a position requisition arises, the HR Department works with the Hiring Manager in the Department to (1) develop a specific outreach and recruitment plan for the particular position, (2) review the job description and the basic and preferred qualifications for the position, and (3) develop supplemental questions to include on the application for the particular job posting. When these steps are complete, the HR Department posts the job on NEOGOV, a cloud-based, HR-focused application that automates the hiring process for the City by storing all job classifications, hosting job postings and applications, and providing a means for the HR Department to review, sort, and track applications at various stages of the hiring and interviewing process. At the close of the posting period, the HR Specialist reviews the applications submitted to determine which candidates meet the minimum qualifications for the job. A NEOGOV-based disposition code is then assigned to each application, indicating whether the applicant meets the minimum qualifications or whether the applicant is "not amongst the most qualified." Those that meet the minimum qualifications are then passed along for further review by the Hiring Manager in the Department, who in turn determines which candidates to interview. Although NEOGOV requests, but does not require, applicants to self-identify with

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<sup>13</sup> Separately, EGPD employs staff to administer specific HR and administrative functions that are specific to the EGPD involving the recruitment of sworn personnel, and the screening and selection of applicants for sworn positions.

respect to their EEO information, this information is not available to or accessible by the HR Specialist or Hiring Manager involved in the evaluation and selection of candidates.

The HR Department drafts the interview questions for the particular position, and works closely with the Hiring Manager to assemble an appropriate interview panel.

The HR Specialist provides training to all interview panelists prior to the interview, including a review of the questions to be asked during the interview, and how to respond if an applicant veers “off course” when responding. Panelists take notes during the interviews and at the conclusion of the interview round, a ranking system is used to score candidates based on a defined set of criteria. In most cases, a second round of interviews follows the first, consisting of the three highest ranking candidates from the first round. Documentation of interview notes and rankings are maintained.

**Recommendation:** Our overall perception is that the HR Department does an excellent job managing the hiring and interviewing processes within the City. The HR Department provides structure to interviews by making sure all job candidates are asked the same questions, reducing the chances of unforeseen prejudices influencing the outcome. To reduce the potential for inappropriate interview questions, the HR Department reviews the interview questions with the assembled panels beforehand and also rehearses ways to return “off script” candidates back to script. Documentation of interview “rankings” as well as notes from the interview panels are reviewed by the HR Department at the conclusion of the interview process and are stored on an internal HR Department specific drive. The HR Department also recently began requiring Hiring Managers to document the rationale for its screening dispositions on NEOGOV, to ensure transparency in the application review and selection process.

As part of this Audit, we reviewed the City’s application on NEOGOV to ensure conformity with applicable law, including recent state legislation that went into effect on January 1, 2018, prohibiting organizations from asking about conviction history prior to a conditional offer of employment being made,<sup>14</sup> and prohibiting organizations from inquiring about prior salary history and an applicant’s gender, actions which have been demonstrated to disparately impact minorities and women in the hiring process. Although the HR Department had blocked these inquiries for non-PD related positions in compliance with the new laws, in leaving these areas of inquiry open for the EGPD, they were functionally left onscreen on NEOGOV. Miller Law Group informed the HR Department of this issue and the HR Department immediately blocked the question fields on the NEOGOV application for all positions, thereby eliminating this potential barrier to diverse hiring.

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<sup>14</sup> This does not apply to applicants for certain positions within the EGPD.

Our review of the recruitment selection process did not reveal any additional potential barriers to diversity hiring but additional steps can be taken to ensure and document objectivity in the hiring process. The HR Department screens and assigns disposition codes to candidates, and the Hiring Managers then select applicants for interviews, without any knowledge of the applicant's demographic information (which applicants can, but are not required to, self-disclose at the application stage). To promote increased objectivity in the process, an additional step should be taken to block the applicant's name during the screening and initial interview-selection phase of the hiring process. Also, an analysis could be done of those applicants who do not meet the minimum qualifications to ascertain whether the minimum and/or preferred qualifications of the position create barriers to diverse hiring.

In response to a January 2018 audit that was conducted of the City's HR Department and its policies and practices, the HR Department recently has implemented a practice of asking the Hiring Managers to document their selections for interviews on NEOGOV. While disposition codes previously were used to indicate those "not the most qualified" and those "meeting minimum qualifications," the Hiring Managers have now been asked to supplement the disposition codes with comments documenting the rationale behind their screening dispositions. An alternative approach would be to use a broader range of disposition codes and/or a ranking of applicants at the initial screening and interview-selection stage to document the process and address any potential claims of subjectivity in the process. While comments can provide a more specific basis for the rationale behind selections, if used, we recommend that the HR Department develop a process to consistently audit these comments to make sure they are job-related and do not make any reference, explicitly or implicitly, to any protected characteristics.

We also examined the City's practices with respect to reviewing job classifications to eliminate potential barriers to diverse recruitment and hiring. Our Audit confirmed that the HR Department does review job descriptions and classifications periodically to ascertain the basic and preferred qualifications for City positions, although there is no set schedule for these periodic reviews. In the past several years, the HR Department has engaged the services of outside consultants to conduct an analysis of job descriptions and classifications. There has not, however, been an ongoing analysis of the status of minority employment within the City by department, classification and position, nor are job descriptions studied and rewritten with the purpose of creating lower entry classifications and potentially eliminating barriers to recruitment and hiring, as indicated in the City's written affirmative action plan.

With respect to the City's interviewing process, we found no evidence of any barriers to diversity. The HR Department's practice of drafting the interview questions to be asked and reviewing these questions with interview panelists ensures objectivity in the interview process, and that inappropriate and/or illegal interview questions are not asked. Ranking applicants during the interview process is based on a defined set of criteria which also promotes fairness and objectivity in the process.

A final note regarding barriers to diversity and equal employment opportunity in the hiring and promotion processes. Section 6.1 of the Rules and Regulations allows the City Manager to fill a position without posting if “determined to be in the best interests of the City.” Based on the Diversity Survey responses and comments, there is a perception that certain positions within the City have been offered to current employees or to outsiders in the absence of a competitive application/promotion process, leading to claims of favoritism and unfairness in these processes. To address this issue, the City should consider eliminating this “appointment” provision altogether, or modifying it to define “best interests” and to specify that this provision will only be invoked in special and extraordinary circumstances, and that any appointment pursuant to this provision will be subject to review by the Human Resources Department or by special committee.

### **3. Review of Applicant Tracking System on NEOGOV**

Our review of the “exam plans” on NEOGOV (which contain applicant tracking information for particular requisitions) confirms that the City completes the steps in the requisition and hiring process as indicated by the HR Department in our interviews. That is, all applicants are assigned a disposition code, applicants who were selected for interviews are properly tracked as having been selected for the interview stage and for a second interview (where applicable), as is the individual selected for the position. Our review confirmed that disposition codes are used appropriately and consistently by the HR Department and by the Hiring Manager of the Department. Although Department Hiring Managers recently have begun supplementing disposition codes with comments, this is not yet done consistently, but the comments we did review explained appropriately and briefly the rationale underlying interview and final selections. As indicated above, we recommend that the HR Department develop a process to consistently audit these comments to make sure they are job-related and do not make any reference, explicitly or implicitly, to any protected characteristics.

NEOGOVS has the capability to run standard and custom reports on a variety of categories including: advertising costs, applicants, eligible list, exam plan, hires, interest cards, postings, referred list, requisitions, statistical reports, system administration, tests and vacancies. Within the applicants option, NEOGOVS has the capability to run reports related to, among other things, applicant flow and evaluation step process (by requisition and by disposition code)<sup>15</sup>. These features provide the City with tools to conduct robust analyses to determine if barriers to hire exist by each step within the requirement process, by requisition. The City may need to retain a statistician to determine if there is statistical significance at any particular step for any particular requisition.

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<sup>15</sup> Dispositions codes vary slightly by requisition but include: Application received, meets minimum qualifications, oral interview, and hired. Some requisitions also include codes for testing and automated scores for varied steps.

#### D. EEO Reporting Practices and Reports

The EEO-4 Survey report summarizes a public employer's workforce. It provides a count of employees by job category. Within each of the eight job categories, employees are further sorted by race/ethnicity<sup>16</sup> and by gender within eight salary bands. EEO-4 reports are due every two years. The City's EEO-4 forms are regularly and timely filed.

The City invites applicants for employment to voluntarily provide EEO demographic information as part of the online application process. Although this data is stored in an applicant's Master Profile on NEOGOV, the HR Department employee in charge of screening applicants on NEOGOV does not have access rights to this information. If an applicant is offered employment, a second opportunity to self-identify is provided to employees during the onboarding process. New employees are provided with a New Hire Checklist which contains a box for each of the race categories. The New Hire Checklist does not seek information regarding ethnicities or gender.

Consistent with the law, which authorizes employers to do a visual identification of employees to capture the EEO makeup of its workforce, especially with respect to those employees who decline to self-identify, the HR Department engages in a process whereby it first reviews the information in the Master Profile to see if the employee self-disclosed EEO demographic information at the time of applying. If the employee did not, the HR Department does a visual identification and enters the information into an HR database used for storing EEO-4 information for reporting purposes.

**Recommendation:** In the course of conducting its analyses for this Audit, Berkeley Research Group worked with the City to conduct a further drill down of the EEO categories used in the City's EEO- reports to ensure more accurate, specific reporting. As a result, the categorization for several job positions within the City has been revised. Going forward, the City's EEO-4 reports should be revised to reflect these new categories. The City's New-Hire Checklist also should be revised to include the two ethnicity categories and sex/gender to further ensure accurate EEO demographic reporting.

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<sup>16</sup> There are seven race (White, Black or African American, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, or Two or more races) and two ethnicity categories ("Hispanic or Latino" and "Non-Hispanic or Latino")

## E. Onboarding and Talent Management

We reviewed the onboarding/orientation process for the City's new hires to evaluate its effectiveness and make recommendations with respect to the City's goal to hire and retain a diverse workforce.

The responsibility for the orientation of new employees lies with the HR Department. A new hire checklist is used to ensure that new hires receive required information about their rights and benefits. New hires are also asked, but not required to, self-identify at this time. Our assessment is that the HR Department does a good job of familiarizing employees with the City's Personnel Rules and Regulations, and other employee rights and responsibilities, while providing employees with all required notices and benefit information. The HR Department also ensures that new hires receive required EEO trainings and also provides additional training to new hires that is not required by law. Although these practices are sufficient, the City could take additional steps to make all new hires feel welcome and to promote a diversity and inclusivity agenda, as set forth below.

**Recommendation:** The City's diversity and inclusion agenda should be communicated and articulated to all employees. To this end, in addition to providing new hires with the Personnel Rules and Regulations for their purview, we recommend that the HR Department review with each new hire the City's Equal Employment Opportunity Policy and the Harassment, Discrimination & Retaliation Policy, including the complaint procedure outlined therein.

New hires also should be required to sign a specific and separate acknowledgement of the City's Harassment, Discrimination & Retaliation Policy, indicating that they have read and understand the Policy and that any questions regarding the Policy should be directed to the HR Department. The onboarding process should also provide employees with an understanding of the City's mission and values with respect to diversity. As suggested previously, the City should adopt an employee-focused MVV statement which emphasizes diversity, among other core values, that could then be reviewed with employees at the start of their employment with the City.

With the goal of retention, the City could also establish a mentoring program that attempts to match diverse new hires with peer mentors from the same gender and/or ethnic background who can share their experience working for the City and/or with management mentors from the same or different departments who can impart their wisdom and experience to new hires. Alternatively, the City could host a diverse employee panel event for new hires where new hires can meet and hear from existing employees from different protected groups regarding their backgrounds and experiences working for the City. The City also could establish a diversity task force that consists of employees from different departments and varying supervisory/managerial levels and that focuses on diversity and inclusion issues and strategies.

To retain a diverse workforce, all employees should participate meaningfully in building and supporting a workplace that serves all of the City’s employees respectfully. These expectations can be set forth in performance appraisals. The current evaluation used by the City evaluates teamwork, specifically, the employee’s ability to work cooperatively with coworkers to get the job done, and in a manner that is helpful and courteous. This “teamwork” component could be expanded to include a diversity component. Likewise, managers and supervisors should be evaluated with respect to their “cultural competencies” (the ability to interact effectively with people of different cultures).

#### F. Promotions

Pursuant to Section 8.10 of the Rules and Regulations, the HR Department and Department Heads are responsible for informing employees of opportunities for promotion to more responsible positions. Consistent with this policy, announcements for all recruitments are provided to City employees in advance of job postings. In deciding whether to open positions to outside recruitment, the HR Department, along with the Department Head, first try to ascertain the internal candidates for a promotion to determine if there are enough internal candidates who meet the basic qualifications of the position. If there are an insufficient number of internal candidates, the City will conduct an external recruitment whereby internal and external candidates can apply for the position at issue. If, however, there are a sufficient number of internal candidates for the position who meet the minimum qualifications, the recruitment will be conducted internally only on a competitive basis. Most, but not all recruitments are handled through NEOGOV although some recruitments are handled through outside recruiting firms.

In the five-year span from 2013-2017 there were seventy-nine promotional opportunities within the City. Six of those opportunities were filled by appointment by the City Manager and were not the result of a competitive recruitment process.<sup>17</sup> Of the remaining positions, sixteen, or 21.9%, were filled by external, competitive recruitments; fifty-seven, or 78.1%, were by internal, competitive recruitments. Of the 79 total appointments/promotions, the breakdown by race/ethnicity and gender is as follows:

Asians	8	Females	38
African American	7	Males	41
Hispanic	19		
White	45		

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<sup>17</sup> The City Manager appointments were for the position of Deputy City Manager, Assistant to the City Manager, Police Chief, Assistant Development Services Director, Development Services Director, and Human Resources Manager.

The Diversity Survey elicited responses evidencing concern regarding the objectivity of hiring and promotional decisions. The majority of these concerns were not focused on diversity per se. Rather, concern was expressed regarding the overall “fairness” of the promotion process, and whether individuals are informed of promotional opportunities prior to these positions being filled. That said, some of the comments focused on the lack of diversity, specifically with respect to females in higher level positions<sup>18</sup>. As observed by one respondent, there are no female department directors in the City and fewer female department managers/supervisors than males. Our count revealed 40 males in leadership positions —Public Works Director, Community Development Director, Assistant Development Director, Economic Development Director, Police Chief, 2 of 2 Police Captains, 5 out of 7 Police Lieutenants, all 18 Police Sergeants, Finance Director, Assistant City Manager, City Clerk, City Attorney, Budget Manager, Purchasing Manager, Property and Evidence Manager, Fleet and Facilities Manager, Planning Manager, and Transit Manager— and 16 females (the former City Manager, Deputy City Manager, 2 Assistant City Attorneys, Solid Waste Manager, Housing Manager, Support Services Manager, Accounting Manager, Human Resources Manager, Code Enforcement Supervisor, Animal Services Manager, Dispatch Manager, Records Manager, 2 Police Lieutenants and the Assistant Clerk.) Although the overall promotional numbers do not suggest any barriers to promotional opportunities for females, there is a significant enough disparity between the number of females and males in higher-level positions that suggests a closer look should be made to determine whether employment hiring and promotional decisions were objective based on the qualifications of the available pool of candidates.

**Recommendation:** Promotional opportunities within the City are critical to maintaining morale because they assure current employees that there is opportunity for growth. Internal promotions can also help to build respect for upper management and are a means by which the City can show appreciation for hard work and excellent service. Section 7.3 of the Rules and Regulations provides that when in the best interests of the City, vacancies may be filled by promotion, and that the HR Department, in consultation with the affected Department Head, will determine whether a promotional or open competitive recruitment would best meet the needs of the City. As with Section 6.1 (Hiring), the “best interests of the City” and “the needs of the City” are not defined and there do not appear to be particular, objective standards used in making these determinations as to external or internal recruitments. When standards are not objective nor clearly defined, and where there is no clear system for choosing candidates for promotion, there is more opportunity for bias, whether explicit or implicit, to inject itself into employment decisions, and/or for employment decisions to be *perceived* as discriminatory or unfair. To ensure increased objectivity, and to address perceptions of unfairness, these “best interest”

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<sup>18</sup> Several of the responses also expressed concern that certain employees are being hired or promoted over more qualified individuals *because of* their diverse characteristics and/or background.

provisions should be removed altogether from the Rules and Regulations, and a clear promotion policy should be developed which includes a description of how and when employees are notified of promotion opportunities, how those opportunities are posted, and the conditions under which external and internal recruitments are conducted. The policy should also set forth clear, objective selection criteria for promotions and a ranking system should be used to evaluate both external and internal candidates for promotion (just as ranking is used to evaluate interviewees during the recruitment selection process). Finally, the decision-making process should be documented and records retained and an analysis should be conducted periodically to determine whether any particular protected class appears to be missing out on promotions with respect to the City as a whole, and particularly, with respect to promotions within specific departments and/or to higher level positions.

### **G. Separations and Terminations**

There are three City employees who have employment contracts (City Manager, City Attorney, and City Clerk) and the agreements specify that their employment at the City is at will. Employment also is at will for all Department Heads. For other City employments, termination is for cause and subject to the disciplinary processes outlined in Rule 17 of the Rules and Regulations and to the Progressive Discipline Procedure in Rule 17.2. These processes ensure objectivity in the termination process for most City employees. In addition to following the process outlined therein, the HR Department reviews all termination decisions with the City Attorney prior to those decisions taking place. Notably, the City has had only one claim for wrongful termination in the last five years. This record speaks for itself and we did not identify any evidence to suggest that there are barriers to diversity in the City's termination process or procedure.

### **H. Marketing**

We reviewed the 2017 Annual Report prepared by the EGPD and were impressed with its apparent focus on diversity. Diversity is mentioned in each of the three components of the EGPD's MVV statement. Moreover, in describing the 19 new hires to the EGPD in 2017, the report describes the Department's focus as "providing our citizens with a top-notch workforce reflective of our diverse community."

The featured photographs also emphasize the diversity of the EGPD and the EGPD's participation in diverse community events such as the Special Olympics, and the Walk a Mile in Her Shoes event.

We reviewed the EGPD Facebook page and were impressed with recent postings that demonstrate diversity within the EGPD. Of note was the recent picture posted of the newly hired Community Service Officers (CSOs). Past pictures of the CSO group have revealed a homogenous (White) group of officers. The most recent photo showcases a much more diverse group. Facebook posts and photographs depicting

the EGPD's participation in the Pride Parade and in the WEAVE walk events also are illustrative of the EGPD's commitment to issues affecting the LGBTQ and women's communities and are valuable tools for promoting diversity and inclusion both within and outside of the Department.

## **V. THE DIVERSITY, INCLUSION AND EMPLOYEE ENGAGEMENT SURVEY**

### **A. Process And Questions**

In conjunction with City management and Daylight Justice, Miller Law Group developed a comprehensive Diversity, Inclusion and Employee Engagement Survey ("Diversity Survey" or "the Survey") that was distributed to all City employees for completion. All City employees were sent a link to take the Diversity Survey online via surveymonkey.com and it explicitly stated that it was voluntary and all responses were anonymous. The Survey was made available to employees for over two weeks.

The Diversity Survey was designed to measure, both qualitatively and quantitatively, the areas that are addressed in this Audit and employee satisfaction and their views on the City management. It contained 62 questions in seven areas of questioning: Employer Attitude toward Diversity, Workplace Culture, Inclusion and Equity, Interaction, Engagement, Policies and Procedure, Demographic Information, and a section with open-ended questions for employees to provide responses in their own words.

### **B. Results**

211 individuals responded to the survey out of 324 total employees (65% response rate). Survey takers took an average of 14 minutes to complete the Survey which indicates that the respondents took the survey seriously.

### **C. Overall Analysis**

#### **1. Employer Attitude toward Diversity**

This section was designed to measure the City and individual supervisors' commitment to a diverse workforce which is reflective of the population served and to a workplace which is respectful towards individuals and their differences:

- 83% strongly or somewhat agreed that the City is committed to having and supporting a diverse workforce.
- 78% strongly or somewhat agreed that their immediate supervisor is committed to, and supports a diverse workforce.
- 80% strongly or somewhat agreed that the City respects individuals and values their differences.

The City received less favorable ratings related to the recognition of the value of a diverse workforce and that the City's workforce reflects the population it serves:

- 57% strongly agreed, somewhat agreed or were neutral that the City could do a better job recognizing the value of diverse workforce.
- 50% strongly agreed or somewhat agreed that the City's workforce is reflective of the populations it serves.

## 2. Workplace Culture, Inclusion and Equity

The Survey demonstrated that employees who are different are treated fairly and valued equally but it is less clear that employees in different age groups are valued equally by their co-workers, and a significant number of respondents reported witnessing bias or unequal treatment while working for the City.

- 78% strongly or somewhat agreed that the employees who are different from most others (race/ethnicity/gender/age) are treated fairly by the City.
- 73% strongly or somewhat agreed that employees appreciate employees whose race or ethnicity is different than their own.
- 71% strongly or somewhat agreed that City management is committed to meeting the needs of employees with disabilities.
- 42% somewhat agreed or were neutral that City employees of different age groups are valued by their co-workers.
- 20% strongly or somewhat agreed that they have witnessed bias or unequal treatment while working at the City. (Slightly higher among the EGPD respondents.)

The City received positive feedback for equal opportunity in the recruiting/hiring process and for fair compensation, but less for the City's promotion processes:

- 72% strongly or somewhat agreed that the City is committed to equal opportunity in the recruitment process.
- 71% strongly or somewhat agreed that the City is committed to equal opportunity in the hiring process.
- 60% strongly or somewhat agreed that the City is committed to equal opportunity in the promotion process.
- 74.75% strongly or somewhat agreed that the City's total compensation practices are fair and equitable.

The reviews were mixed on whether the City prioritized the development and retention of a diverse workforce:

- 31% strongly agreed that the City could do a better job (11% among the EGPD respondents.)
- 35% were neutral as to whether the City could do a better job.
- 33% either strongly or somewhat agreed that City did not need to do a better job.

### **3. Interaction**

The Survey showed that employees of different backgrounds interact well in the workplace. (All slightly lower among the EGPD respondents).

- 67% strongly agreed that employees of different racial/ethnic backgrounds interact well.
- 67% strongly agreed that employees of different genders interact well (57% for the EGPD respondents.)
- 59% strongly agreed that employees of different age groups interact well.
- 59% strongly agreed that employees of different sexual orientation interact well.
- 60% strongly agreed that employees of different religions interact well.
- 64% strongly agreed that employees interact well with employees who have disabilities.

City employees interact with each other in a friendly, pleasant way:

- 86% strongly (59%) or somewhat (27%) agreed the City employees interact with each other in a friendly, pleasant way.
- 10% did not agree or disagree that City employees interact with each other in a friendly, pleasant way, and 4% somewhat or strongly disagreed.

### **4. Engagement**

The City received favorable feedback related to workplace pride and environment:

- 88% strongly or somewhat agreed that they are proud to work for the City.

- 86% strongly or somewhat agreed that they would recommend the City as a great place to work.
- 88% strongly or somewhat agreed that they saw themselves working for the City in two years' time (70% strongly).

Survey respondents indicated that they knew what they needed to do to be successful and had access to the tools, training, and development to do their jobs well:

- 88% strongly or somewhat agreed that they know what to do to be successful in their roles.
- 86% strongly or somewhat agreed that they have access to the tools, training and development needed to do their jobs well.

The City received mixed feedback with respect to providing career opportunities, keeping employees informed and taking feedback seriously.

- 66% strongly or somewhat agreed that there are good career opportunities at work.
- 55% strongly or somewhat agreed that City leadership takes feedback seriously (lower among the EGPD respondents).
- 60% strongly or somewhat agreed that City leadership keeps employees informed (lower among the EGPD respondents).
- 51% strongly or somewhat agreed that City leadership communicates a vision that motivates them (only 23% strongly).

## **5. Policies and Procedure**

Survey responses indicate the City has done an effective job communicating its policies regarding discrimination and harassment.

- 90% strongly or somewhat agreed that the City's policies and procedures discourage harassment.
- 87% strongly or somewhat agreed that the City's policies and procedures discourage discrimination.
- 87% strongly or somewhat agreed that the City had a complaint procedure for reporting incidents of discrimination or harassment.

- 81% strongly or somewhat agreed that the City would take appropriate action in response to incidents of discrimination or harassment in the workplace.

**D. Demographic Differences**

The City generally received positive feedback related to diversity efforts but an examination within the various ethnic/racial groups provides important context and shows disparities. When broken down by ethnicity, survey responses show that, (1) African-American employees (though in a small sample) have much less positive views on City diversity efforts, (2) Asians have less positive views than White employees and (3) Hispanic/Latinos are slightly less positive than White employees but are more positive than Asian employees. This is shown by the two questions below:

The City is committed to having and supporting a diverse workforce (select one).					
	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<b>Hispanic or Latino</b>	<b>52.00%</b>	<b>24.00%</b>	<b>8.00%</b>	<b>8.00%</b>	<b>8.00%</b>
White	62.62%	27.10%	7.48%	1.87%	0.93%
<b>Black or African American</b>	<b>11.11%</b>	<b>22.22%</b>	<b>44.44%</b>	<b>11.11%</b>	<b>11.11%</b>
<b>Asian</b>	<b>46.67%</b>	<b>26.67%</b>	<b>20.00%</b>	<b>6.67%</b>	<b>0.00%</b>

City leadership could do a better job recognizing the value of a diverse workforce (select one).					
	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<b>Hispanic or Latino</b>	<b>8.00%</b>	<b>28.00%</b>	<b>24.00%</b>	<b>16.00%</b>	<b>24.00%</b>
White	6.54%	9.35%	31.78%	24.30%	28.04%
<b>Black or African American</b>	<b>44.44%</b>	<b>11.11%</b>	<b>44.44%</b>	<b>0.00%</b>	<b>0.00%</b>
<b>Asian</b>	<b>13.33%</b>	<b>20.00%</b>	<b>40.00%</b>	<b>13.33%</b>	<b>13.33%</b>

**E. Qualitative Responses**

Individual survey responses revealed that there are quite varied views among City employees with respect to views on workforce diversity, nepotism, favoritism, City

policies and other matters. To provide this important context we are including select verbatim responses below.

- *I feel as though the City takes into account who is qualified for the position. Whether or not that individual is of a different racial background is not what matters. Ultimately, the person who is the most qualified is hired, as it should be. The City is committed to serving the public and I do not feel that race should be a factor.*
- *City Hall - Do not recall any actions, strategies, or mere conversation from those in management which showed any concern regarding workplace diversity. EGPD- Has shown initiative with MVV, and recruitment committee. Also, new hires have been very diverse with age, race, and gender. Over all, both PD and City Hall need to be more diverse. Also Management, both PD and City Hall need to be more diverse.*
- *I can see the diversity in its new hires and current staff.*
- *The City is committed to diversity but more importantly, it is committing to finding the BEST employees to perform the job regardless of their race, ethnicity, gender, religion, disability status, etc....As a resident myself, I'd want to be served by the best person to get the work done, not necessarily someone I can "identify" with...Qualifications matter more than identifications.*
- *Need more diversity at senior management level*
- *I don't think we should hire based on diversity....we should hire based on merit and knowledge*
- *We have a lot of great female leadership in this organization but I think their wisdom and experience is going to waste as they are too busy and/or just don't think to make time to share it with the younger up and coming female employees. I think the City could greatly benefit from a formal mentorship program where employees are matched with someone for a set period of time that they can go to for professional advice and/or coaching.*
- *Our workforce is diverse in terms of gender, ethnicity and national origins compared to the surrounding agencies. It appears the City emphasizes and values hiring a diverse workforce over a competent workforce.*
- *The city recruits in diverse areas and they are very inclusive.*

- *I feel hiring practices should be based on the most qualified not one's ethnicity*
- *More training on diversity, the racial bias training was very good and the City Manager was involved, it was great to see the higher-ups get involved, it shows how serious they are and their commitment.*
- *In the past couple years since it has become a very public issue they've tried to hire more minorities and women. Seemed like a forced issue for appearance*
- *There had been no outreach or recruitment of minorities before 2 years ago. There is no support or mentorship toward minorities for advancement or special assignments like there are for whites. Speaking opinions of racial bias gets you labeled as "angry" or "disgruntled."*
- *It feels like they actually overly try to be diverse and that can be uncomfortable.*
- *I have seen firsthand at the police department the effort made to recruit diverse candidates. This effort is sometimes so great that I have often heard employees question whether quality candidates are being passed on for less desirable candidates based on gender or ethnicity.*
- *I know that it the City's goal is to have a diverse workforce however in our line of work it's more about who is best qualified for the job.*
- *Lack of diversity in management positions. Lack of promotional opportunities for existing staff.*
- *I think the City sometimes hires people based more on their ethnic background as opposed to them being best suited for the position*
- *I feel that the best educated and experienced person should be hired for a job and a diversity quota should not be considered when hiring.*
- *It seems to me that this city takes too much effort into becoming diverse, instead of hiring the most competent and capable person for the position. I feel people are overlooked, who may be more qualified, in favor of someone who is less qualified but may be more diverse.*
- *When I look around I note there are no female department heads and less female than male managers and I think it important to make sure that there is more of a gender balance. This is not to say that I think there is explicit bias but I think we need to do a better job or recruiting women into these*

*high level positions...Other than the City Manager and deputy City Manager there are no women department heads. It is something to think about. The did not go out to interview for the Community Development Director or Assistant Community Development Director positions which often receive female applications...*

- *Instead of the Diversity Workforce issue, the city should concentrate on the must qualified person for the job. This diversity issue has the aura of the discriminatory practices of Affirmative Action.*
- *I believe that the City actively seeks a diverse group of candidates for our workforce. Even though I am a minority, I am not a true believer in diversity, I believe the most qualified person for the job should get the job. I also don't believe that the City's workforce needs to reflect the diversity of the community. Again, the most qualified candidates should get the job.*
- *Recent public statements by elected officials lead me to believe that I will be passed over for promotion because I am not an ethnic or racial minority.*
- *It doesn't seem very diverse in orientation or in genders other than strictly male/female....I've also noticed there aren't very many Middle Eastern employees here.*

## **VI. STATISTICAL ANALYSES**

### **A. Compensation Analysis**

BRG analyzed the annual base salary of City employees to evaluate the extent to which there is evidence of meaningful differences between employees based on gender or race. BRG's findings were that the statistics suggest that there is no bias in salary on the basis of gender or race. None of the analyses for females or any racial minority showed statistically-significant differences in annual base salary when job grade was included in the model. Several models that did not include job grade did show significant differences for Exempt female employees which may warrant further review, but none of the racial minorities had statistically-significant differences when compared to White employees. BRG's Compensation Analysis Summary is included as Exhibit B.

### **B. Workforce Analysis**

BRG analyzed the demographic composition of City employees as compared to the demographic composition of the Relevant Labor Market (RLM), in particular, whether any "subgroups" of race and gender were significantly underrepresented in the City employee population. BRG's review demonstrates high demographic similarity between City employees and the RLM. Only a few statistically-significant differences

were found regardless of how the RLM is defined. These results provide evidence that personnel recruiting and selection practices at the City are non-discriminatory.

In conducting its Workforce Analysis, BRG also conducted its statistical analyses using demographic information pertaining to contractors who work on site at the City. Although these individuals are not directly employed by the City, and the City has little control with respect to the hiring practices of the companies who employ these workers, the City asked that a workforce analysis include these contractors, because they often work onsite at the City or at City-operated locations, and can mistakenly be perceived as City employees by both the public and other City employees. BRG's review demonstrated high demographic similarity between City employees and its contractors and the RLM. BRG's Workforce Analysis Report is included as Exhibit C.

### **C. Job Analysis**

BRG reviewed the accuracy of the current Equal Employment Opportunity (EEO) occupation codes assigned to each of the 123 jobs at the City in order to ensure that the EEO classifications were appropriate for grouping employees performing similar work. BRG was able to confirm the accuracy of EEO classifications for most City jobs and worked with the city's HR Department to revise 45 job codes, resulting in a final list of EEO classifications for each job at the City. BRG's Summary of Job Analysis and EEO Category Validation is included as Exhibit D.

Enclosures

4851-8631-2811, v. 2

Part A – Employer Attitude toward Diversity (5 questions)

Dear City of Elk Grove Employee,

Miller Law Group has been engaged by the City of Elk Grove to review its employment practices, procedures and policies. In connection with this review, we would like to know what you think. We are asking for you to take a few minutes to complete this anonymous workplace survey to help us understand how those impacted most feel about working for the City of Elk Grove and to understand how the City is doing in supporting a diverse workforce in all respects: gender, race, ethnicity, religion, etc. Participation in the survey is completely voluntary but we would greatly appreciate your response. Please note that we are not asking for your name and all individual responses to this survey will remain confidential and anonymous. Response information will only be reported to the City of Elk Grove in the aggregate and no effort will be made by the City of Elk Grove to ascertain how any individual person responded. For all of the questions below, the “City” refers to your employer, the City of Elk Grove.

We estimate that the survey will take approximately 10 minutes to complete. Please submit your survey responses by Tuesday, May 1, 2018.

Thank you in advance for your participation.

1. The City is committed to having and supporting a diverse workforce (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

2. The City respects individuals and values their differences (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

3. City leadership could do a better job recognizing the value of a diverse workforce (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

4. My immediate supervisor is committed to, and supports, a diverse workforce (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

5. The City's workforce is not reflective of the populations it serves (select one).

Strongly Agree

Somewhat Agree

Neutral

Somewhat Disagree

Strongly Disagree

Part B – Workplace Culture, Inclusion and Equity (15 questions)

6. A fair workplace includes people from every race/ethnicity/gender (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

7. Employees who are different from most others (race/ethnicity/gender/age) are treated fairly by the City (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

8. City employees appreciate other employees whose race or ethnicity is different from their own (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

9. City management demonstrates a commitment to meeting the needs of employees with disabilities (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

10. City employees of different age groups are valued equally by their coworkers (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

11. There are barriers to diversity and inclusion in the City (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

12. The City is committed to equal opportunity in the recruitment process (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

13. The City is committed to equal opportunity in the hiring process (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

14. The City is committed to equal opportunity in the promotion process (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

15. The City's total compensation practices (salary, merit increases, benefits) are fair and equitable (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

16. The City could do a better job of prioritizing the development and retention of a diverse workforce (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

17. Employees are encouraged to apply for higher positions within the City regardless of their race or ethnicity (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

18. The City provides an environment for the free and open expression of ideas, opinions and beliefs (select one).

Strongly Agree      Somewhat Agree      Neutral      Somewhat Disagree      Strongly Disagree

Part C – Interaction (8 Questions)

19. City employees of different racial/ethnic backgrounds interact well in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

20. City employees of different genders interact well in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

21. City employees of different age groups interact well in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

22. City employees of different sexual orientation interact well in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

23. City employees of different religious beliefs interact well in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

24. City employees interact well with other employees who have disabilities (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

25. City employees interact with each other in a friendly, pleasant way (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

26. Racial, ethnic and gender-based jokes are not tolerated in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

Part D - Engagement (17 Questions)

27. 1. I am proud to work for the City (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

28. 1. I recommend the City as a great place to work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

29. I see myself working for the City in two years' time (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

30. I know what I need to do to be successful in my role (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

31. I have access to the tools, training, and development I need to do my job well (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

32. I believe there are good career opportunities for me at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

33. I feel valued at work and I receive appropriate recognition for good work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

34. City leadership takes my feedback seriously (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

35. City leadership keeps employees informed (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

36. City leadership has communicated a vision that motivates me (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

37. Due to my status as an ethnic/racial minority, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree	Not/Applicable
<input type="radio"/>					

38. Due to my gender, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

39. Due to my sexual orientation, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

40. Due to my age, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

41. Due to my religion, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

42. Due to my disability, I feel isolated at work (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

43. I have witnessed bias or unequal treatment (because of someone's race, ethnicity, gender, age, sexual orientation, or disability) while working for the City.

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

Part E – Policies and Procedures (4 Questions)

44. The City's policies and procedures discourage discrimination (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

45. The City's policies and procedures discourage harassment (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

46. The City has a complaint procedure for reporting incidents of discrimination and/or harassment (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

47. I believe the City will take appropriate action in response to incidents of discrimination or harassment in the workplace (select one).

Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
<input type="radio"/>				

Demographic Information (11 Questions)

48. What is your gender/gender identity (select one)?

- Male
- Female
- Other

49. How long have you worked for the City (select one)?

- Less than one year
- 1-2 years
- 2-5 years
- 5-10 years
- Ten years or more

50. What is your age (select one)?

- Under 21
- 21 to 34
- 35 to 44
- 45 to 54
- 55 or Older

51. Which of the following best describes your role in the organization (select one)?

- Hourly Employee
- Salaried employee in non-supervisory or managerial role
- Manager/Supervisor
- Director-level or higher

52. Do you hold a position within the City's Police Department?

- Yes
- No

53. Please identify your Race/Ethnicity (select one)

- |   |  |
|---|--|
| <input type="radio"/> Hispanic or Latino                  | <input type="radio"/> Asian                            |
| <input type="radio"/> White                               | <input type="radio"/> Native American or Alaska Native |
| <input type="radio"/> Black or African American           | <input type="radio"/> Two or More Races                |
| <input type="radio"/> Native Hawaiian or Pacific Islander |  |

54. What is your religion?

- |  |                                   |
|--|-----------------------------------|
| <input type="radio"/> Roman Catholic   | <input type="radio"/> Hindu       |
| <input type="radio"/> Protestant   | <input type="radio"/> Jewish      |
| <input type="radio"/> Orthodox Christian   | <input type="radio"/> Buddhist    |
| <input type="radio"/> Other Christian (Mormon, Jehovah's Witness, Christian Scientist) | <input type="radio"/> Other       |
| <input type="radio"/> Muslim   | <input type="radio"/> No Religion |

55. Were you born in the United States?

- Yes
- No

56. Is your first language one other than English?

- Yes
- No

57. How would you describe your sexual orientation?

- |                                    |                                |
|------------------------------------|--------------------------------|
| <input type="radio"/> Gay          | <input type="radio"/> Bisexual |
| <input type="radio"/> Lesbian      | <input type="radio"/> Other    |
| <input type="radio"/> Heterosexual |                                |

58. Do you consider yourself to be a disabled person?

- Yes
- No

Open-ended questions (4 Questions):

59. If you agreed or somewhat agreed that the City is committed to having and supporting a diverse workforce, please describe how the City expresses that commitment.

60. If you disagreed or somewhat disagreed that the City is committed to having and supporting a diverse workforce, please describe in what ways the City fails to demonstrate that commitment.

61. What steps, if any, can be made to improve the level of diversity and/or inclusion in the City's workplace?

62. If you have witnessed bias or unequal treatment (because of someone's race, ethnicity, gender, age, sexual orientation, or disability) while working for the City, please explain further.

# Compensation Analysis Report for the City of Elk Grove

**Prepared for**

Miller Law Group, PC.

**Prepared by**

Chester Hanvey, Ph.D.

Elizabeth Arnold, M.S.

Berkeley Research Group, LLC

2200 Powell Street, Suite 1200

Emeryville, CA 94608

**Date**

June 25, 2018

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## Overview

As part of a larger Diversity Audit for the City of Elk Grove, Berkeley Research Group, LLC. (“BRG”) was asked to analyze the compensation of its 326 employees. To do so, BRG requested and received the gender, age and race along with annual base salary, job title, FLSA status, hire date with the city, start date in current job, job grade, step,<sup>1</sup> department, bargaining unit, and EEO classification<sup>2</sup> for each employee as of February 14, 2018. BRG was asked to analyze the annual base salary of city employees to evaluate the extent to which there is evidence of meaningful differences between employees based on gender or race (explained further below).

## Salary Summary

It is BRG’s understanding that the Elk Grove employees are delineated by bargaining unit, exempt status, department in which the employee works, grade, and step. As seen in Tables 1-4, the average salary<sup>3</sup> differs by department, exempt status, EEO job category, and grade regardless of gender and/or race. In all tables, groups with fewer than 5 employees are omitted to preserve employee privacy with respect to individual salaries.

**Table 1. Salary Summary by FLSA Status**

FLSA Status	Number of Employees	Average Employee Salary	Minimum Employee Salary	Maximum Employee Salary
EXEMPT	68	\$126,672	\$51,907	\$269,156
NON EXEMPT	258	\$75,541	\$28,692	\$154,937

<sup>1</sup> Job grade refers to the compensation progression associated with each job at the City of Elk Grove. Step reflects an employee’s level within each job grade. Generally, as employees progress through the steps, their salary increases. See [http://www.elkgrovecity.org/UserFiles/Servers/Server\\_109585/File/salary-step-schedule-all-classes.pdf](http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/salary-step-schedule-all-classes.pdf)

<sup>2</sup> EEO classification reflects broad occupational categories (e.g., officials/administrators, professionals, skilled craft workers) that are used by many government agencies to group jobs requiring similar knowledge, skills and abilities.

<sup>3</sup> For employees with less than full-time status, BRG converted the annual base salary provided to a full-time equivalent salary.

**Table 2. Salary Summary by Department**

<b>Department</b>	<b>Number of Employees</b>	<b>Average Employee Salary</b>	<b>Minimum Employee Salary</b>	<b>Maximum Employee Salary</b>
CITY MANAGER	18	\$108,728	\$38,868	\$269,156
DEVELOPMENT SER/PLANNING	6	\$84,288	\$46,066	\$118,767
DEVELOPMENT SERV/CODE ENFORCEMENT	7	\$66,989	\$44,995	\$80,385
FINANCE DEPARTMENT	18	\$77,531	\$38,868	\$176,223
FINANCE/INFORMATION TECHNOLOGY	6	\$94,359	\$69,439	\$141,813
POLICE	224	\$83,047	\$28,692	\$210,419
PUBLIC WORKS	12	\$109,123	\$58,692	\$190,585

Note. Nine groups are not shown because they contain fewer than 5 employees

**Table 3. Salary Summary by EEO Job Category**

<b>EEO Job Category</b>	<b>Number of Employees</b>	<b>Average Employee Salary</b>	<b>Minimum Employee Salary</b>	<b>Maximum Employee Salary</b>
Administrative Support Workers	99	\$63,905	\$28,692	\$133,672
Officials and Administrators	28	\$127,350	\$60,089	\$269,156
Professionals	49	\$99,694	\$51,907	\$258,750
Protective Service Workers: Non-sworn	6	\$62,686	\$48,428	\$95,768
Protective Service Workers: Sworn	141	\$90,094	\$33,264	\$188,596

Note. One group is not shown because it contains fewer than 5 employees

**Table 4. Salary Summary by Job Grade**

Grade	Number of Employees	Average Employee Salary	Minimum Employee Salary	Maximum Employee Salary
AF	7	\$43,062	\$38,868	\$52,087
AG	10	\$52,725	\$46,066	\$55,994
AI	5	\$55,607	\$50,700	\$64,708
AJ	18	\$64,091	\$51,907	\$69,560
AL	6	\$74,941	\$66,134	\$80,386
AN	11	\$77,488	\$69,439	\$88,624
AP	8	\$84,740	\$76,557	\$97,709
AQ	9	\$91,471	\$80,385	\$102,594
AU	5	\$110,214	\$100,640	\$122,329
AX	6	\$114,422	\$99,748	\$133,672
BAA	7	\$157,203	\$147,559	\$162,684
PC	14	\$55,253	\$28,692	\$70,275
PE	17	\$70,060	\$54,864	\$73,523
PI	111	\$82,473	\$67,707	\$90,734
PJ	18	\$107,246	\$100,165	\$110,432
PL	5	\$46,769	\$41,387	\$55,462
PN	6	\$54,814	\$48,747	\$62,214

Note. Thirty-two groups are not shown because they contain fewer than 5 employees

### Similarly Situated Employees

When performing an analysis of employee salary, it is important to compare similarly situated employees, that is, employees who are performing substantially similar work. Given the data available to BRG, we have defined groups of similarly situated employees at Elk Grove by Exempt and Non-Exempt status because these two groups of employees have a different compensation structure and the positions generally involve different job duties. Separate analyses were run for each group.

### Multiple Regression

BRG used the multiple regression statistical technique to compare the annual base salaries of employees in each similarly situated grouping by gender and race. The multiple regression technique allows the examiner to simultaneously compare the salary of individuals within a group while accounting for employee specific differences in legitimate pay factors such as: length of time employed by the City, length of time in current job, job grade, Department, or EEO classification. After accounting for these employee specific differences (called “control variables”), the effect of being male/female or being from a specific race on salary is determined, as well as whether the effect on salary is statistically significant. By “effect” we mean the average difference in salary between the two subgroups after accounting for all control variables in the model.

For each model, we also calculated a statistic called the “Adjusted R-Squared.” This statistic provides an estimate of the amount of variance accounted for by the model. The closer to 100%, the more variance

accounted for by the model, meaning that knowing the details for an employee on the control variables would allow one to predict that employee's salary with reasonable accuracy. In general, models with an adjusted R-Squared value close to 100% are preferable because we can then be confident that most of the factors that influence salary are accounted for.

## Statistical Significance

Statistical significance is a term used to indicate whether differences between the two compared subgroups are sufficiently unlikely to have occurred by chance. Statistical significance provides researchers an objective and widely agreed-upon standard to conclude that the salary of one subgroup is higher or lower than another subgroup.

Social scientists and the courts typically conclude that differences between two groups are statistically significant when the difference is greater than approximately two standard deviations.<sup>4</sup> This means that the probability of obtaining a result (or a more extreme result) entirely by chance is less than or equal to 5%. When the differences are as high as two standard deviations, or larger, they are considered to be "statistically significant."<sup>5</sup>

Conversely, social scientists and the courts conclude that differences between two groups (i.e., male and female) are not statistically different when the difference in salary between those groups is less than approximately two standard deviations.<sup>6</sup> A difference that is less than two standard deviations is consistent with a probability greater than 5% that the difference could have occurred entirely by chance and are typically considered to be "statistically non-significant."

In the results tables below, the number of Standard Deviations and associated probability are both shown in decimal form. Models for which the "Probability" column is less than .05 (5%) are considered statically significant and those with the probability greater than .05 (5%) or not considered statistically significant.

## Results

BRG has prepared several multiple-regression models of annual base salary for each of the similarly situated groups. For each group, we created several models, each which includes different combinations of "control variables" that account for employee-specific differences on factors that influence one's salary. The control variables for each model are listed in the tables below. For example, time factors such as time in job and time employed by the city are generally associated with higher average pay and may account for differences in salary regardless of one's gender or race. Differences in pay also exist depending on department or the type of job (i.e., EEO job category) as certain jobs require different or higher levels of knowledge or skill or have greater levels of responsibility. Including these variables in the models allows

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<sup>4</sup> The Standard Deviation is a statistic that reflects the amount of variability within a group around the group average. A larger standard deviation indicates a greater degree of variability than a group with a smaller standard deviation.

<sup>5</sup> Statistical significance cannot provide a cause for a difference as there may be other factors that explain the difference. Ramona L. Paetzold and Steven L. Willborn (2006). The Statistics of Discrimination, Using Statistical Evidence in Discrimination Cases. Thomson/West Publishers, Chapter 2, pages 14-16.

<sup>6</sup> Social scientists and statisticians commonly use a criteria of less than 5% probability of occurring by chance (greater than two standard deviations) to categorize a result as "statistically significant." See, for example, Statistics by Freedman, Pisani, and Purves. Courts adopted this standard in voting rights cases (e.g., Castaneda v. Partida) and carried the standard over to equal employment issues in such cases as Hazelwood School District v. U.S., 433 U.S. 299, 308 n.14 (1977) and Teamsters v. U.S., 431 U.S. 324; 97 S. Ct. 1843 (1977).

the analyses to “account for” differences in tenure and type of work and determine whether remaining differences in salary can be attributed to gender or race.

In all models, collective bargaining unit was included along with four time variables: time in current job, the square of time in current job, other time at Elk Grove, and the square of other time at Elk Grove.<sup>7</sup> BRG then examined different factors including job grade, department, and EEO job category. The results of these models are shown in a series of tables below. Each table contains the analysis group (Exempt/Non-exempt), the control variables in the model, the number of employees in each group, the average salary by gender or race/ethnicity, the effect of being male (in gender analyses) or White (in racial analyses), the number of standard deviations associated with the effect, the probability that the effect is different from zero, and the adjusted R-square of the model.

## Gender

As can be seen in Table 5 below, the effect of being male in model 1 for the exempt population is \$30,611 and is statistically significant with a probability of occurring by chance of less than 1%. Model 2 is the same as Model 1 with the addition of Grade as a control variable. The effect of being male in the exempt population decreases from model 1 to model 2 by roughly \$25,000 and is statistically insignificant with a probability of occurring by chance of 10%. In other words, after controlling for job grade there is not a statistically-significant difference in annual base salary between males and females. In addition, the Adjusted R-squared value indicates that 97% of the variability in salary have been accounted for by the control variables and gender, leaving only 3% of the variability unexplained. Therefore, adding additional control variables would likely not result in different results. Provided that there is no bias in the assignment of new hires to job grades, these statistics suggest that there is no bias in salary on the basis of gender. This is true for both exempt and non-exempt employees.

To explore the impact of different control variables, two additional models were run. Model 3 in Table 5 includes EEO category, rather than grade as a control variable, and Department was added in model 4. Model 3 and 4 show a statistically-significant difference between males and females for exempt employees. This models explains far less variance than model 2 (which had an Adjusted R-Square of 97%), meaning that other factors that impact compensation are unaccounted for. Based on this, it may be valuable to review salaries of exempt employees to determine whether they are appropriate. However, the results of model 2 suggest that job grade has a strong influence on salary and when this is controlled for, the difference between male and female salaries is not statistically significant.

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<sup>7</sup> Squared variables are commonly included in compensation models because the influence of the time variables is often non-linear. That is, additional years of service have a stronger influence on salary earlier in one’s career. Squaring the variable helps to account for this by allowing for a curvilinear relationship between the time variables and salary.

**Table 5. Model Results Comparing Male and Female Employees' Annual Base Salary**

Model No	Control Variables	FLSA Status	Number of Employees	Females	Males	Average Female Salary	Average Male Salary	Effect	Standard Deviations	Probability	Adjusted R Squared
1	Time Variables, Bargaining Unit	EXEMPT	68	32	36	\$113,767	\$138,143	\$30,611	3.11	0.00	39%
2	Time Variables, Bargaining Unit, Grade	EXEMPT	68	32	36	\$113,767	\$138,143	\$5,238	1.67	0.10	97%
3	Time Variables, Bargaining Unit, EEO Category	EXEMPT	68	32	36	\$113,767	\$138,143	\$24,264	2.80	0.01	56%
4	Time Variables, Bargaining Unit, EEO Category, Department	EXEMPT	68	32	36	\$113,767	\$138,143	\$22,806	2.69	0.01	65%
1	Time Variables, Bargaining Unit	NON EXEMPT	258	111	147	\$65,853	\$82,855	\$15,007	9.08	0.00	58%
2	Time Variables, Bargaining Unit, Grade	NON EXEMPT	258	111	147	\$65,853	\$82,855	\$1,402	1.33	0.19	91%
3	Time Variables, Bargaining Unit, EEO Category	NON EXEMPT	258	111	147	\$65,853	\$82,855	\$3,277	1.97	0.05	74%
4	Time Variables, Bargaining Unit, EEO Category, Department	NON EXEMPT	258	111	147	\$65,853	\$82,855	\$2,278	1.38	0.17	76%

### Race

Tables 6 through 8 below compare White employees to employees of each race separately. The same models used to analyze gender were used to analyze each race.

### Asian

The results for the analyses comparing annual base salary of White and Asian employees are summarized in Table 6 below. The probability for all models presented in this table is greater than 5%, which indicates that the salaries of Asian employees are not statistically significantly different from White employees when various combinations of control variables are included in the analyses. In some models, the effect is negative which means that on average, Whites are paid less than Asians after accounting for each of the control variables. However, none of those discrepancies are statistically significant. In summary, BRG's analyses of salaries of Asian and White employees reveals no statistically significant differences between the two groups, for either exempt or non-exempt employees.

**Table 6. Model Results Comparing White and Asian Employees' Annual Base Salary**

Model No	Control Variables	FLSA Status	Number of Employees	Asian	White	Average Asian Salary	Average White Salary	Effect	Standard Deviations	Probability	Adjusted R Squared
5	Time Variables, Bargaining Unit	EXEMPT	55	3	52	\$112,769	\$133,985	\$3,300	0.13	0.89	27%
6	Time Variables, Bargaining Unit, Grade	EXEMPT	55	3	52	\$112,769	\$133,985	\$6,611	0.92	0.37	96%
7	Time Variables, Bargaining Unit, EEO Category	EXEMPT	55	3	52	\$112,769	\$133,985	-\$17,820	-0.85	0.40	51%
8	Time Variables, Bargaining Unit, EEO Category, Department	EXEMPT	55	3	52	\$112,769	\$133,985	-\$24,221	-1.08	0.29	58%
5	Time Variables, Bargaining Unit	NON EXEMPT	182	22	160	\$76,530	\$77,015	-\$4,875	-1.43	0.15	44%
6	Time Variables, Bargaining Unit, Grade	NON EXEMPT	182	22	160	\$76,530	\$77,015	\$623	0.38	0.71	89%
7	Time Variables, Bargaining Unit, EEO Category	NON EXEMPT	182	22	160	\$76,530	\$77,015	-\$2,716	-1.10	0.27	71%
8	Time Variables, Bargaining Unit, EEO Category, Department	NON EXEMPT	182	22	160	\$76,530	\$77,015	-\$1,172	-0.47	0.64	75%

### Black

Consistent with the results for Asian employees, the results in Table 7 below show non-significant differences in salaries between Black and White employees, for both exempt and non-exempt employees. The probability for all models is greater than 5%, which indicates that the salaries of Black employees are not statistically significantly different from White employees when various combinations of control variables are included in the analyses.

**Table 7. Model Results Comparing White and Black Employees Annual Base Salary**

Model No	Control Variables	FLSA Status	Number of Employees	Black	White	Average Black Salary	Average White Salary	Effect	Standard Deviations	Probability	Adjusted R Squared
9	Time Variables, Bargaining Unit	EXEMPT	57	5	52	\$118,436	\$133,985	\$16,715	0.90	0.37	28%
10	Time Variables, Bargaining Unit, Grade	EXEMPT	57	5	52	\$118,436	\$133,985	\$125	0.02	0.99	96%
11	Time Variables, Bargaining Unit, EEO Category	EXEMPT	57	5	52	\$118,436	\$133,985	\$47	0.00	1.00	52%
12	Time Variables, Bargaining Unit, EEO Category, Department	EXEMPT	57	5	52	\$118,436	\$133,985	\$11,851	0.66	0.51	59%
9	Time Variables, Bargaining Unit	NON EXEMPT	185	25	160	\$67,346	\$77,015	\$3,868	1.20	0.23	43%
10	Time Variables, Bargaining Unit, Grade	NON EXEMPT	185	25	160	\$67,346	\$77,015	\$900	0.57	0.57	89%
11	Time Variables, Bargaining Unit, EEO Category	NON EXEMPT	185	25	160	\$67,346	\$77,015	\$2,511	1.10	0.27	73%
12	Time Variables, Bargaining Unit, EEO Category, Department	NON EXEMPT	185	25	160	\$67,346	\$77,015	\$2,124	0.94	0.35	76%

### Hispanic

Consistent with the results for Asian and Black employees, the results in Table 8 below generally show non-significant differences in salaries between Hispanic and White employees. One model (model 13) shows a significant difference for exempt employees. However, when other control variables are accounted for, the results of are non-significant. In summary, the salaries of Hispanic employees are not statistically significantly different from White employees when various combinations of control variables are included in the analyses.

**Table 8. Model Results Comparing White and Hispanic Employees’ Annual Base Salary**

Model No	Control Variables	FLSA Status	Number of Employees	Hispanic	White	Average Hispanic Salary	Average White Salary	Effect	Standard Deviations	Probability	Adjusted R Squared
13	Time Variables, Bargaining Unit	EXEMPT	59	7	52	\$82,613	\$133,985	\$42,096	2.61	0.01	35%
14	Time Variables, Bargaining Unit, Grade	EXEMPT	59	7	52	\$82,613	\$133,985	\$2,012	0.40	0.69	96%
15	Time Variables, Bargaining Unit, EEO Category	EXEMPT	59	7	52	\$82,613	\$133,985	\$20,740	1.46	0.15	57%
16	Time Variables, Bargaining Unit, EEO Category, Department	EXEMPT	59	7	52	\$82,613	\$133,985	\$18,449	1.19	0.24	63%
13	Time Variables, Bargaining Unit	NON EXEMPT	211	51	160	\$74,505	\$77,015	-\$538	-0.23	0.82	39%
14	Time Variables, Bargaining Unit, Grade	NON EXEMPT	211	51	160	\$74,505	\$77,015	-\$570	-0.54	0.59	89%
15	Time Variables, Bargaining Unit, EEO Category	NON EXEMPT	211	51	160	\$74,505	\$77,015	-\$1,864	-1.12	0.26	71%
16	Time Variables, Bargaining Unit, EEO Category, Department	NON EXEMPT	211	51	160	\$74,505	\$77,015	-\$2,110	-1.27	0.20	73%

### Native Hawaiian/Pacific Islander

The City of Elk Grove has one employee classified as Native Hawaiian/Pacific Islander. The results of the analyses showed no significant differences between that employee and White employees. However, the value of a statistical analysis is limited with a sample size of one. Regardless, the data show no indication that Native Hawaiian/Pacific Islander employees are paid less than White employees. The results are not displayed in this report to preserve employee privacy with respect to their salary.

### Conclusion

BRG requested and analyzed annual base salary data from all 326 employees at the City of Elk Grove as of February 14, 2018. We developed several multiple regression models that compared the salaries of sub-groups of employees while controlling for various factors which impact pay such as: employee tenure, collective bargaining unit, type of job, (e.g., EEO Category), job grade, and department.<sup>8</sup>

Models that included job grade accounted for the most variance, usually 90% or more. None of the analysis for females or any racial minority showed statistically-significant differences in annual base salary when job grade was included in the model. Several models that did not include grade did show significant differences for Exempt female employees which may warrant a review of salaries for these

<sup>8</sup> We took a conservative approach by not including factors such as prior salary or performance scores in any models, even though they likely would have explained additional variance. These factors are commonly included in compensation analyses but may be subjected to claims that they are “tainted” because they, themselves, reflect discrimination. In this analysis, we found that gender and race were not related to salary, even without including these variables in the models.

employees to confirm that they are compensated fairly and appropriately on an individual basis. None of the racial minorities had statistically-significant differences when compared to White employees.

# Workforce Analysis Report for the City of Elk Grove

**Prepared for**

Miller Law Group, PC.

**Prepared by**

Chester Hanvey, Ph.D.

Elizabeth Arnold, M.S

Berkeley Research Group, LLC

2200 Powell Street, Suite 1200

Emeryville, CA 94608

**Date**

July 27, 2018

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## Overview

As part of a larger Diversity Audit for the City of Elk Grove, Berkeley Research Group, LLC. (“BRG”) was asked to conduct a workforce analysis to determine whether the demographic composition of employees at the City of Elk Grove is consistent with the demographic composition of the Relevant Labor Market (RLM)<sup>1</sup>. Specifically, we analyzed the Elk Grove workforce on the basis of race and gender to determine whether any of these “subgroups” were significantly underrepresented in the City of Elk Grove employee population.

Significant underrepresentation of specific subgroups is not necessarily evidence that discrimination has occurred. However, such a finding may warrant further investigation to ensure that recruiting efforts and personnel selection practices are appropriate.

The following sections describe how jobs were categorized for analyses, how the RLM was defined, and how race was defined. Finally, we provide a series of tables and graphs to display the results of the analyses comparing the composition of employees at the City of Elk Grove to the RLM. As will be demonstrated in the following sections, the results reflect a high level of consistency between the Elk Grove city employee population and the RLM with respect to both Race and Gender.

## Job Categories

Conceptually, the workforce analysis is intended to indirectly assess the degree to which the City of Elk Grove is hiring employees from specific sub-groups at a rate that is reasonable given that subgroup’s representation in the RLM. Therefore, it is necessary to separate jobs into job categories to achieve a reasonable degree of similarity between the jobs at the City of Elk Grove and potential job candidates in the RLM with the Knowledge, Skills and Abilities required to perform those jobs.

For analysis, we relied on the job categories used by the EEOC and US Census Bureau.<sup>2</sup> Job categories represent jobs that involve similar types of work. These agencies rely on the following eight job categories for State and Local Government employees (similar to the EEO-4 job categories<sup>3</sup>):

1. Officials and Administrators
2. Professionals
3. Technicians
4. Protective Service Workers: Sworn
5. Protective Service Workers: Non-sworn
6. Administrative Support Workers
7. Skilled Craft Workers
8. Service and Maintenance Workers

Within each of these “EEO Categories” are many detailed occupations, which are associated with numeric occupation codes. However, we conducted the primary analysis at the broader EEO category

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<sup>1</sup> The RLM is pulled from the US Census Bureau data, described further below.

<sup>2</sup> Data available at <https://www.census.gov/data/tables/time-series/demo/eoo/acs-2006-2010.html>. The most recent data available is based on the American Community Survey for the years 2006 through 2010.

<sup>3</sup> EEO-4 is a form required by the EEOC for political jurisdictions to fulfill federal recordkeeping requirements (see: <https://www.eeoc.gov/employers/eoo4survey/e4instruct.cfm>)

level listed above for three reasons. First, broader categories are more flexible in that, conceptually, they allow people in similar but not identical jobs to be considered in the relevant labor market. Second, broader categories result in larger sample sizes within the analysis groups which is more conservative because it is generally more likely that differences between groups will be statistically significant when the sample is larger. Third, the RLM data from the US Census Bureau is also grouped into the broad categories, allowing a direct comparison.

Each job at the City of Elk Grove was grouped into the appropriate EEO category by the city Human Resources Department. BRG conducted a job analysis with the goal of verifying the accuracy of these categories (see BRG’s Job Analysis Report). The job analysis resulted in the placement of each job at the City of Elk Grove into an EEO category *and* occupation code. The classification of each job title at Elk Grove and the number of employees who hold each job title are displayed in Appendix B of BRG’s report titled “Summary of Job Analysis and EEO Category Validation at the City of Elk Grove.”

## Relevant Labor Market

The RLM is based on data from the US Census Bureau. The RLM is defined as the pool of potential applicants for jobs at the City of Elk Grove. Data from the US Census Bureau is the most commonly-used source of external labor market data for this purpose.<sup>4</sup> These data include employment statistics at the broad EEO classification level and detailed occupation level for each county.

Defining the RLM requires some subjectivity and is often based on the locations from where an employer recruits job applicants.<sup>5</sup> To maximize comprehensiveness, we defined the RLM in several different ways and compared the demographic composition of City of Elk Grove employees to all of the RLMs. Specifically four RLMs were defined as:

1. State and local government employees who work within Sacramento County
2. State and local government employees who reside within Sacramento County and several neighboring counties
3. All employees who work within Sacramento County
4. All employees who reside within Sacramento County and several neighboring counties

To determine the counties to include in RLM 2 and 4 above, we looked at census data which shows the county of *residence* for state and local government employees who *work* in Sacramento County. A county was considered to be within the RLM if at least 1% of the State and Local Government employees who work in Sacramento County reside in that county. There are five counties that meet these criteria: Sacramento County (80%), Placer County (7%), El Dorado County (4%), Yolo County (3%), and San Joaquin County (1%).

## Defining Race

In recent years, the US Census Bureau, per directive from the US Office of Personnel Management, classifies people by both ethnicity and race.<sup>6</sup> There are two ethnicities (Hispanic, Non-Hispanic) and five

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<sup>4</sup> Kuang, D. & Ramos, M. (2017). Workforce Composition and Utilization Analyses. In S.B. Morris & E.M. Dunleavy (Eds.), *Adverse Impact Analyses: Understanding Data, Statistics, and Risk*. New York: Routledge.

<sup>5</sup> *Id*

<sup>6</sup> See <https://www.census.gov/population/estimates/rho.txt>

aces<sup>7</sup> (White, Black, Asian, American Indian/Alaska Native, and Native Hawaiian/Pac Islander<sup>8</sup>). This results in ten ethnicity by race categories (see Table 1). However, this method of classification is inconsistent with how many organizations classify employees by race and is often inconsistent with theories of discrimination. Specifically, Hispanic is often considered a race as opposed to a separate and overlapping ethnicity. Indeed, the City of Elk Grove uses Hispanic as a race category. In order to use the US Census data to evaluate employees, all individuals in the RLM were considered “Hispanic” if they had a Hispanic ethnicity (values ‘f’ through ‘j’ in Table 1).

**Table 1. Race and Ethnicity Categories**

Ethnicity	Race				
	White	Black	Asian	American Indian/Alaska Native	Native Hawaiian/Pac Islander
Non-Hispanic	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>
Hispanic	<i>f</i>	<i>g</i>	<i>h</i>	<i>i</i>	<i>j</i>

## Results

The results of the analyses are shown in a series of tables and graphs below. The results are split by Job Category. Within each job category are the results that show a comparison between City of Elk Grove employees and RLM by race and gender. Each comparison is displayed in a graph and table.

We also performed a statistical analysis to determine whether any minority racial subgroups are significantly underrepresented in comparison to the RLM. We used the binomial test which compares the proportion of employees from each subgroup to the reference population (i.e., RLM) to determine whether they are significantly different. The outcome of this statistical analyses is presented at the end of each section.<sup>9</sup>

The employee population is reflected in the tables and graphs in two ways: (1) Employees of the City of Elk Grove, (2) Employees at the City of Elk Grove plus full time contract workers<sup>10</sup>. For some job categories, the contract worker population far exceeds the employee population (e.g., Service and Maintenance Workers) and in other categories there are no contract workers (e.g., Protective Services). The discussion below is focused on comparing the City of Elk Grove employees to the RLMs as the City has limited, if any, control on the hiring practices of the companies that provide contract workers.

<sup>7</sup> A relatively small proportion of people in the US Census data are classified as two or more races. These people were not included in this analysis. Totals were re-calculated by summing those with one race and percentages were computed based on the re-calculated total.

<sup>8</sup> “Pac Islander” is used throughout this report as an abbreviation for Pacific Islander.

<sup>9</sup> Statistical analyses were only performed for historically underutilized subgroups which includes all non-white races and females. Significance is based on  $p < .05$ .

<sup>10</sup> Contract workers includes all contracted staff working for other entities (e.g. consultants) assigned to work within City facilities and/or drive city owned or operated vehicles. Contract workers also includes those persons directly serving the City through the City’s contracted solid waste provider, Allied Waste Services of North America, LLC, dba Republic Services. These workers were included as a secondary analysis because they may be perceived by the public as City employees.

However, statistical analyses were also run for the population that includes contract workers and we note when the results differ.

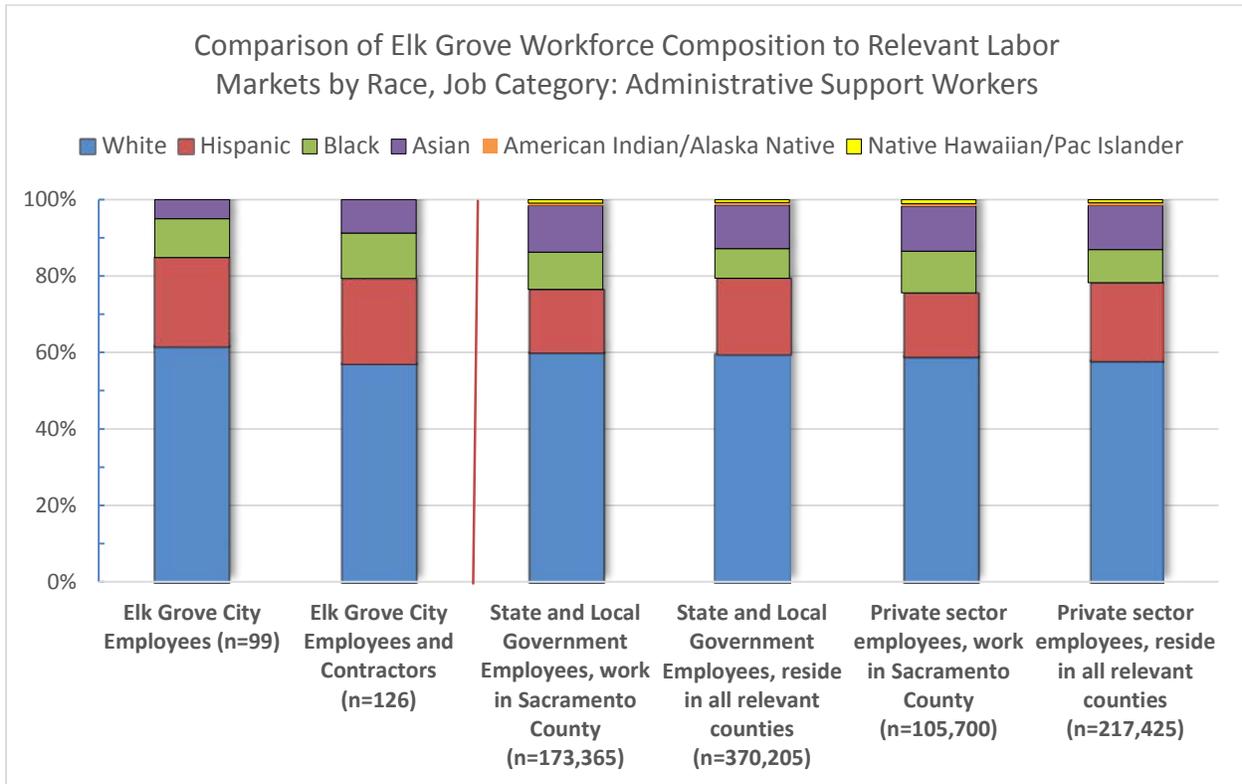
When significant differences were found in these comparisons, the “shortfall” was also calculated. The shortfall represents the number of additional employees needed to increase the representation of that subgroup. The shortfall was calculated in two ways: (1) the number of additional employees needed to make the difference between Elk Grove and the RLM non-significant,<sup>11</sup> and (2) the number of additional employees needed to achieve to a proportion at, or above, that subgroup’s proportion within the RLM.<sup>12</sup>

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<sup>11</sup> Shortfall was calculated in this way because in many cases, some subgroups were under-represented for a specific job category but not at a statistically significant level. This version of the shortfall reflects the number of additional employees needed to be represented comparably with those subgroups.

<sup>12</sup> The shortfall is listed as the minimum number of whole people (rather than decimals) which would increase representation to a proportion at or above the target representation. All four RLMs (two for protective services: Sworn and Unsworn) were averaged to determine the target representation.

## Job Category: Administrative Support

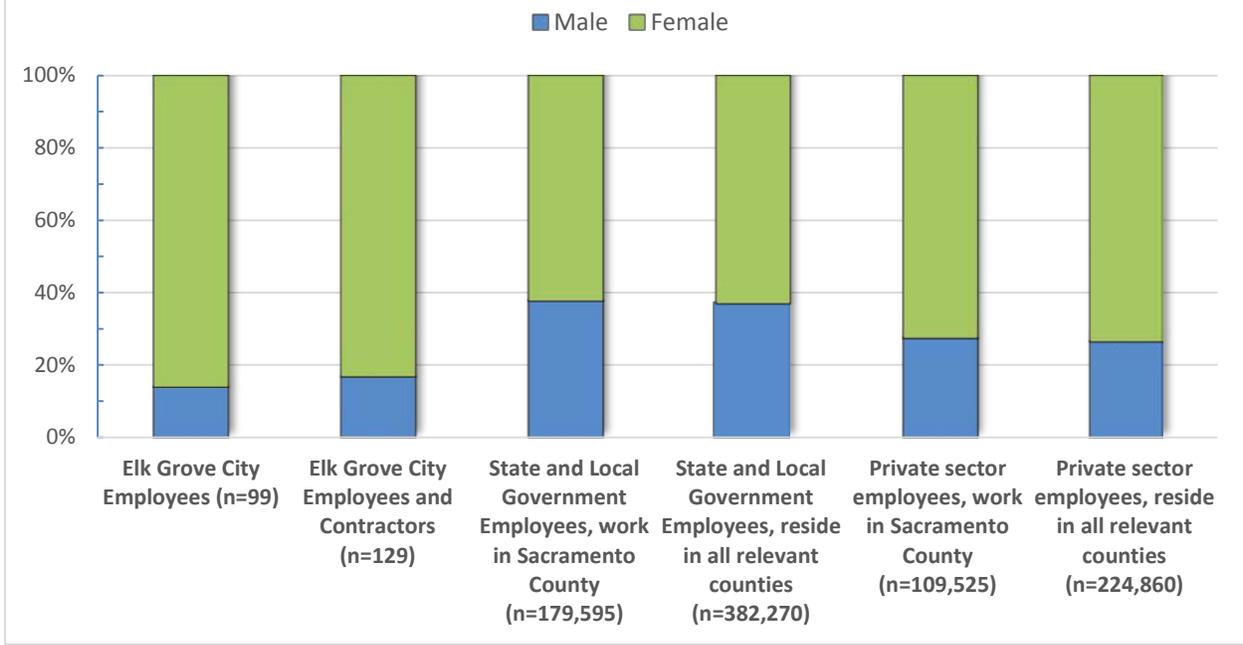


**Table 2. Comparison for Administrative Support Workers by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>99</b>	<b>61.6%</b>	<b>23.2%</b>	<b>10.1%</b>	<b>5.1%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>126</b>	<b>57.1%</b>	<b>22.2%</b>	<b>11.9%</b>	<b>8.7%</b>	<b>0.0%</b>	<b>0.0%</b>
State and Local Government Employees, work in Sacramento County	173,365	60.1%	16.5%	9.7%	12.2%	0.7%	0.9%
State and Local Government Employees, reside in all relevant counties	370,205	59.5%	19.9%	7.7%	11.4%	0.7%	0.8%
Private sector employees, work in Sacramento County	105,700	59.0%	16.6%	10.9%	11.7%	0.7%	1.1%
Private sector employees, reside in all relevant counties	217,425	57.9%	20.3%	8.7%	11.5%	0.7%	0.9%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander

Comparison of Elk Grove Workforce Composition to Relevant Labor Markets by Gender, Job Category: Administrative Support Workers



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**Table 3. Comparison for Administrative Support Workers by Gender**

	N	Male	Female
<b>Elk Grove City Employees</b>	<b>99</b>	<b>14.1%</b>	<b>85.9%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>129</b>	<b>17.1%</b>	<b>82.9%</b>
State and Local Government Employees, work in Sacramento County	179,595	38.0%	62.0%
State and Local Government Employees, reside in all relevant counties	382,270	37.3%	62.7%
Private sector employees, work in Sacramento County	109,525	27.7%	72.3%
Private sector employees, reside in all relevant counties	224,860	26.8%	73.2%

**Statistically-Significant Underrepresentation:**

- **Asian<sup>14</sup>**
  - Underrepresented compared to all four Relevant Labor Market definitions
  - Shortfall: 2 to reach non-significant difference, 8 to exceed representation in the Relevant Labor Market.

<sup>13</sup> In some cases, race data received from contractors did not allow workers to be included in the analysis (e.g., two or more races). As a result, the sample size (“N”) may be different for gender and race analyses.

<sup>14</sup> When contract workers are added to the employee population, no statistically-significant differences are found for any RLM

### Analysis by Occupational Code

To further investigate the underrepresentation of Asians employed by the city within this EEO category, we looked at the representation of Asians in each of the nine detailed occupations at the city of Elk Grove that fall within the Administrative Support Workers category.<sup>15</sup> Specifically, we compared the proportions of Asians within each occupation to the RLM.<sup>16</sup> The results are shown in Table 4. The data show that Asians are under-represented in several occupations and over-represented in others. However, the under-representation is not statistically significant for *any* of these occupations. Despite this, when all of the occupations are aggregated to the EEO job category level, it does produce a statistically-significant difference.

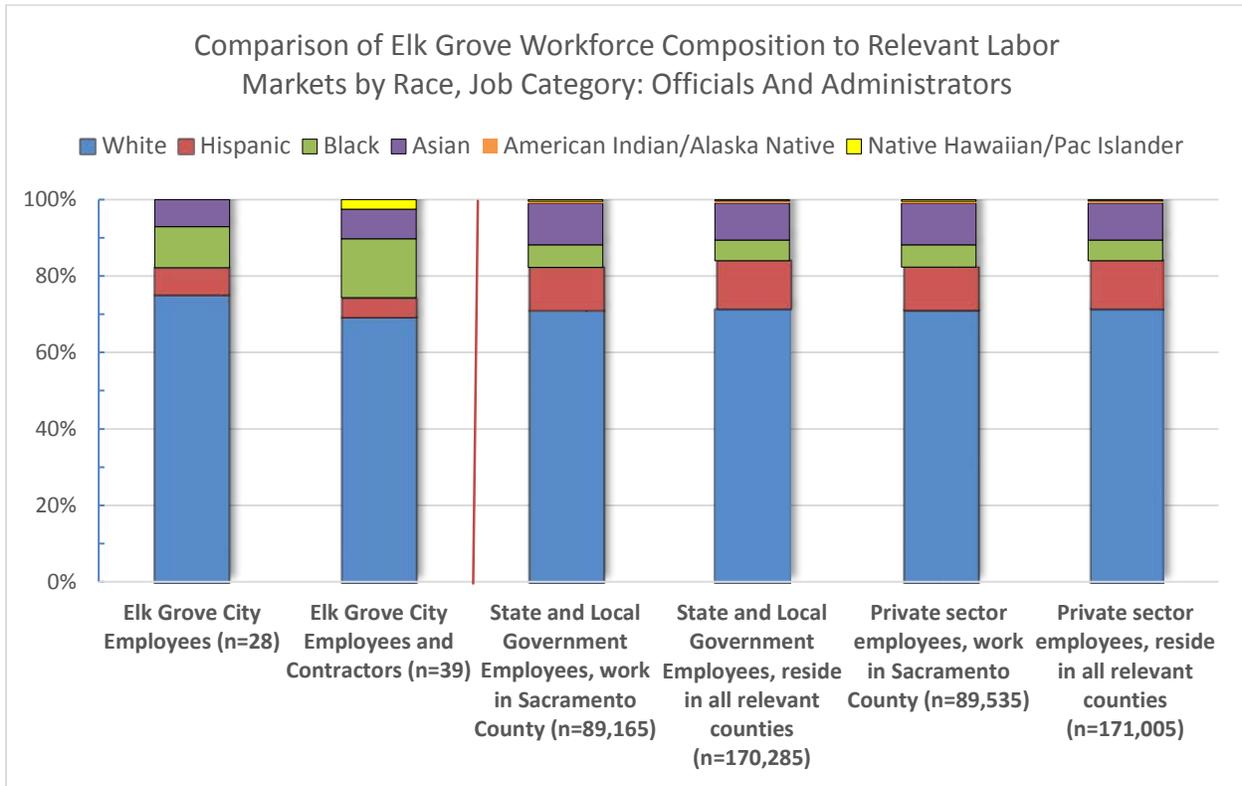
Table 4. Comparison for Detailed Occupations with Administrative Support Workers for Asians

Code	Occupation	Total Elk Grove Employees	Percent Asian - Elk grove Employees	Percent Asian-Private sector employees, work in Sacramento County	Percent Asian-Private sector employees, reside in all relevant counties
2145	Paralegals and legal assistants	1	0.0%	13.7%	11.9%
5120	Bookkeeping, accounting, and auditing clerks	5	0.0%	13.4%	10.0%
5140	Payroll and timekeeping clerks	1	0.0%	5.1%	3.7%
5220	Court, municipal, and license clerks	5	0.0%	8.4%	9.5%
5240	Customer service representatives	7	14.3%	10.8%	9.7%
5420	Information and record clerks, all other	15	0.0%	7.8%	6.6%
5520	Dispatchers	21	0.0%	4.6%	6.9%
5700	Secretaries and administrative assistants	28	10.7%	5.0%	6.2%
5940	Miscellaneous office and administrative support workers, including desktop publishers	16	6.3%	8.9%	8.6%

<sup>15</sup> This is based on the job taxonomy provided by the US census bureau: <https://www.census.gov/topics/employment/equal-employment-opportunity-tabulation/guidance.html> File: EEO 2006-2010 Occupation Crosswalk to Other Occupation Groups (EEO Occupational Groups, EEO-1, State and Local, Federal Sector job groups) [Revised 04/26/13]

<sup>16</sup> Detailed occupational data were available for private employers by county so RLM 3 and RLM 4 were used for this comparison.

Job Category: Officials/Administrators

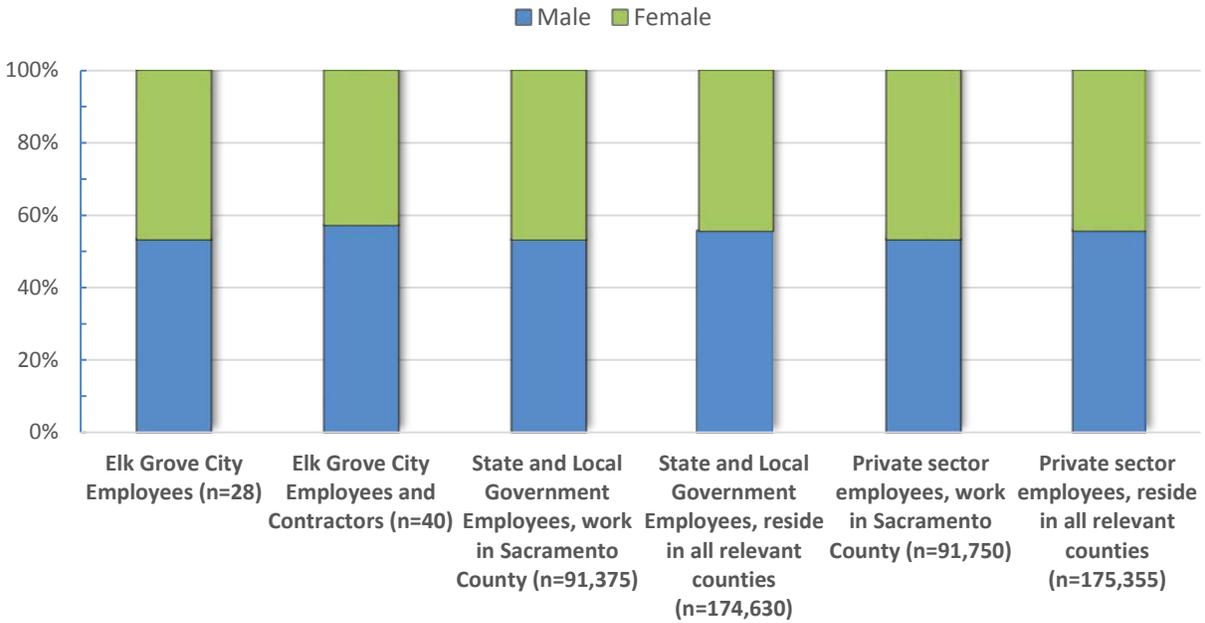


**Table 5. Comparison for Officials And Administrators by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>28</b>	<b>75.0%</b>	<b>7.1%</b>	<b>10.7%</b>	<b>7.1%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>39</b>	<b>69.2%</b>	<b>5.1%</b>	<b>15.4%</b>	<b>7.7%</b>	<b>0.0%</b>	<b>2.6%</b>
State and Local Government Employees, work in Sacramento County	89,165	71.0%	11.2%	5.9%	10.8%	0.5%	0.5%
State and Local Government Employees, reside in all relevant counties	170,285	71.4%	12.6%	5.4%	9.7%	0.6%	0.3%
Private sector employees, work in Sacramento County	89,535	71.1%	11.2%	5.9%	10.8%	0.5%	0.5%
Private sector employees, reside in all relevant counties	171,005	71.4%	12.6%	5.4%	9.7%	0.6%	0.3%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander

Comparison of Elk Grove Workforce Composition to Relevant Labor Markets by Gender, Job Category: Officials And Administrators



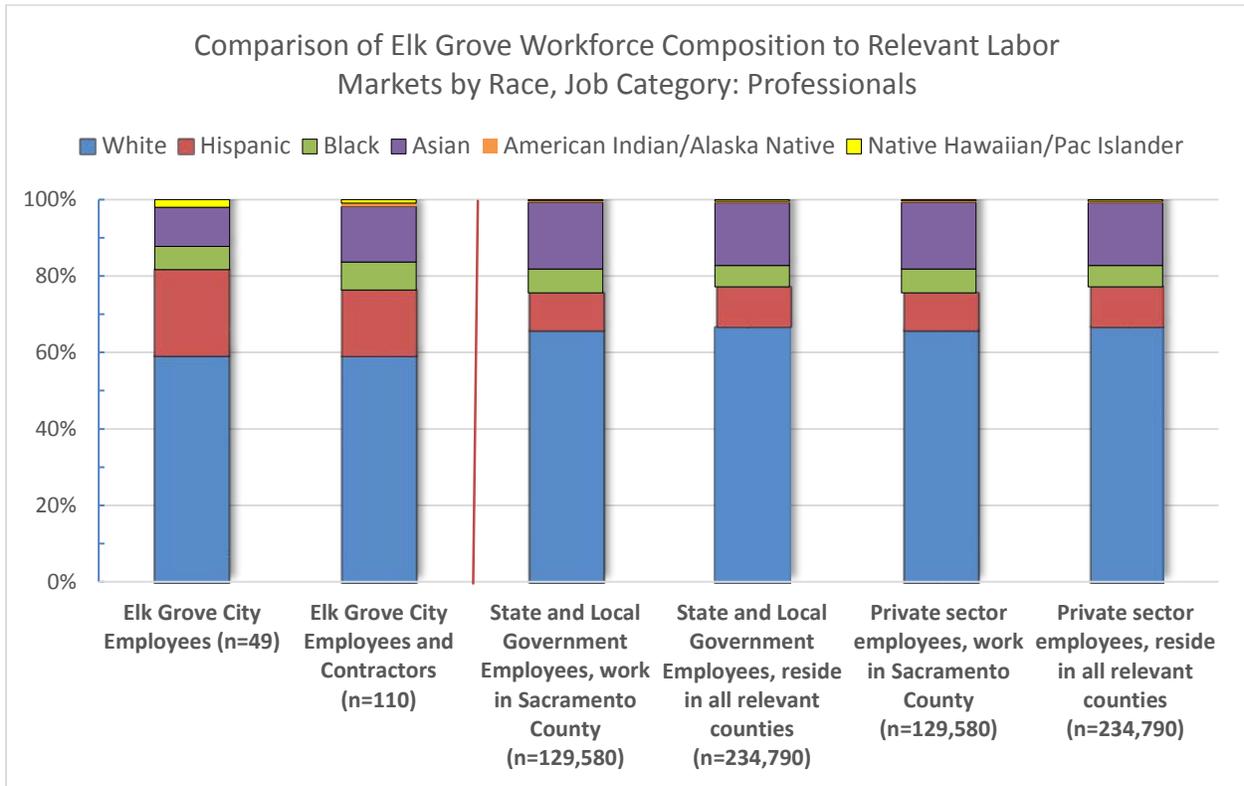
**Table 6. Comparison for Officials And Administrators by Gender**

	N	Male	Female
<b>Elk Grove City Employees</b>	<b>28</b>	<b>53.6%</b>	<b>46.4%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>40</b>	<b>57.5%</b>	<b>42.5%</b>
State and Local Government Employees, work in Sacramento County	91,375	53.4%	46.6%
State and Local Government Employees, reside in all relevant counties	174,630	55.8%	44.2%
Private sector employees, work in Sacramento County	91,750	53.5%	46.5%
Private sector employees, reside in all relevant counties	175,355	55.9%	44.1%

**Statistically-Significant Underrepresentation:**

- None

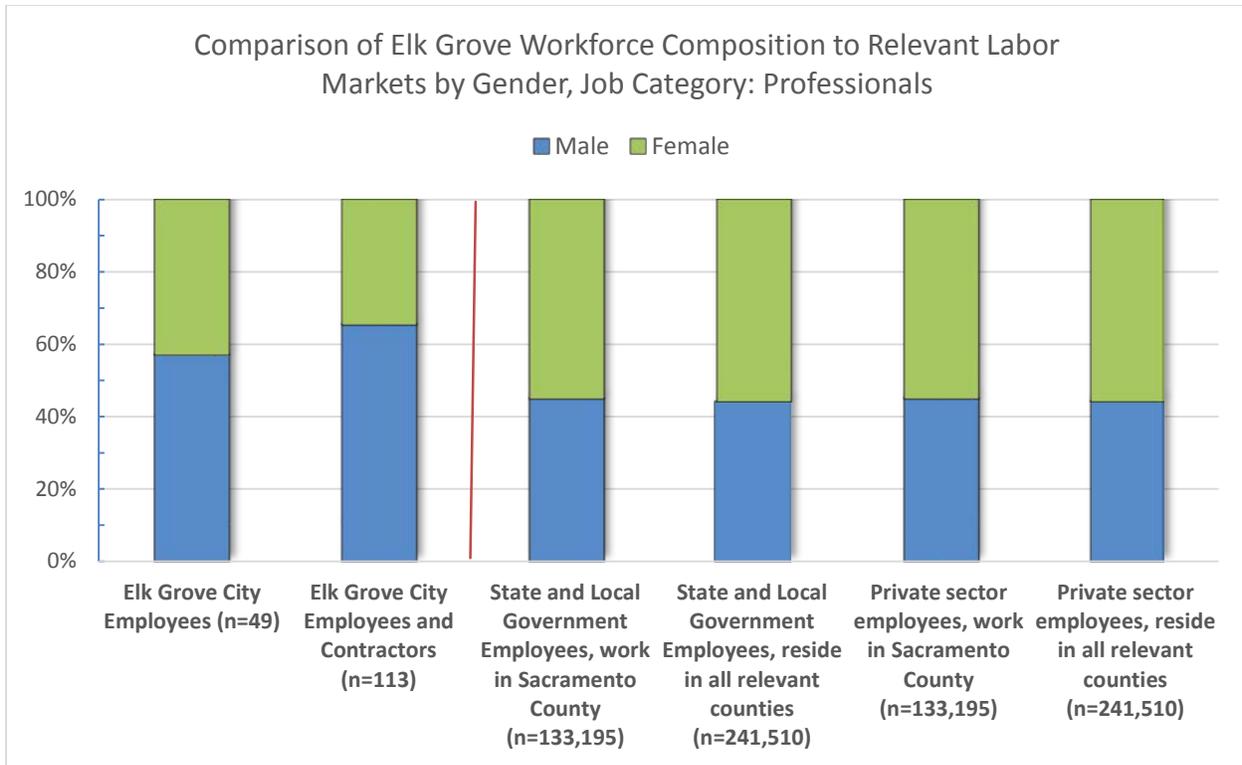
Job Category: Professionals



**Table 7. Comparison for Professionals by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>49</b>	<b>59.2%</b>	<b>22.4%</b>	<b>6.1%</b>	<b>10.2%</b>	<b>0.0%</b>	<b>2.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>110</b>	<b>59.1%</b>	<b>17.3%</b>	<b>7.3%</b>	<b>14.5%</b>	<b>0.9%</b>	<b>0.9%</b>
State and Local Government Employees, work in Sacramento County	129,580	65.7%	9.9%	6.3%	17.4%	0.4%	0.4%
State and Local Government Employees, reside in all relevant counties	234,790	66.7%	10.5%	5.5%	16.4%	0.4%	0.4%
Private sector employees, work in Sacramento County	129,580	65.7%	9.9%	6.3%	17.4%	0.4%	0.4%
Private sector employees, reside in all relevant counties	234,790	66.7%	10.5%	5.5%	16.4%	0.4%	0.4%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander



**Table 8. Comparison for Professionals by Gender**

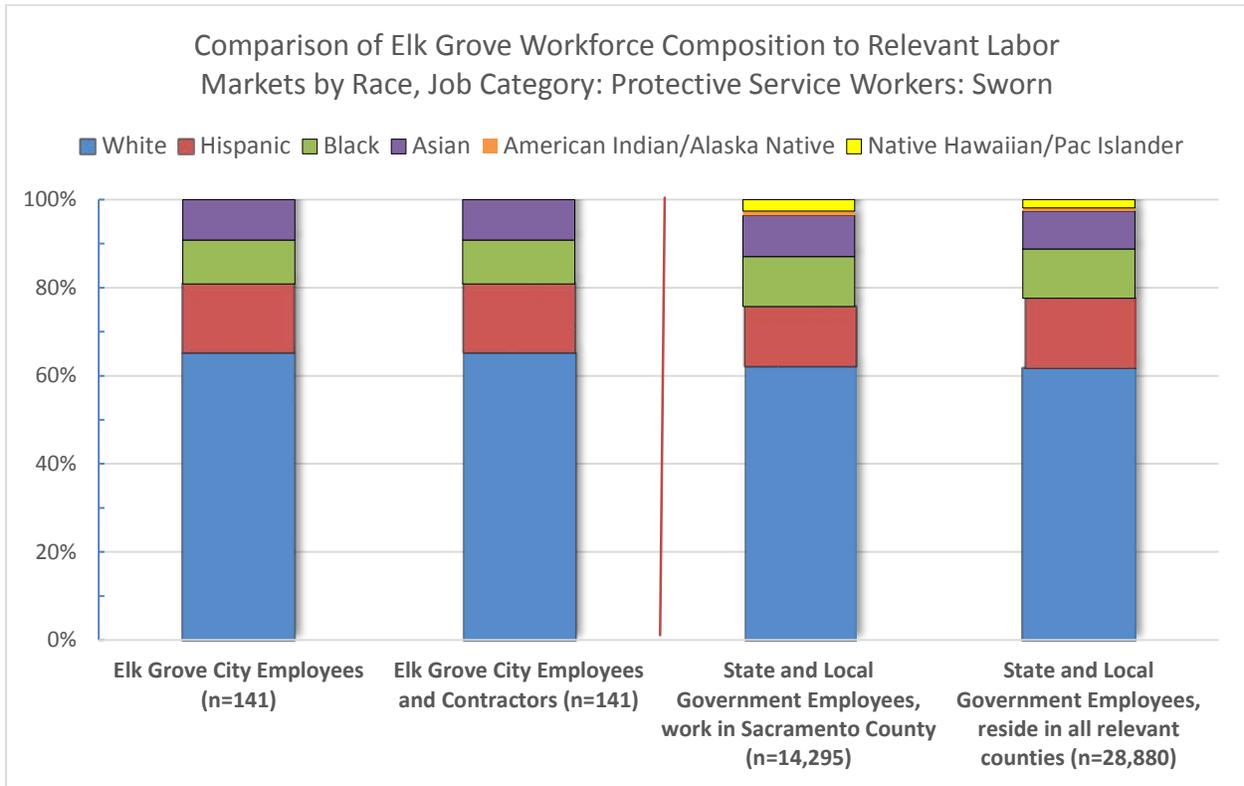
	N	Male	Female
<b>Elk Grove City Employees</b>	<b>49</b>	<b>57.1%</b>	<b>42.9%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>113</b>	<b>65.5%</b>	<b>34.5%</b>
State and Local Government Employees, work in Sacramento County	133,195	45.1%	54.9%
State and Local Government Employees, reside in all relevant counties	241,510	44.3%	55.7%
Private sector employees, work in Sacramento County	133,195	45.1%	54.9%
Private sector employees, reside in all relevant counties	241,510	44.3%	55.7%

**Statistically-Significant Underrepresentation:**

- **Female**
  - Underrepresented compared to 2 of 4 Relevant Labor Market definitions: “State and Local Government Employees, reside in all relevant counties;” and “Private sector employees, reside in all relevant counties”<sup>17</sup>
  - Shortfall: 1 to reach non-significant difference, 14 to exceed representation in the Relevant Labor Market

<sup>17</sup> When contract workers are added to the employee population, statistically-significant differences are found for all four RLMs

Job Category: Protective Service Workers: Sworn<sup>18</sup>



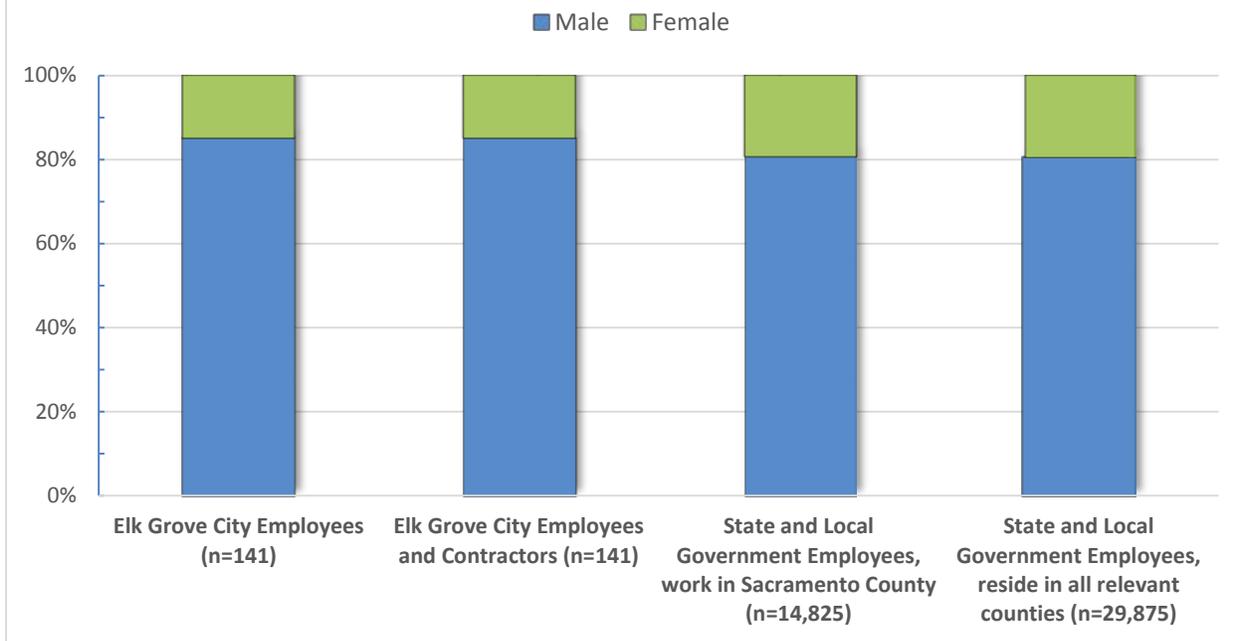
**Table 9. Comparison for Protective Service Workers: Sworn by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>141</b>	<b>65.2%</b>	<b>15.6%</b>	<b>9.9%</b>	<b>9.2%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>141</b>	<b>65.2%</b>	<b>15.6%</b>	<b>9.9%</b>	<b>9.2%</b>	<b>0.0%</b>	<b>0.0%</b>
State and Local Government Employees, work in Sacramento County	14,295	62.2%	13.6%	11.3%	9.3%	0.9%	2.7%
State and Local Government Employees, reside in all relevant counties	28,880	61.7%	15.8%	11.2%	8.6%	0.7%	1.9%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander

<sup>18</sup> This job category was only compared to State and Local Government employees because there are no comparable private sector employees.

Comparison of Elk Grove Workforce Composition to Relevant Labor Markets by Gender, Job Category: Protective Service Workers: Sworn



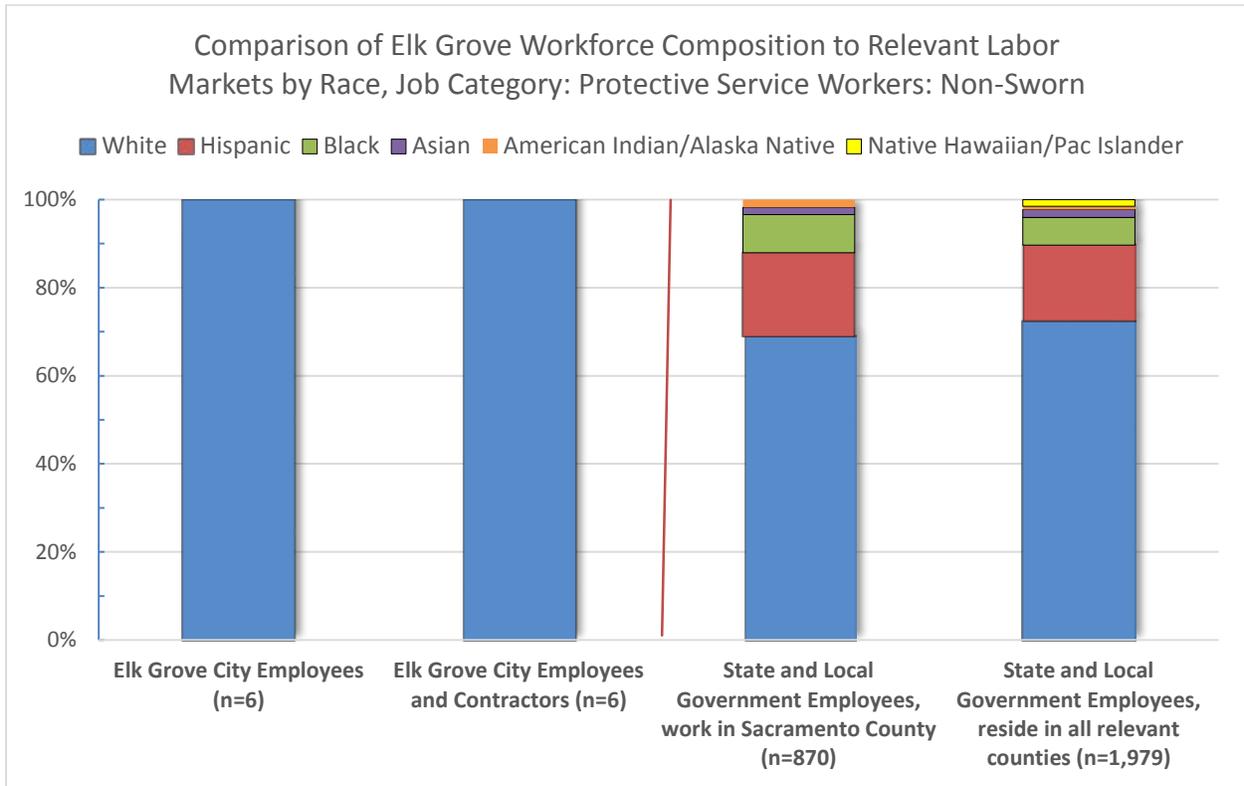
**Table 10. Comparison for Protective Service Workers: Sworn by Gender**

	N	Male	Female
<b>Elk Grove City Employees</b>	<b>141</b>	<b>85.1%</b>	<b>14.9%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>141</b>	<b>85.1%</b>	<b>14.9%</b>
State and Local Government Employees, work in Sacramento County	14,825	80.8%	19.2%
State and Local Government Employees, reside in all relevant counties	29,875	80.6%	19.4%

**Statistically-Significant Underrepresentation:**

- **Native Hawaiian/Pac Islander**
  - Underrepresented compared to 1 of 4 Relevant Labor Market definitions: “State and Local Government Employees, work in Sacramento County”
  - Shortfall: 1 to reach non-significant difference, 4 to exceed representation in the Relevant Labor Market

Job Category: Protective Service Workers: Non-Sworn<sup>19</sup>



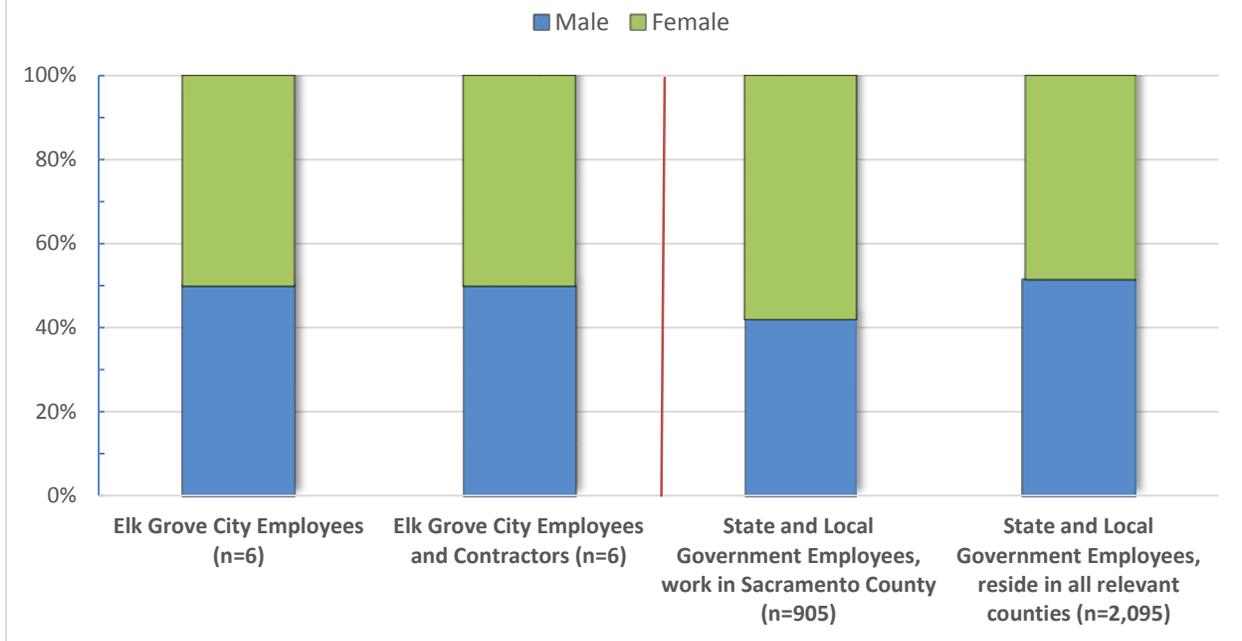
**Table 11. Comparison for Protective Service Workers: Non-Sworn by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>6</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>6</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
State and Local Government Employees, work in Sacramento County	870	69.0%	19.0%	8.6%	1.7%	1.7%	0.0%
State and Local Government Employees, reside in all relevant counties	1,979	72.5%	17.1%	6.3%	1.8%	0.8%	1.5%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander

<sup>19</sup> This job category was only compared to State and Local Government employees because there are no comparable private sector employees.

Comparison of Elk Grove Workforce Composition to Relevant Labor Markets by Gender, Job Category: Protective Service Workers: Non-Sworn



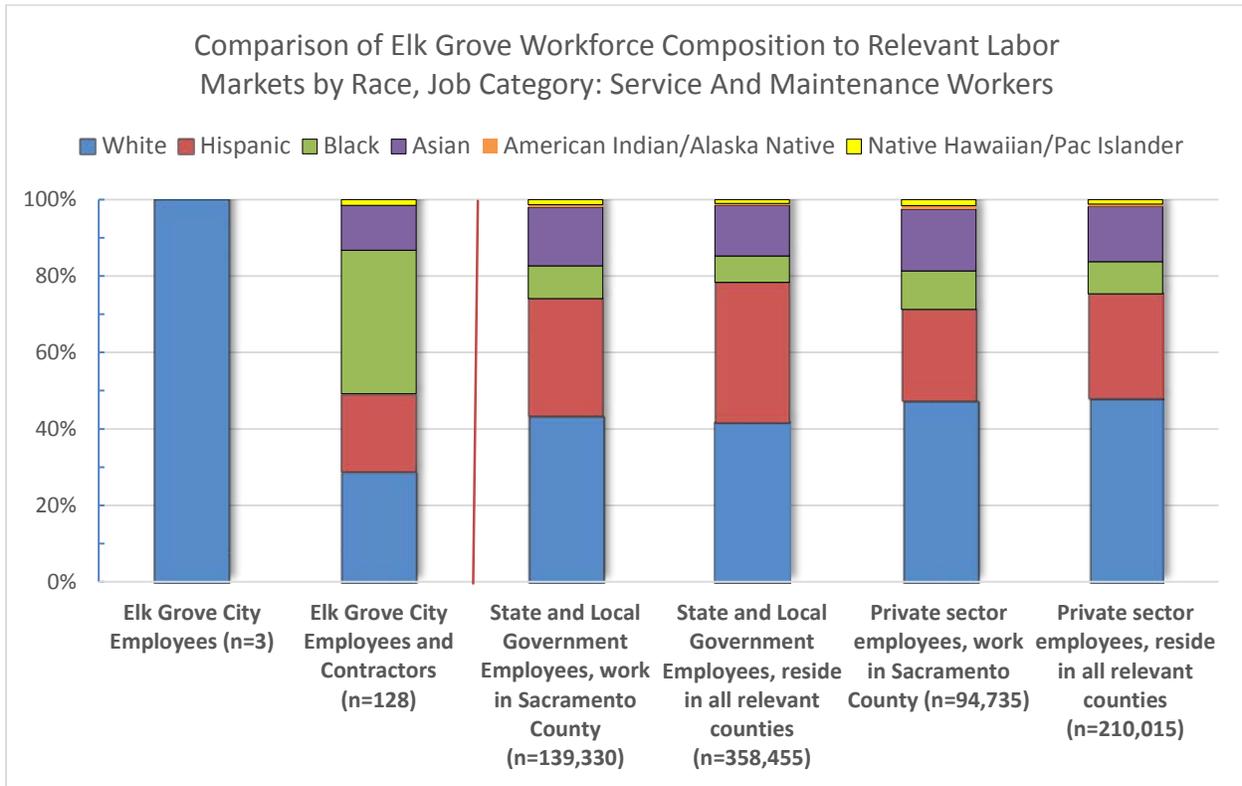
**Table 12. Comparison for Protective Service Workers: Non-Sworn by Gender**

	N	Male	Female
<b>Elk Grove City Employees</b>	<b>6</b>	<b>50.0%</b>	<b>50.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>6</b>	<b>50.0%</b>	<b>50.0%</b>
State and Local Government Employees, work in Sacramento County	905	42.0%	58.0%
State and Local Government Employees, reside in all relevant counties	2,095	51.6%	48.4%

**Statistically-Significant Underrepresentation:**

- None

Job Category: Service and Maintenance Workers

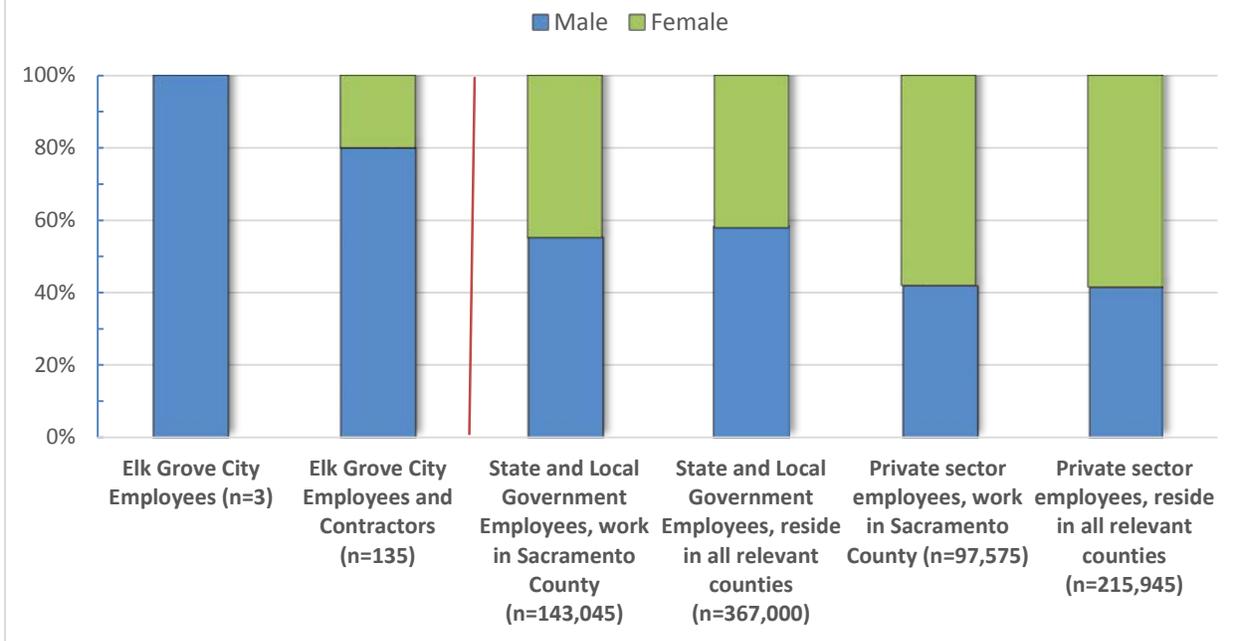


**Table 13. Comparison for Service And Maintenance Workers by Race**

	N	White	Hispanic	Black	Asian	AIAN	NHPI
<b>Elk Grove City Employees</b>	<b>3</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>128</b>	<b>28.9%</b>	<b>20.3%</b>	<b>37.5%</b>	<b>11.7%</b>	<b>0.0%</b>	<b>1.6%</b>
State and Local Government Employees, work in Sacramento County	139,330	43.5%	30.6%	8.6%	15.2%	0.7%	1.4%
State and Local Government Employees, reside in all relevant counties	358,455	41.7%	36.6%	6.9%	13.2%	0.6%	1.0%
Private sector employees, work in Sacramento County	94,735	47.5%	23.8%	10.1%	16.1%	0.9%	1.6%
Private sector employees, reside in all relevant counties	210,015	48.0%	27.3%	8.4%	14.4%	0.7%	1.2%

Note. AIAN = American Indian/Alaska Native; NHPI = Native Hawaiian/Pac Islander

Comparison of Elk Grove Workforce Composition to Relevant Labor Markets by Gender, Job Category: Service And Maintenance Workers



**Table 14. Comparison for Service And Maintenance Workers by Gender**

	N	Male	Female
<b>Elk Grove City Employees</b>	<b>3</b>	<b>100.0%</b>	<b>0.0%</b>
<b>Elk Grove City Employees and Contractors</b>	<b>135</b>	<b>80.0%</b>	<b>20.0%</b>
State and Local Government Employees, work in Sacramento County	143,045	55.4%	44.6%
State and Local Government Employees, reside in all relevant counties	367,000	58.1%	41.9%
Private sector employees, work in Sacramento County	97,575	42.2%	57.8%
Private sector employees, reside in all relevant counties	215,945	41.7%	58.3%

**Statistically-Significant Underrepresentation:**

- None<sup>20</sup>

<sup>20</sup> There are only 3 city employees in this group and they are all white males. Due to the low numbers in this group no differences are significant. However, when contract workers are added to the employee population, statistically-significant differences are found for Hispanics (3 of 4 RLMs) and Females (4 of 4 RLMs).

## Summary and Conclusion

A review of all results show high demographic similarity between City of Elk Grove employees and the RLM. Only a few statistically-significant differences were found regardless of how the RLM is defined. These results provide evidence that personnel recruiting and selection practices at the City of Elk Grove are non-discriminatory.

Table 15 summarizes all statistically significant differences between the representation of each subgroup in the City of Elk Grove employee population and the RLM. Cells are marked as “Yes” if a significant difference was found for any of the RLM definitions. The table shows only a few isolated incidents in which females or a minority subgroups are significantly underrepresented for the City of Elk Grove employees. The results are largely the same when full-time contract workers are added to the population (differences were noted in the previous sections).

**Table 15. Summary of Statistically-Significant Under-Representation for Elk Grove City Employees**

EEO Job Category	Female	Hispanic	Black	Asian	American Indian/Alaska Native	Native Hawaiian/Pac Islander
1. Administrative Support Workers	No	No	No	Yes	No	No
2. Officials and Administrators	No	No	No	No	No	No
3. Professionals	Yes	No	No	No	No	No
4. Protective Service Workers: Sworn	No	No	No	No	No	Yes
5. Protective Service Workers: Non-sworn	No	No	No	No	No	No
6. Service and Maintenance Workers	No	No	No	No	No	No

### Discussion of Non-Significant Differences

There are some job categories with no diversity (e.g., all white or all male) and a visual inspection of the graphs for these employees (which shows large disparities) may lead the reader to anticipate that the differences are statistically significant. However, these comparisons do not always result in statistically-significant differences for one of two reasons: (1) a small number of current employees or, (2) a small percentage of people from a specific subgroup in the RLM. Each scenario is discussed further below.

As an example of the first scenario (i.e., small number of City employees), there are only three Service/Maintenance employees at the City of Elk Grove, all of whom are male. The RLM contains between 40% and 60% females meaning that we would expect a female to be hired roughly half of the time for each of these three positions. However, it’s possible that even without any bias in selection, three males could be selected for these positions purely by chance. This is roughly equivalent to flipping

a coin three times and getting heads (or tails) each time. This outcome does not provide sufficient statistical evidence to conclude that the coin is unfair (i.e., more likely to land on either heads or tails) because there is a reasonable probability that these result could be achieved by chance.

As an example of the second scenario (i.e., small percentage of people in RLM from subgroups), all 6 of the non-sworn protective services workers are white. However, the highest proportion of a racial minority in the RLM is Hispanic which represent 17-19% of the population. We would expect based purely on chance that one of the 6 employees would be Hispanic. However, the actual result differs by only one from the expected result which is not improbable enough to yield a statistically-significant result.

### Discussion of Statistically-Significant Differences

A small portion of the comparisons revealed a statistically significant difference. Consistent with typical practice in social science, a result is considered statistically significant if the probability of achieving that result (or a more extreme result) is 5% or less. That is, each test has a 5% chance of being significant, even when no actual difference exists, known as the error rate. Although each test individually has a 5% error rate, the error rate for *all* tests increases as more tests are run, known as error inflation.<sup>21</sup> The overall error rate, called the family-wise error rate, is substantially higher than the individual error rate when many tests are run. In this analysis, we performed 120 statistical tests.<sup>22</sup> Because we expect that roughly 5% will show significant differences due entirely to chance, we would expect to find six with a statistically-significant difference, even when the selection procedures are perfectly fair. Indeed, statistically-significant differences were found in seven of these tests. While these differences merit some attention to the recruiting and selection practices, it is feasible that these differences may be due to chance, rather than bias in selection.

In addition, a review of all results reveals no consistent pattern of under-representation. For example, females are significantly underrepresented in jobs within the Professional job category but over represented in jobs in the Officials and Administrators job category (depending on which labor market is used for comparison) and jobs within the Administrative Support category.

Overall, the results reflect a high level of consistency between the Elk Grove city employee population and the RLM with respect to Race and Gender. Only a few significant differences were identified. However, as stated in the introduction, significant underrepresentation of specific subgroups is not necessarily evidence that discrimination has occurred but rather may justify a review of recruiting and selection practices to ensure they are fair and valid for their intended purpose.

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<sup>21</sup> See Dunleavy, E.M, Morris, S.B. & Howard, E. (2015). Measuring Adverse Impact in Employee Selection Decisions. In C.M. Hanvey and K.G. Sady (Eds.), *Practitioner's Guide to Legal Issues in Organizations*. New York, NY: Springer.

<sup>22</sup> This includes the statistical tests for employees only. For the four Job Categories with four RLMs, 24 comparisons were run (20 for race, 4 for gender), and for the two Job Categories with two RLMs, 12 comparisons were run (10 for race, 2 for gender).

# Summary of Job Analysis and EEO Category Validation at the City of Elk Grove

**Prepared for**

Miller Law Group, PC.

**Prepared by**

Chester Hanvey, Ph.D.

Elizabeth Arnold, M.S.

Berkeley Research Group, LLC

2200 Powell Street, Suite 1200

Emeryville, CA 94608

**Date**

June 21, 2018

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## Summary

As part of a larger Diversity Audit for the City of Elk Grove, Berkeley Research Group, LLC (“BRG”) was asked to review the accuracy of the current Equal Employment Opportunity (EEO) occupation code<sup>1</sup> assigned to each of the 123 jobs at the city. EEO classifications are an important factor in both the Workforce Analysis and Compensation Analyses performed by BRG, both of which require grouping of employees who perform similar work (see separate reports related to both of those analyses). Therefore, our goal for this review was to ensure that the EEO classifications were appropriate for grouping employees performing similar work.<sup>2</sup>

## EEO Classifications and Occupation Codes

Each job was grouped into the job classifications from the EEO-4 form, which is a job classification system used by the EEOC for state and local government employees. We refer to these classifications as “EEO Classifications”. There are eight available EEO classifications, each representing a group of occupations that perform similar work:

1. Officials and Administrators
2. Professionals
3. Technicians
4. Protective Service Workers: Sworn
5. Protective Service Workers: Non-sworn
6. Administrative Support Workers
7. Skilled Craft Workers
8. Service and Maintenance Workers

Within each of EEO Classification there are groups of standardized individual occupations with descriptions and corresponding numeric codes provided by the US Census Bureau. This US Census Bureau database also provides the closest matching job codes from other commonly used classification systems, such as the Standard Occupational Classification System (SOC) and the Office of Personnel Management (OPM).<sup>3</sup> We used this occupation taxonomy as the basis for our review.

## Review Process

To validate the city’s EEOC occupation code categorization BRG conducted a detailed review and comparison of each job at the City of Elk Grove and the occupation taxonomy provided by the US Census Bureau. Specifically, we reviewed the work performed by employees in each job at the city and identified the occupation code within the taxonomy that was most similar. This process involved analyzing job descriptions to obtain detailed information about the content of each position at the City of Elk Grove,

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<sup>1</sup> The EEO Occupation Codes are reported by employers annually through the EEO-1 and EEO-4 surveys. Additional information can be found at: <https://www.eeoc.gov/employers/eeo1survey/index.cfm> and <https://www.eeoc.gov/employers/eeo4survey/index.cfm>

<sup>2</sup>In addition, the accuracy of the data reported to the EEOC is important because the data is required to be reported to the EEOC. See <https://www.eeoc.gov/employers/reporting.cfm>.

<sup>3</sup> See “Occupational Crosswalks” available at <https://www.census.gov/topics/employment/equal-employment-opportunity-tabulation/guidance.html>

and matching it to the content of jobs from the US Census Bureau taxonomy, based on external sources such as O\*NET<sup>4</sup> and the OPM's Handbook of Occupational Groups and Families.<sup>5</sup>

After completing this process, we identified several job titles that we believed may have an alternative, more appropriate matching occupation in a different EEO Category. Based on the job data gathered and analyzed we shared our finding with the city's Human Resources Department for further investigation. The HR Department reviewed the jobs and we collaboratively made a final determination for the EEO classification of each job.

## Outcome

Following our consultation with the HR Department, we determined that the EEO classification for the majority of jobs were appropriate. However, we determined that the EEO classification for 45 jobs should be further refined based on Occupation Code. These changes were integrated into the data and a final list of jobs and EEOC job codes was generated for the city. The list of 45 jobs with revised EEO Job Codes is included in Appendix A. The list of all 123 jobs along with the final occupation code, occupation description, EEO classification and number of employees in each position are shown in Appendix B.

## Conclusion

The results of the analysis provide a strong foundation for the Workforce and Compensation Analyses because the codes are based on the content of each individual job at the City of Elk Grove. Through our analysis process, BRG was able to confirm the accuracy of EEO classifications for most city jobs and worked with the city's HR team to revise several codes, resulting in a final list of EEO classifications for each of the 123 jobs at the City of Elk Grove.

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<sup>4</sup> <https://www.onetonline.org/>

<sup>5</sup> <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/occupationalhandbook.pdf>

## Appendix A

### List of 45 Jobs with Revised EEO Descriptions

Job Title	Original EEO Description	Final EEO Description
ASSISTANT CITY CLERK	Professionals	Administrative Support Workers
ASSISTANT TO THE CITY MANAGER	Professionals	Administrative Support Workers
CITY CLERK	Officials and Administrators	Administrative Support Workers
DEPUTY CITY CLERK-REC. MGR	Technicians	Administrative Support Workers
DISPATCH MANAGER	Professionals	Administrative Support Workers
DISPATCH SUPERVISOR	Professionals	Administrative Support Workers
PARALEGAL	Professionals	Administrative Support Workers
PAYROLL TECHNICIAN	Technicians	Administrative Support Workers
POLICE RECORDS MANAGER	Professionals	Administrative Support Workers
POLICE RECORDS SUPERVISOR	Technicians	Administrative Support Workers
POLICE RECORDS TECHNICIAN I	Technicians	Administrative Support Workers
POLICE RECORDS TECHNICIAN II	Technicians	Administrative Support Workers
POLICE SERVICES ANALYST	Professionals	Administrative Support Workers
PROPERTY & EVIDENCE & TECH II	Technicians	Administrative Support Workers
PROPERTY & EVIDENCE TECH I	Technicians	Administrative Support Workers
PROPERTY AND EVIDENCE MANAGER	Professionals	Administrative Support Workers
BUDGET MANAGER	Professionals	Officials and Administrators
CODE ENFORCEMENT OFFICER	Administrative Support Workers	Officials and Administrators
CODE ENFORCEMENT SUPERVISOR	Professionals	Officials and Administrators
COMM. EVENTS/PROJECT COORDINAT	Technicians	Officials and Administrators
FINANCE ANALYST II	Professionals	Officials and Administrators
POLICE ADMINISTRATIVE MANAGER	Professionals	Officials and Administrators
POLICE SUPPORT SERVICES MGR	Professionals	Officials and Administrators
PURCHASING & CONTRACTS MANAGER	Professionals	Officials and Administrators
PURCHASING AGENT	Administrative Support Workers	Officials and Administrators
SR CODE ENFORCEMENT OFFICER	Administrative Support Workers	Officials and Administrators
SR MGMT & BUDGET ANALYST	Professionals	Officials and Administrators
ASSISTANT PLANNER	Technicians	Professionals
CITY ATTORNEY	Officials and Administrators	Professionals
ENVIRONMENTAL SPECIALIST	Administrative Support Workers	Professionals
FORENSIC INVESTIGATOR	Technicians	Professionals
GIS ANALYST	Technicians	Professionals
HUMAN RESOURCE SPECIALIST	Technicians	Professionals

<b>Job Title</b>	<b>Original EEO Description</b>	<b>Final EEO Description</b>
INTEGRATED WASTE COORD	Administrative Support Workers	Professionals
SR. HUMAN RESOURCES SPECIALIST	Technicians	Professionals
SUPERVISING FORENSIC INVSGTR	Technicians	Professionals
ANIMAL SERVICES OFFICER	Technicians	Protective Service Workers: Non-sworn
ANIMAL SERVICES SUPERVISOR	Professionals	Protective Service Workers: Non-sworn
SECURITY OFFICER	Protective Services	Protective Service Workers: Non-sworn
CAPTAIN	Protective Services	Protective Service Workers: Sworn
LIEUTENANT	Protective Services	Protective Service Workers: Sworn
LIEUTENANT	Protective Services	Protective Service Workers: Sworn
POLICE OFFICER	Protective Services	Protective Service Workers: Sworn
POLICE SERGEANT	Protective Services	Protective Service Workers: Sworn
RETIRED ANNUITANT/PEACE OFFICE	Protective Services	Protective Service Workers: Sworn

## Appendix B

### List of all Elk Grove Job Titles with Final EEO Classification

EEO Category	Occupation Code	Occupation Description	Elk Grove Job Title	Employees
Administrative Support Workers	2145	Paralegals and legal assistants	PARALEGAL	1
Administrative Support Workers	5120	Bookkeeping, accounting, and auditing clerks	ACCOUNTING TECHNICIAN	5
Administrative Support Workers	5140	Payroll and timekeeping clerks	PAYROLL TECHNICIAN	1
Administrative Support Workers	5220	Court, municipal, and license clerks	ASSISTANT CITY CLERK	1
Administrative Support Workers	5220	Court, municipal, and license clerks	CITY CLERK	1
Administrative Support Workers	5220	Court, municipal, and license clerks	DEPUTY CITY CLERK-REC. MGR	1
Administrative Support Workers	5220	Court, municipal, and license clerks	PERMIT PROCESSING COORDINATOR	2
Administrative Support Workers	5240	Customer service representatives	CUSTOMER SERVICE SPECIALIST	7
Administrative Support Workers	5420	Information and record clerks, all other	POLICE RECORDS MANAGER	1
Administrative Support Workers	5420	Information and record clerks, all other	POLICE RECORDS SUPERVISOR	1
Administrative Support Workers	5420	Information and record clerks, all other	POLICE RECORDS TECHNICIAN I	5
Administrative Support Workers	5420	Information and record clerks, all other	POLICE RECORDS TECHNICIAN II	4
Administrative Support Workers	5420	Information and record clerks, all other	PROPERTY & EVIDENCE & TECH II	1
Administrative Support Workers	5420	Information and record clerks, all other	PROPERTY & EVIDENCE TECH I	2
Administrative Support Workers	5420	Information and record clerks, all other	PROPERTY AND EVIDENCE MANAGER	1
Administrative Support Workers	5520	Dispatchers	DISPATCH MANAGER	1
Administrative Support Workers	5520	Dispatchers	DISPATCH SUPERVISOR	2
Administrative Support Workers	5520	Dispatchers	DISPATCHER	17
Administrative Support Workers	5520	Dispatchers	PT INTERMITTENT DISPATCHER	1
Administrative Support Workers	5700	Secretaries and administrative assistants	ADMINISTRATIVE ANALYST I	4
Administrative Support Workers	5700	Secretaries and administrative assistants	ADMINISTRATIVE ANALYST II	1
Administrative Support Workers	5700	Secretaries and administrative assistants	ADMINISTRATIVE ASSISTANT	9
Administrative Support Workers	5700	Secretaries and administrative assistants	ADMINISTRATIVE ASST CITY COUNC	1

EEO Category	Occupation Code	Occupation Description	Elk Grove Job Title	Employees
Administrative Support Workers	5700	Secretaries and administrative assistants	ASSISTANT TO THE CITY MANAGER	1
Administrative Support Workers	5700	Secretaries and administrative assistants	COUNCIL ASSISTANT	2
Administrative Support Workers	5700	Secretaries and administrative assistants	EXECUTIVE ADMIN ASST	1
Administrative Support Workers	5700	Secretaries and administrative assistants	LEGAL EXEC ADMIN ASST	1
Administrative Support Workers	5700	Secretaries and administrative assistants	SR ADMINISTRATIVE ASSISTANT	8
Administrative Support Workers	5940	Miscellaneous office and administrative support workers, including desktop publishers	COMMUNITY SERVICE OFFICER	14
Administrative Support Workers	5940	Miscellaneous office and administrative support workers, including desktop publishers	POLICE SERVICES ANALYST	1
Administrative Support Workers	5940	Miscellaneous office and administrative support workers, including desktop publishers	POLICE VOLUNTEER COORD.	1
Officials and Administrators	10	Chief executives and legislators	CHIEF OF POLICE	1
Officials and Administrators	60	Public relations and fundraising managers	PUBLIC AFFAIRS MANAGER	1
Officials and Administrators	100	Administrative services managers	POLICE SUPPORT SERVICES MGR	1
Officials and Administrators	120	Financial managers	DIRECT OF FINANCE & ADMIN SVC	1
Officials and Administrators	136	Human resources managers	HUMAN RESOURCE MANAGER	1
Officials and Administrators	150	Purchasing managers	PURCHASING & CONTRACTS MANAGER	1
Officials and Administrators	160	Transportation, storage, and distribution managers	TRANSIT SYSTEM MANAGER	1
Officials and Administrators	420	Social and community service managers	ASSISTANT DEVELOPMENT SVCS DIR	1
Officials and Administrators	420	Social and community service managers	DEVELOPMENT SERVICES DIRECTOR	1
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	ASSISTANT CITY MANAGER	1
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	CITY MANAGER	1
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	DEPUTY CITY MANAGER	1
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	ECONOMIC DEVELOPMENT DIRECTOR	1
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	INTEGRATED WASTE MANAGER	1

EEO Category	Occupation Code	Occupation Description	Elk Grove Job Title	Employees
Officials and Administrators	430	Miscellaneous managers, including funeral service managers and postmasters and mail superintendents	PUBLIC WORKS DIRECTOR/ENGINEER	1
Officials and Administrators	530	Purchasing agents, except wholesale, retail, and farm products	PURCHASING AGENT	1
Officials and Administrators	725	Meeting, convention, and event planners	COMM. EVENTS/PROJECT COORDINAT	1
Officials and Administrators	820	Budget analysts	BUDGET MANAGER	1
Officials and Administrators	820	Budget analysts	POLICE ADMINISTRATIVE MANAGER	1
Officials and Administrators	820	Budget analysts	SR MGMT & BUDGET ANALYST	1
Officials and Administrators	840	Financial analysts	FINANCE ANALYST II	2
Officials and Administrators	6660	Construction and building inspectors	CODE ENFORCEMENT OFFICER	4
Officials and Administrators	6660	Construction and building inspectors	CODE ENFORCEMENT SUPERVISOR	1
Officials and Administrators	6660	Construction and building inspectors	SR CODE ENFORCEMENT OFFICER	1
Professionals	630	Human resources workers	HUMAN RESOURCE ANALYST	1
Professionals	630	Human resources workers	HUMAN RESOURCE SPECIALIST	1
Professionals	630	Human resources workers	SR. HUMAN RESOURCES SPECIALIST	1
Professionals	800	Accountants and auditors	ACCOUNTING MANAGER	1
Professionals	800	Accountants and auditors	REVENUE MANAGER	1
Professionals	800	Accountants and auditors	SR ACCOUNTANT	2
Professionals	1050	Computer support specialists	I.T. ADMINISTRATOR	2
Professionals	1050	Computer support specialists	I.T. ANALYST	2
Professionals	1050	Computer support specialists	SR I.T. ANALYST	5
Professionals	1105	Network and computer systems administrators	NETWORK ENGINEER	1
Professionals	1200	Actuaries	RISK ANALYST	1
Professionals	1220	Operations research analysts	CRIME ANALYST	1
Professionals	1310	Surveyors, cartographers, and photogrammetrists	GIS ANALYST	1
Professionals	1360	Civil engineers	SR CIVIL ENGINEER	3
Professionals	1420	Environmental engineers	ENVIRONMENTAL SPECIALIST	1
Professionals	1760	Physical scientists, all other	FORENSIC INVESTIGATOR	3
Professionals	1760	Physical scientists, all other	SUPERVISING FORENSIC INVSGTR	1
Professionals	1840	Urban and regional planners	ASSISTANT PLANNER	1
Professionals	1840	Urban and regional planners	ECONOMIC DEV PROGRAM MANAGER	1

EEO Category	Occupation Code	Occupation Description	Elk Grove Job Title	Employees
Professionals	1840	Urban and regional planners	ECONOMIC DEVELOP. SPECIALIST	1
Professionals	1840	Urban and regional planners	GIS SYSTEM ADMINISTRATOR	1
Professionals	1840	Urban and regional planners	HOUSING & PUBLIC SVC PROG MGR	1
Professionals	1840	Urban and regional planners	INTEGRATED WASTE COORD	2
Professionals	1840	Urban and regional planners	PLANNING MANAGER	1
Professionals	1840	Urban and regional planners	PUBLIC WORKS DIVISION MGR-ENGI	2
Professionals	1840	Urban and regional planners	PUBLIC WORKS DIVISION MGR-OPER	1
Professionals	1840	Urban and regional planners	SR MANAGEMENT ANALYST	1
Professionals	1840	Urban and regional planners	SR. PLANNER	1
Professionals	1840	Urban and regional planners	TRAFFIC ENGINEER	1
Professionals	1840	Urban and regional planners	TRANSIT PLANNER	1
Professionals	2100	Lawyers, and judges, magistrates, and other judicial workers	ASSISTANT CITY ATTORNEY	2
Professionals	2100	Lawyers, and judges, magistrates, and other judicial workers	CITY ATTORNEY	1
Professionals	2630	Designers	GRAPHIC DESIGNER	1
Professionals	2860	Miscellaneous media and communication workers	GRAPHIC & MULTIMEDIA PROG MGR	1
Professionals	2860	Miscellaneous media and communication workers	MULTIMEDIA SPECIALIST	1
Protective Service Workers: Non-sworn	3900	Animal control workers	ANIMAL SERVICES OFFICER	4
Protective Service Workers: Non-sworn	3900	Animal control workers	ANIMAL SERVICES SUPERVISOR	1
Protective Service Workers: Non-sworn	3955	Lifeguards and other recreational, and all other protective service workers	SECURITY OFFICER	1
Protective Service Workers: Sworn	3710	First-line supervisors of police and detectives	CAPTAIN	2
Protective Service Workers: Sworn	3710	First-line supervisors of police and detectives	LIEUTENANT	7
Protective Service Workers: Sworn	3710	First-line supervisors of police and detectives	POLICE SERGEANT	18
Protective Service Workers: Sworn	3850	Police officers	POLICE OFFICER	111
Protective Service Workers: Sworn	3850	Police officers	RETIRED ANNUITANT/PEACE OFFICE	3
Service and Maintenance Workers	4210	First-line supervisors of landscaping, lawn service, and groundskeeping workers	FACILITIES & FLEET MANAGER	1
Service and Maintenance Workers	4250	Grounds maintenance workers	FACILITIES TECHNICIAN	2



# Elk Grove Diversity Inclusion Strategy

Shanti Brien, Co-founder  
Christy H. Chandler, Co-founder

## Executive Summary

The City of Elk Grove ("City") is a diverse and vibrant community committed to making Elk Grove welcome to all. Since 2011, the City has had a ten-member multicultural committee and in 2016 the City Council declared Elk Grove as "No Place for Hate." The City Council has encouraged all residents to take its Diversity Pledge. And in 2017, the City of Elk Grove issued a Request for Proposal for a comprehensive Diversity Audit and Inclusion Strategy for key diversity areas of Elk Grove. The City of Elk Grove aspires to retain the diverse workforce that it has assembled, enhance the engagement of all of its employees, and as Interim City Manager Jason Behrmann said, "lead the nation in municipal diversity and inclusion practices."

On June 12, 2018, Miller Law Group ("MLG") submitted findings related to its Audit of the City's policies, practices and procedures as well as results from an employee engagement survey and analyses of the City's job groups, workforce and current compensation. The Audit demonstrated that the City's policies and practices do not pose any obvious barriers to diversity nor did the statistical analyses reveal evidence of discrimination in the City's workforce demographics and compensation practices.

However, we see several opportunities to enhance the diversity and inclusive culture within the City. We make these five core recommendations:

- Amend and adopt policies so that the City is in compliance with current laws and regulations
- Assign an executive or manager the role of Inclusion Leader with authority to act on this Plan.
- Create a strong Diversity and Inclusion Vision Statement.
- Adopt an Education Plan as proposed to implement over the next year.
- Review and evaluate the new policies, implementation of best practices, and education plan when complete and on a periodic basis.

In addition, certain issues deserve special attention. The City would greatly benefit from employee conversations exploring the benefits of a diverse workplace and how that relates to attracting and keeping the most qualified employees. While the City has laudable outreach efforts for many traditionally underrepresented groups there is still room to more actively reach older populations, people with disabilities and veterans. Women represent almost 44% of the workforce but the City needs to support women so they succeed in the highest levels of city leadership. The Elk Grove Police Department should continue its efforts in diversity and inclusion and the City can look to the department as a model for its Mission, Vision and Values Statement.

In fulfillment of the strategy portion of the project, Fogbreak Justice (formerly Daylight Justice) now provides this Diversity Inclusion Strategy to Elk Grove. This report contains five parts:

I. Introduction	4
II. Diversity and Inclusion Statement	5
III. Summary of policy recommendations (resulting from the Audit)	6
IV. The best municipal practices for diversity and inclusion, tailored to Elk Grove’s opportunities and goals	12
V. Proposed Education Plan	25

This Strategy is designed to establish Elk Grove as a national leader in diversity and inclusion. Toward this end, this report includes a variety of recommendations and best practices. These are meant to be a guide and a resource for the City; it may incorporate any or all of these recommendations.

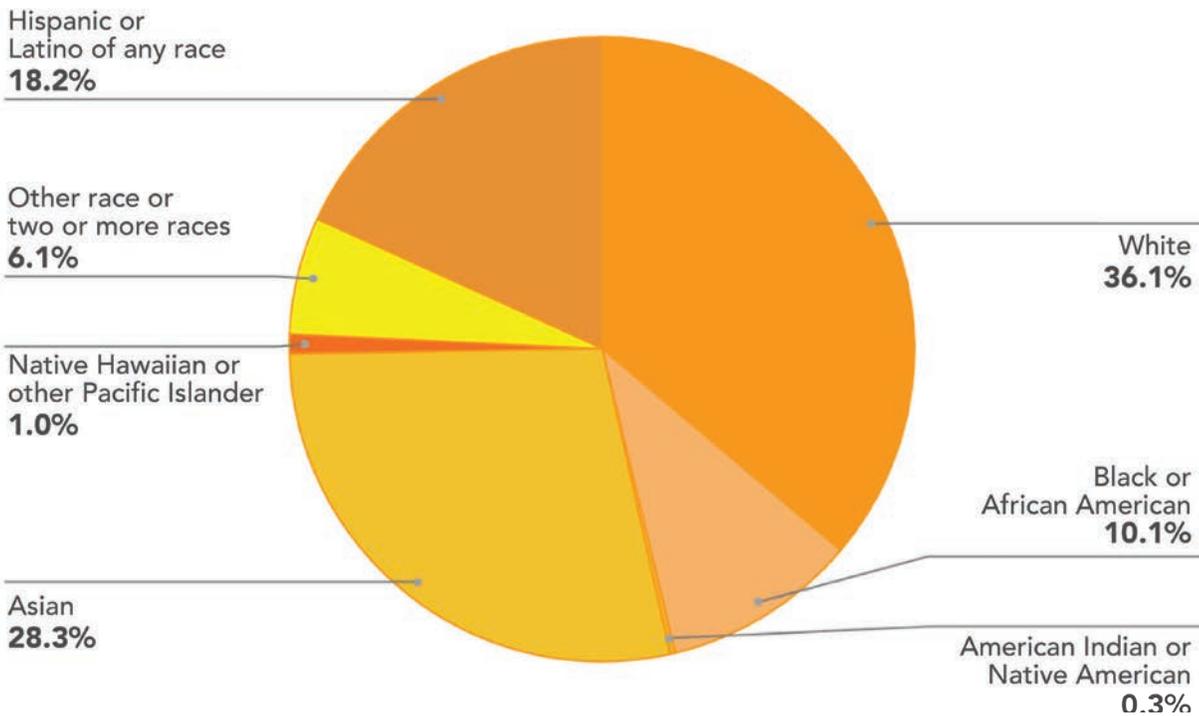
Elk Grove supports the Special Olympics Northern California Torch Run.



## I. Introduction: Elk Grove’s Commitment to Diversity and Inclusion

Elk Grove is a diverse community, not only in terms of racial and ethnic diversity, as seen in the chart below, but in the full range of human differences. A quarter of Elk Grove residents are foreign born and 25% of the population speaks languages other than English.<sup>1</sup> There are not statistics on how many Elk Grove residents identify as LGBTQ, but at least 4% is a well-supported estimate.<sup>2</sup> Older people (over the age of 55) make up 22% of the population. Almost 10% of the total population lives below the poverty line.

### Elk Grove’s Race and Ethnic Diversity



Elk Grove strives to attract and retain a diverse workforce. Elk Grove is diverse in the following ways: Of 326 City employees, 65% (212) are White, 18% (58) are Hispanic, 9% (30) are Black, 8% (25) are Asian, and 0.3% (1) is Native Hawaiian/Pacific Islander. Men comprise 56% of the employees, while women are 44%.<sup>3</sup>

<sup>1</sup> 8.2% speak Spanish, 4.9% speak Tagalog, 4.8% speak Chinese, 3.9% speak Vietnamese, and 3.2% speak "Languages of India." www.neighborhoodscout.com

<sup>2</sup> "In U.S., More Adults Identifying as LGBT" Gallup News (January 11, 2017).

<sup>3</sup> The Elk Grove Police department employs 147 of the 326 City employees. Of all sworn and non-sworn personnel in the police department, 66.7% are White, 15% are Hispanic, 9.5% are black, and 8.8% are Asian. 83.7% are male and 16.3% are female.

The City’s employees recognize its commitment to diversity and inclusion. From the Diversity, Inclusion and Employee Engagement Survey (“Survey”), one City employee wrote, “I am proud to work for an organization that actively hires individuals from different cultures, backgrounds and walks of life.” And another noted how the City accommodated his cultural differences and said “this type of commitment to employees of a different race and heritage shows the city’s growing commitment to create a professional and diverse workplace.”

## II. Diversity and Inclusion Statement

To be a leader in diversity and inclusion in the public sector, the City must codify its robust commitment to diversity, inclusion and quality as evidenced by a strong Diversity and Inclusion Statement. We suggest that the City create, with all of its employees, a statement of its mission, its vision, and its values regarding diversity, inclusion and quality. This is a sample of a Diversity and Inclusion Statement that could be developed by the City.

*The City of Elk Grove is committed to providing the highest quality of public service. To meet this commitment, the City aspires to create a supportive, engaging and caring workplace that offers respect for the spectrum of human diversity, and a genuine understanding of the many differences-including race, ethnicity, gender, age, socio-economic status, national origin, sexual orientation, disability and religion that will enrich the Elk Grove community. It is incumbent upon each employee to share the responsibility of creating and maintaining an environment of mutual respect and support.*

City leaders must make this task a priority and affirm the principles of diversity and inclusion as part of providing the highest quality public service. With this as its



Elk Grove Multicultural Festival, 2017

foundation, the City can then move forward with appropriate policy changes and implement best practices and trainings with full transparency and endorsement of its employees.

### III. Summary of Policy & Procedures Recommendations

The Diversity Audit included specific recommendations to Elk Grove for policy and procedure changes which are available in full in the report and summarized below:

#### Equal Employment Opportunity Policies and Procedures

- Revise the City's Equal Employment Opportunity Policy to articulate a clear EEO statement that not only sets forth the City's legal requirement to provide equal employment opportunities to applicants and employees, but that includes diversity-friendly statements that emphasize the City's commitment to a workplace that is inclusive of all individuals and of all protected categories under federal and state law.
- Conduct a thorough review of all its contracts to obtain a definitive analysis of its duty to comply with federal affirmative action requirements.
- Revise the Harassment, Discrimination & Retaliation Policy Prevention Policy and Procedure to list all protected categories under state and federal law (e.g., "sex" includes pregnancy, childbirth, breastfeeding and any related medical conditions), to carve out a section that specifically addresses sexual harassment and its various forms, to include a statement that specifies that conduct need not be motivated by sex to constitute sexual harassment; and to include a statement regarding personal liability for supervisors or managers found guilty of sexual harassment. Include a section that defines "abusive conduct" and that clarifies that such conduct also will not be tolerated.

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Articulate a clear EEO statement that not only sets forth the City's legal requirement to provide equal employment opportunities to applicants and employees, but that includes diversity-friendly statements that emphasize the City's commitment to a workplace that is inclusive of all individuals.

- Have employees sign an acknowledgement form indicating that the employee has read the City's Harassment, Discrimination & Retaliation Prevention Policy and Procedure and understands its contents upon onboarding or revision.

### **Other Recommended EEO Policies and Practices and Revisions**

- Add a Transgender Employment Policy to the Rules and Regulations that addresses the rights of transgender employees in the workplace and that also instructs supervisors and employees as to transgender employment rights.
- Adopt a Mission, Vision and Values statement (MVV), similar to that of the EGPD to further demonstrate its commitment to diversity.
- Develop written Fair Chance Procedures in response to AB 1008, which became effective on January 1, 2018, and which applies to all public and private employers.
- Revise Section 12.11 of the Rules and Regulations "Medical Demotions, *part of Medical Demotion, Transfer, Termination or Retirement*, which links discipline to an employee's failure to submit to tests and examinations ordered by management to reflect the City's obligations under applicable law.
- Adopt a true anti-nepotism policy that prohibits the employment of family members or develop a stronger Employment of Relatives policy that explains that relatives of present employees may be hired by the City only if (1) the individuals concerned will not work in a direct supervisory relationship with one another, and (2) the employment will not pose difficulties for supervision, security, safety, or morale.

- Require employees who are in family, romantic or business relationship with other employees and/or with candidates for employment to disclose the existence of the relationship immediately to Human Resources.

### City's EEO Related Training

- Strengthen the EEO training by incorporating and discussing the City's specific Harassment, Discrimination & Retaliation Policy and Procedure (including the City's complaint and investigation procedures) and the City's (to be revised) Equal Employment Opportunity Policy in its Anti-Harassment and Workplace Diversity trainings.
- Expand EEO training to include a review of forms of illegal retaliation, including retaliation for internal or external complaints regarding harassment, discrimination, or a violation of law or policy, and retaliation for taking protected medical leave.
- Expand training for managers and supervisors regarding employee leave rights under the Family and Medical Leave Act, the Americans with Disabilities Act, the California Fair Employment and Housing Act, workers compensation law, and cultural competency.
- Include instruction regarding how to respond to requests for religious accommodation and domestic violence/stalking accommodation in reasonable accommodation training for managers as well.

### Recruiting Practices - Outreach

- Expand outreach efforts to include persons with disabilities, veterans, or women-based groups, for example, by hosting a Women in Policing Career Fair or partnering with one of the many veterans organizations in the Elk Grove and/or Sacramento areas.

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Block the applicant's name during the screening and initial interview-selection phase of the hiring process to promote increased objectivity in the process.

- Repeat the EGPD's Careers in Law Enforcement Event on a biennial basis to encourage the public and members of the local community to consider a career in law enforcement, particularly with the EGPD.
- Conduct a specific analysis to determine the efficacy of different outreach attempts and efforts and to ensure that time and resources are not spent on outreach that is not productive.

### **Recruiting Selection Process**

- Block the applicant's name during the screening and initial interview-selection phase of the hiring process to promote increased objectivity in the process.
- Analyze applicants who do not meet the minimum qualifications to ascertain whether the minimum and/or preferred qualifications of the position create barriers to diverse hiring.
- Use a broader range of disposition codes and/or a ranking of applicants at the initial screening and interview-selection stage to document the process and combat any potential claims of subjectivity in the process in NeoGov.
- Develop a process to consistently audit these comments describing the rationale behind selections to make sure they are job-related and do not make any reference, explicitly or implicitly, to any protected characteristics.
- Consider eliminating the "appointment" provision altogether, or modifying it to define "best interests" and to specify that this provision will only be invoked in special and extraordinary circumstances, and that any appointment pursuant to this provision will be subject to review by the Human Resources Department or by special committee.

## EEO Reporting Practices and Reports

- Revise EEO-4 reports will need to reflect changes to the EEO Categories used by the City.
- Revise the City's New-Hire Checklist to include the two-ethnicity categories and sex/gender to further ensure accurate EEO demographic reporting.

## Onboarding and Talent Management

- Providing new hires with the Personnel Rules and Regulations for their purview, and review with each new hire the City's Equal Employment Opportunity Policy and the Harassment, Discrimination & Retaliation Policy, including the complaint procedure outlined therein.
- Require new hires to sign an Acknowledgement of the City's Harassment, Discrimination & Retaliation Policy, indicating that they have read and understand the Policy and that any questions regarding the Policy should be directed to the HR Department.
- Establish a mentoring program that matches diverse new hires with peer mentors who can share their experience working for the City and/or with management mentors from the same or different departments who can impart their wisdom and experience to new hires.
- Host a diverse employee panel event for new hires where new hires can meet and hear from existing employees from different protected groups regarding their backgrounds and experiences working for the City.
- Establish a diversity task force that consists of employees from different departments and varying supervisory/managerial levels and that focuses on diversity and inclusion issues and strategies.

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One Elk Grove Employee said, "I think the City could greatly benefit from a formal mentorship program where employees are matched with someone for a set period of time that they can go to for professional advice and/or coaching."

- Require employees to participate meaningfully in building and supporting a workplace that serves all of the City's employees respectfully. These expectations can be set forth in performance appraisals.
- Expand "teamwork" component of evaluations to include a diversity component. Likewise, managers and supervisors should be evaluated with respect to their cultural competencies.

### **Promotions**

- Develop a clear promotion policy to include a description of how and when employees are notified of promotion opportunities, how those opportunities are posted, and the conditions under which external and internal recruitments are conducted.
- Clarify the policy to set forth clear, objective selection criteria for promotions. A ranking system should be used to evaluate both external and internal candidates for promotion (just as ranking is used to evaluate interviewees during the recruitment selection process).
- Document the decision-making process, retain records, conduct an analysis to periodically determine whether any particular protected class appears to be missing out on promotions with respect to the City as a whole, and particularly, with respect to promotions within specific departments.

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Develop a clear promotion policy to include a description of how and when employees are notified of promotion opportunities, how those opportunities are posted, and the conditions under which external and internal recruitments are conducted.

## IV. Best Practices for Diverse and Inclusive Municipal Governance

From the latest social science research, expertise from the business world, and reports on diversity programs in public agencies, Fogbreak has assembled the best practices for creating a diverse and inclusive Elk Grove. There are seven core categories: Belonging, Fairness, Transparency & Accountability, Leadership, Communication, Accessibility and Education.

### **BELONGING**

Belonging is the essence of a diversity and inclusion plan. Organizations thrive when they promote a culture that “encourage employees to feel valued for their unique qualities and experience a sense of belonging, engagement, and connection to the mission of the agency.”<sup>4</sup> Belonging is not just about making people feel good. “Creating a sense of belonging [ ] empowers people to do their best work, ensuring people from all backgrounds have an opportunity to succeed and advance in organizations.”<sup>5</sup> Moreover, “when people are not confident they belong in their environment—a feeling that is pervasive among people from underrepresented backgrounds—this uncertainty can dramatically reduce people’s performance.”<sup>6</sup> Some research has shown that minorities spend 25-30% of their time worrying about how they fit in.<sup>7</sup>

Elk Grove deserves great credit for creating a warm, neighborly workplace. The Survey of City employees found that 86% of respondents agreed that City employees interact with each other in a friendly, pleasant way. Still, we recommend several strategies to position Elk Grove as a leader in inclusion efforts. The City may tailor these recommendations to fit its employees’ and organizational needs.

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Creating a sense of belonging empowers people to do their best work, ensuring people from all backgrounds have an opportunity to succeed and advance in organizations.

<sup>4</sup> “Government-wide Diversity and Strategic Plan” U.S. Office of Personnel Management (2016).

<sup>5</sup> Emerson, Joelle, “D&I Predictions for 2017” found online at [www.paradigm.com](http://www.paradigm.com)

<sup>6</sup> Emerson, Joelle, “D&I Predictions for 2017” found online at [www.paradigm.com](http://www.paradigm.com)

<sup>7</sup> Reilly, Kate, “How LinkedIn’s HR Chief is Changing the Diversity Conversation with ‘Belonging,’” *LinkedIn Talent Blog* (January 9, 2017).

- Hold *Inclusion Mission, Value and Vision Sessions* that include every city employee to explore and develop the organization's vision for an inclusive Elk Grove. The end result of these sessions is a Mission, Vision and Values Statement (MVV) also known as a Diversity Inclusion Statement. Miller Law Group likewise recommended that the City adopt an MVV of its own separate from the police department.
- When onboarding, the City should also establish a *Mentoring Program or Buddy System* that matches diverse new hires with peer mentors who can share their experience working for the City and provide guidance in a less formal, more collegial way and/or with management mentors from the same or different departments who can impart their wisdom and experience.
- Create *Employee Resource Groups* for connecting employees so they can build relationships and feel less alone. Affinity groups at companies have expanded in recent years to include eldercare groups, or adoptive-parent groups, or anything that serves as common ground for people of all races, ages, and sexes. At some companies, getting everyone together to do volunteer work fills this purpose. To avoid some common pitfalls, affinity groups must be open and voluntary with clear policies and not used in lieu of necessary HR interventions.<sup>8</sup>
- Use social media to *Celebrate Ethnic/Cultural Groups and Other Societal Milestones*. For example, consider Facebook posts acknowledging monthly celebrations such as Pride Month, Black History Month, Women's History Month, Spanish Heritage Month, National Disability Employment Month in addition to holidays such as Lunar New Year, Dia de Los Muertos, Juneteenth, International Transgender Day of Visibility, and Ramadan.<sup>9</sup>



Elk Grove already celebrates Diwali. Other cultural and social acknowledgments can be added to the City's social media outreach

<sup>8</sup> Fisher, Ann. "How Microaggressions Can Wreck Your Business," *Fortune* (November 19, 2015).

<sup>9</sup> The EGPD has already instituted this practice. As the Audit noted, the EGPD posted pictures online of their participation in the Pride Parade and the Walk a Mile in Her Shoes events.

- Incorporate *Culturally-Specific Elements* into work events and activities. For example, Elk Grove could host a One City-One Book Club where city employees join a “book club” that contains multicultural themes and discuss at a brown bag lunch.<sup>10</sup>
- *Evaluate Belonging Practices* by conducting follow-up Diversity, Inclusion, and Employee Engagement Surveys on annual basis.

### **FAIRNESS**

Fairness as a guiding principle in diversity and inclusion efforts involves two aspects: fair practices and the perception of fair practices. It is imperative that bias be identified and addressed. It also is important to consider people’s view of how the rules work. If people believe that others get special treatment, then the reality is irrelevant -- workplace morale and productivity will suffer as trust is eroded.<sup>11</sup> For example, the Survey identified the perception that “certain positions within the City have been offered to current employees or to outsiders...in the absence of a competitive application [and] promotion process leading to claims of favoritism and unfairness in these processes.”<sup>12</sup> Whether bias actually exists or not, the City should address the concerns so the perception matches reality.

In addition, the Survey revealed many employees who see “diversity” initiatives as undermining fairness. For example, one respondent reported that, “It seems to me that this city takes too much effort into becoming diverse, instead of hiring the most competent and capable person for the position. I feel people are overlooked, who may be more qualified, in favor of someone who is less qualified but may be more diverse.” And another said, “I think the City sometimes hires people based more on their ethnic background as opposed to them being best suited for the position.”<sup>13</sup> This perceived favoritism is important and needs to be addressed.

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Fairness as a guiding principle in diversity and inclusion efforts involves two aspects: fair practices and the perception of fair practices.

<sup>10</sup> For other examples see *88 Ways to Celebrate Diversity* found online at <http://www.sbhihelp.org/files/Diversity88Ways.pdf>

<sup>11</sup> Tyler, Tom R., “Procedural Justice, Legitimacy, and the Effective Rule of Law,” *Crime and Justice*, Vol. 30 (2003), pp. 283-357

<sup>12</sup> See Audit at p. 17.

<sup>13</sup> See Audit at p. 29.

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Where there is discretion, require decision-makers to explain their reasoning to lessen the potential for unconscious biases to affect the evaluation.

To promote fairness, we recommend the following strategies.

- Host *Facilitated Workshops* where employees can express all of their views about diversity and inclusion (including skepticism and confusion), listen to divergent viewpoints, and begin to recognize the shared values among all stakeholders.<sup>14</sup>
- Address implicit bias in hiring by ensuring *Blind Assessments* by decision-makers as to applicant names. Currently, the HR Department screens and assigns disposition codes to candidates, and the Hiring Managers then select applicants for interviews, without any knowledge of the applicant's demographic information (which applicants can, but are not required to, self-disclose at the application stage). To promote increased objectivity in the process, an additional step should be taken to block the applicant's name during the screening and initial interview-selection phase of the hiring process.
- Use *Predetermined Weighted Criteria* for evaluation of candidates so decision-makers don't "back into" rationales of favorite candidates by emphasizing certain qualities over another.
- Where there is discretion, require decision-makers to *Explain their Reasoning* to lessen the potential for unconscious biases to affect the evaluation.
- Through implicit bias workshops train employees to *Use Anti-Bias Tools* such as "cloaking techniques" and "perspective shifting" to test for unconscious biases in hiring, promotions, performance reviews, and workplace culture.<sup>15</sup>
- Implement the "*Rooney Rule*"<sup>16</sup> which requires a minimum of two underrepresented candidates to be present in each hiring pool.

<sup>14</sup> See Kellough and Naff "Responding to a Wake-up Call An Examination of Federal Agency Diversity Management Programs" *Sage Journals* (2004).

<sup>15</sup> Social science research has shown these to be the best techniques for reducing bias in decision-making. They are typically taught in implicit bias workshops.

<sup>16</sup> Johnson, Susan K., David R. Hekman, Elsa T. Chan "If There's Only One Woman in Your Candidate Pool, There's Statistically No Chance She'll Be Hired" *Harvard Business Review* <https://hbr.org/2016/04/if-theres-only-one-woman-in-your-candidate-pool-theres-statistically-no-chance-shell-be-hired>.

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**Accountability** means full access to information so that employees and the public can check that outcomes are aligned with goals and commitments.

- *Blast Counterstereotypes* using email or other social media so that all employees are routinely exposed to counterstereotypes, a proven method for reducing bias when done on a regular basis.<sup>17</sup>
- Provide *Stress Reduction Opportunities* such as meditation which has been shown to reduce bias, particularly for those in jobs that require multitasking or decision making under pressure.
- Offer *Implicit Bias Brown Bags* with discussions over lunch about customized tools and strategies for reducing bias.
- *Evaluate the Effectiveness* of implicit bias training through assessment tools used pre-training, post-training, and at periodic intervals thereafter.

### **TRANSPARENCY AND ACCOUNTABILITY**

The more transparent a city is, the more open and trusting the culture will be. When employees understand the processes that are at work and the reasoning behind them, they are more likely to accept the city's decisions—even if they are unfavorable to them.<sup>18</sup> Transparency about diversity and inclusion efforts is no exception.

Accountability is intimately connected with transparency: when people—either the public or employees—are fully informed about the reasons behind decisions, they can hold the City accountable. In other words, full access to information allows others to check that outcomes are aligned with goals and commitments. One report found that having a head of diversity—someone accountable for the outcomes of the diversity programs—increased the effectiveness of other diversity policies. Being accountable to others has the added benefit of reducing the bias of the decision-maker.

<sup>17</sup> Exposure to counterstereotypes as a method for reducing bias is often taught in implicit bias workshops.

<sup>18</sup> Tom R. Tyler, "Procedural Justice, Legitimacy, and the Effective Rule of Law," *Crime and Justice*, Vol. 30 (2003), pp. 283-357.

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To foster fair, inclusive workplaces, diversity initiatives must incorporate accountability so they are more than “colorful window dressing.”

“In order to foster fair, inclusive workplaces, diversity initiatives must incorporate accountability. They must be more than “colorful window dressing” that unintentionally angers a substantial portion of the workforce. Diversity policies must be researched, assessed for effectiveness, and implemented with care...”<sup>19</sup> In order to promote transparency and accountability the City should:

- *Promote Data Transparency* through collection and sharing of disaggregated data where possible on programs and services to proactively address any potential issues of disparities.
- *Be Transparent about Non-Transparency.* When there are legal or other compelling reasons to withhold sensitive information, that fact should be disclosed.
- *Record the Reasoning for Decisions.* The City already requires interview panels to document interview “rankings” and submit notes from interviews, which are reviewed by the HR Department. Hiring Managers also document the rationale for their screening dispositions on Neogov. Consider expanding this practice to promotions, appointments, and the disposition of harassment or other employee complaints. Consider conducting regular audits of the recorded rationale.
- Assign an executive or manager the role of *Inclusion Leader* with authority to act on this Plan.
- If the City decides to create a task force or assign an Inclusion Leader, the City leadership should *Respond Promptly and Fully* to the concerns communicated by that person or group. The person or group should have an annual budget that allows them to take visible and impactful action.

- *Gather Data on Effectiveness* of policy changes, newly-implemented strategies and education, and training through periodic employee surveys and training-related data collection tools.
- Require employees to participate meaningfully in diversity and inclusion programs and *Expand Employee Evaluations* to include a diversity component. Likewise, managers and supervisors should be evaluated with respect to their cultural competencies.<sup>20</sup>
- *Host Community Forums* about the City's diversity and inclusion strategy and plan where community members can learn about the City's efforts, make suggestions, engage with City Leaders and other community members on issues related to diversity and inclusion within the City and the greater community.

## LEADERSHIP

"For leaders...advancing diversity, creating an inclusive environment that welcomes and develops the contribution of each member becomes an important leadership practice."<sup>21</sup> Leaders control the culture and set the tone. Leadership necessitates vigilant inclusion because the cost of exclusion is far greater.<sup>22</sup> Elk Grove's leadership has made significant progress toward an inclusive environment for its diverse employees. For example, one employee wrote, "The racial bias training was very good and the City Manager was involved. It was great to see the higher-ups get involved; it shows how serious they are and their commitment."

Still, there is room for improvement. Many of the people of color employed by the City believed that the City leadership could do a better job recognizing the value of a diverse workforce: 36% of Hispanic employees; 55% of African American employees; and 33% of Asian employees. City Leaders must lead the charge to make

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Leadership  
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<sup>20</sup> See Audit at p. 20

<sup>21</sup> Research Center for Leadership in Action, "Leadership, Diversity and Inclusion: Insights from Scholarship" (March, 2011).

<sup>22</sup> Dan Mulhern, *Everyday Leadership* (2007).

diversity and inclusion a core part of the City culture and to get executives, teams, and the whole City to follow. To do this:

- Leaders should *Communicate and Articulate* the City's diversity and inclusion agenda to all employees.
- Train leaders on *Skills Specific to Inclusion* including cultural competency, creating a vision, communication, belonging, and integrity.
- Leaders and rising leaders should *Model Good Communication Skills*: listening attentively and asking for feedback, admitting mistakes and explaining why he/she values diversity and inclusion.
- Establish a *Mentoring Program* to develop new leaders, including leaders of color.<sup>23</sup> Miller Law Group also recommends a mentoring program.<sup>24</sup>
- Empower an *Inclusion Leader* with a budget and direct line to City leadership.
- City staff and elected officials should *Regularly Attend Cultural Events* in the community and work closely with community partners to build trusting relationships and open channels for communication.
- *Model Openness and Be Accountable*. Leaders create the culture of a workplace and through sharing information, following up with commitments and encouraging employees to hold them responsible for their actions, leaders will encourage an inclusive culture. This should include gathering data and assessing the effectiveness of diversity and inclusion policies, strategies, and trainings.



<sup>23</sup> Research from 2004 that over a decade ago 34% of public agencies surveyed had a mentorship component in their diversity program. By now, many more agencies must use this critical tool. See Kellough and Naff "Responding to the Wake-up Call: An Examination of Federal Agency Diversity Management Programs" *Sage Journals* (2004)

<sup>24</sup> Audit at p. 19.

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The City can increase employee engagement through communication strategies like: holding one-on-one meetings, training in active listening, finding nestled voices, communicating with respect, and translating materials.

### COMMUNICATION

People perform better when they feel heard and appreciated. The Survey revealed that the City could make improvements in the area of communication. For example, only 60% of respondents agreed that City leadership kept employees informed and only 55% felt that City leadership took their feedback seriously. This is an opportunity for the City to increase employee engagement through better communication strategies and methods.

Language barriers were mentioned several times in the Survey. One respondent described, “The most common example I see of bias is being dismissive of someone because of language barriers or communication barriers from individuals who may be developmentally delayed.... [I]f staff become dismissive or frustrated because of communication complications, it shuts down the ability to help others, and it also hurts the City team and image if staff are shutting down communication because of such frustration.” Elk Grove should connect its language access efforts to the larger mission and goals of the City or department to demonstrate Elk Grove’s commitment to diversity and inclusion. The Institute for Local Government (ILG) is a wonderful resource for language accessibility. We provide other best practices here:

- Schedule *One-on-One Meetings*. Typically, open door policies and office hours tend to attract the same type of speaker (outspoken, not afraid of ruffling feathers or speaking to authority). Instead one-on-one meetings should be scheduled and held consistently. This is time consuming but more likely to get at all the voices and to lead to better engagement of all employees.
- Train all employees, especially management in *Active Listening*. Communication for inclusion is about listening to all voices with empathy.

- *Find Nestled Voices.* All groups have individuals who self-censor. They have judgment or knowledge of extraordinary worth and yet they do not share; for some reason along the way their voice, opinion or view was stifled. Leaders with authority have to pull people out of the nestling places; they have to solicit opinion, invite dissent and protect creativity.<sup>25</sup>
- *Communicate with Respect,* use appropriate terminology and lessen the prevalence of “microaggressions.” Microaggressions are unintended insults, made by someone who means no offense, and who may not even realize they’ve said or done anything wrong. Reducing them opens up communication among employees and between leadership and employees.
- *Translate Print and Online Materials* explaining services into languages spoken by a substantial number of low English proficient residents. Minimize the use of bureaucratic or legal jargon when creating all new documents.
- *Use Bilingual Employees* effectively and appropriately. Avoid assumptions about competence and willingness of bilingual staff to provide language services. Invest in translation or interpretation training to ensure accurate and appropriate communications.<sup>26</sup>

### **ACCESSIBILITY**

Accessibility means creating a workplace that is inclusive and supportive to all current and potential employees. We often have unintentional blinders that prevent us from seeing barriers that exclude others. For some, transportation to and from work is hardly a second thought beyond checking the traffic report. For others it can be an insurmountable obstacle. In the Survey, one City employee indicated, “I don't know of anyone else who has a disability. I do own a wheelchair although I rarely use it at this time. If I had to come to work with it,

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<sup>25</sup> Mulhern, *Doing Everyday Leadership* (2007).

<sup>26</sup> See Institute for Local Government, *Language Accessibility*. Found online at <http://www.ca-ilg.org/language-access-laws-and-legal-issues>

it would be very difficult having to go through five doors that are not motorized to get from my desk to a bathroom stall.” While most structural barriers are visible, improving accessibility also means addressing attitudes and misconceptions about people with disabilities and other groups. Accessibility means ensuring language comprehension for individuals who are non-English speaking or have limited English proficiency.

Persons with a disability are the largest minority group in the country. Twenty percent of the U.S. population has a disability.<sup>27</sup> Elk Grove has some room to improve its efforts with persons with disabilities and veterans. In terms of training, Elk Grove has provided Disability Etiquette to all new hires since October 11, 2016. And the Survey found that 71% of respondents strongly or somewhat agreed that that City management was committed to meeting the needs of employees with disabilities. Nevertheless, while Elk Grove has greatly expanded its outreach efforts in the past two years to attract a more diverse applicant pool, MLG’s Audit found little evidence of outreach to persons with disabilities, veterans, or to women-based groups.<sup>28</sup> A more robust approach to attracting and retaining employees with disabilities will make Elk Grove truly accessible.

We recommend the following strategies, which can be planned, executed and supported by the City’s Disability Advisory Committee.

- Ensure the person assigned to be the Inclusion Leader is a “*Disability Champion*” who, in collaboration with Jim Ramsey, Elk Grove ADA Coordinator, can promote a plan of action for improving disability inclusion practices and who is accountable to advance this strategy.
- Ensure those on the front line in the pursuit of employees with disabilities, are trained in, and know how to find and use the City’s *Accommodation Process*. This helps ensure candidates gain access to the supports needed to be successful and land the job.

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While most structural barriers are visible, improving accessibility also means improving attitudes and misconceptions about people with disabilities and other groups.

<sup>27</sup> National Organization on Disability, “The Forgotten Diversity Segment” found online [www.nod.org/wp-content/uploads/5b\\_infographic\\_the\\_forgotten\\_diversity\\_segment.pdf](http://www.nod.org/wp-content/uploads/5b_infographic_the_forgotten_diversity_segment.pdf)  
<sup>28</sup> See Audit at 14.

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Diversity trainings work, especially when they target awareness, skill development and occur over a significant period of time.

- Adopt *Universal Design Principles*, a set of guidelines that ensure environments, processes, policies, technologies and tools work for people of every ability, and ensure they are routinely applied.
- Enroll in the *National Organization on Disability 2019 Disability Employment Tracker*, which is a free and confidential survey to measure performance in six key inclusion aspects: Climate & Culture; Talent Sourcing; People Practices; Workplace & Technology; Strategy & Metrics; and Veterans Employment (optional). Compare your results to the group benchmark for each inclusion aspect and identify areas of strength and opportunities for improvement.
- Take advantage of *National Organization on Disability Wounded Warrior Careers and Return to Careers* programs to support veterans with disabilities who are transitioning into civilian work.
- Create a supportive space to discuss ongoing *Changes in Necessary Accommodations* as employee needs may change over time. These conversations can make or break how the employee feels about their employer, which, ultimately, affect retention and turnover rates.
- Engage employees in *Discussions about Disability* and provide training to increase employees' perspectives and understanding.

### EDUCATION

A recent meta-analysis of over 40 years of diversity training evaluations showed that diversity trainings work, especially when they target awareness and skill development and occur over a significant period of time.<sup>29</sup> The most successful workplace diversity programs are those which incorporate personal goal-setting and perspective-shifting and are supported by mentoring programs, one-on-one meetings, informal workshops,

<sup>29</sup> King, Linise, Lambere and Cheung, "Two Types of Diversity Training that Really Work," *Harvard Business Review* (July 28, 2017).

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## Educate Inclusion Ambassadors by training employees to lead informal learning sessions like brown bag lunch discussions.

and peer encouragement of collaboration and information sharing.<sup>30</sup> In short, success depends on high levels of continued engagement: consistent and long-term education, both formal--like trainings and seminars--and informal--like brown bag lunches, small group workshops, and meetings.

- Create a *Long-term Education Plan* for formal trainings, workshops and facilitated conversations. A sample plan is offered in the next section.
- *Educate Inclusion Ambassadors* by training employees to lead informal learning sessions. The Ambassadors, working closely with the Inclusion Leader, will meet regularly with small groups for workshops on set topics and brown bag lunches for discussions.
- Support and participate in *Regional Training Opportunities* with other jurisdictions. For instance, the Institute for Local Government (ILG) is a resource for programs specifically designed for municipalities in California.
- Conduct *EEO-Related Trainings* recommended by the Diversity Audit. The Audit recommended expanding EEO trainings to include the topics of illegal retaliation, employee leave rights under the Family and Medical Leave Act, the Americans with Disabilities Act, the California Fair Employment and Housing Act, workers compensation law, and requests for religious accommodation and domestic violence/stalking accommodation.
- *Evaluate the Effectiveness* of workshops and trainings by using data collection tools related to trainings and conducting periodic employee surveys.

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<sup>30</sup> Id. and Pruitt, Brinkworth "5 Things We Learned About Creating a Successful Workplace Diversity Program," *Harvard Business Review* (March 30, 2018)

## V. Diversity and Inclusion Training Plan

We suggest the following trainings and workshops to be completed by the City within a year, with follow-up workshops and brown-bag lunch discussions occurring quarterly thereafter.

### Diversity and Inclusion: Mission, Vision and Values Sessions

#### **Part 1: Small Focus Groups: What's the Value of Diversity?**

Results from the Diversity, Inclusion and Employee Engagement Survey show that many employees believe that quality may be sacrificed in order to promote diversity. For example one employee stated that it appears the "City emphasizes [sic] and values hiring a diverse workforce over a competent workforce." We propose a series of small group meetings where informal conversations will be held with all employees. Participants will be encouraged to share concerns and listen with respect to divergent views. These will be one-hour sessions with one facilitator.

#### **Part 2: Large Group Vision Session**

The City has an opportunity to improve the morale and engagement of its employees by creating a strong, inspiring vision of an inclusive Elk Grove. Only about half of employees (51%) strongly agreed or somewhat agreed that the city communicated a vision that motivated them. We propose a workshop where leaders and employees work together, in a facilitated group session to brainstorm, develop and draft a vision for diversity and inclusion in the City of Elk Grove. Rather than leaders imposing a vision, a collaborative session will encourage engagement and will return a more passionate commitment to the vision. The result of this session will be a Mission, Vision and Values Statement, also called a Diversity and Inclusion Statement. This will be a half-day session for up to 100 people with two facilitators.

### Procedural Justice and Implicit Bias

Participants will be introduced to the concepts of implicit bias and procedural justice in a large group setting. Small group discussions on these topics will be facilitated and participants will work through interactive exercises to understand the topics more fully. Finally, participants will learn strategies for reducing bias and tools to implement procedural justice practices. This will include perspective shifting and goal setting, proven methods for increasing the impact of trainings. Throughout the half-day workshop, music, video, and a variety of exercises will be used to fully engage participants. We recommend that all City employees receive this half-day training in groups up to 50.

### Cultural Competency

The focus of this interactive workshop will be how to manage, lead and communicate with a variety of cultural groups including immigrant and foreign-born groups, LGBTQ individuals, and the disabled. The topics of identity, in-groups/out-groups, and "microaggressions" will be explored. This will be a two-hour workshop for up to 50 people with facilitators.

### Leadership for Inclusion

This is a two-hour session on inclusion specifically tailored for invited civic leaders of Elk Grove. Leaders and rising leaders from the City as well as from community groups, non-profits, school districts and businesses will be encouraged to attend. Participants will learn tools and strategies to lead Elk Grove toward its goals for diversity and inclusion. The workshop will focused on strategies in four topics: Vision, Community, Communication and Integrity. Participants will have an opportunity to discuss specific challenges and effective approaches from their various organizations and departments.

### Community Night

Community Nights open up vibrant dialogue between the City, police and community members and demonstrate transparency and accountability. This event includes a 1.5 hour presentation on the Diversity Audit and the Diversity and Inclusion Strategy. Cultural competency and implicit bias will be addressed, participants will work through select exercises, and group discussions will be facilitated. The event will be open to City leaders and employees, elected officials as well as community members.

### Follow Up Workshops

The benefits of trainings largely depend upon the sustained and long-term commitment to engagement in the topics. Therefore, we recommend quarterly attention to the skills learned in the trainings and to topics that may arise in the workplace. These one-hour workshops are informal and usually attended on a volunteer basis. They can be self-guided brown bag lunch discussions or small group facilitated conversations.

### Inclusion Ambassadors: Train the Trainers Session

This day-long meeting with up to six Inclusion Ambassadors and the Inclusion Leader will cover all the topics required to facilitate follow-up workshops and discussions. Participants will learn about cultural competency, procedural justice, implicit bias, cross-cultural communication, and basic facilitation skills. The Inclusion Ambassadors will leave with a "toolbox" of strategies and exercises to present to their colleagues.



Fogbreak Justice leading a workshop on implicit bias.

## Conclusion

The Audit demonstrated that the City's policies and practices do not pose any obvious barriers to diversity nor did the statistical analyses reveal evidence of discrimination in the City's workforce demographics and compensation practices. Yet diversity does not automatically create a sense of inclusion. "The literature about inclusion and the multiple perspectives on diversity seems to agree that it is not enough to have representatives of diverse groups within organizations but to create an overall environment that celebrates and leverages multiplicity and pluralism."<sup>31</sup>

In order to sustain its diverse workforce and leverage the benefits the diversity creates, we conclude that Elk Grove should take five steps:

- Amend and adopt policies so that the City is in compliance with current laws and regulations
- Assign an executive or manager the role of Inclusion Leader with authority to act on this Plan.
- Create a strong Diversity and Inclusion Vision Statement.
- Adopt an Education Plan as proposed to implement over the next year.
- Review and evaluate new policies, implementation of best practices, and education plan when complete and on an ongoing basis.

With these recommendations and customized education program we expect Elk Grove to be a leader in diversity and inclusion while providing the highest quality public service.

<sup>31</sup> Research Center for Leadership in Action, "Leadership, Diversity and Inclusion: Insights from Scholarship" (March, 2011).

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Paradigm Blog found online at <https://www.paradigmiq.com/blog/>

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