



BOARD OF DIRECTORS
PERSONNEL COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BRAD WAGENKNECHT – CHAIRPERSON ERIC MAR – VICE CHAIRPERSON
SUSAN ADAMS
SCOTT HAGGERTY CAROLE GROOM
CAROL KLATT DAVID HUDSON
JIM SPERING MARY PIEPHO

MONDAY
MARCH 24, 2014
9:30 A.M.

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

AGENDA

1. **CALL TO ORDER - ROLL CALL**

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*). *Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at Air District headquarters, 939 Ellis Street, San Francisco, CA, and on the Air District's website www.baaqmd.gov at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

3. **APPROVAL OF MINUTES OF JANUARY 13, 2014**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Personnel Committee meeting of January 13, 2014.

4. **STRATEGIC STAFFING PLAN UPDATE**

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will receive an update on the Air District's strategic staffing process.

5. **CONDUCT INTERVIEWS AND CONSIDER RECOMMENDING BOARD OF DIRECTORS' APPROVAL OF A CANDIDATE FOR APPOINTMENT TO THE AIR DISTRICT'S ADVISORY COUNCIL IN THE AGRICULTURE CATEGORY AND CONSIDER RECOMMENDING HEARING BOARD MEMBER REAPPOINTMENTS**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will conduct interviews and consider recommending Board of Directors' approval of a candidate for appointment to the Air District's Advisory Council and consider recommending Hearing Board Member reappointments.

6. **APPEAL OF AIR POLLUTION CONTROL OFFICER/EXECUTIVE OFFICER DECISION ON DOUGLAS W. HALL'S COMPLAINT OF VIOLATION OF THE AIR DISTRICT'S EQUAL EMPLOYMENT OPPORTUNITY POLICY**
J. Broadbent/5052
jbroadbent@baaqmd.gov

Pursuant to the Bay Area Air Quality Management District's Administrative Code, Division III, Personnel Policies & Procedures, Section 2.3, the Committee will consider an appeal of the Air Pollution Control Officer/Executive Officer's decision finding no violation of the District's Equal Employment Opportunity Policy as alleged by Mr. Hall.

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

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

9. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Chair.

CONTACT THE CLERK OF THE BOARDS
939 ELLIS STREET SF, CA 94109

(415) 749-5073
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Executive Office should be given at least 3 working days prior to the date of the meeting, so that arrangements can be made accordingly.

Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

MARCH 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Climate Protection Committee <i>(Meets on the 3rd Thursday of Every Other Month)</i>	Thursday	20	9:30 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room

VIDEOCONFERENCE LOCATION:
Santa Rosa Junior College Doyle
Library Room 4243
1501 Mendocino Avenue
Santa Rosa, CA 95401

Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	27	9:30 a.m.	Board Room
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APRIL 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	3	10:00 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room

APRIL 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	21	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	24	9:30 a.m.	Board Room

MAY 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday of every other month)</i>	Thursday	15	9:30 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets Quarterly at the Call of the Chair)</i>	Monday	19	10:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

VJ- 3/19/14 (1:00 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: February 6, 2013

Re: Approval of Minutes of January 13, 2014

RECOMMENDED ACTION

Approve attached draft minutes of the Personnel Committee meeting of January 13, 2014.

DISCUSSION

Attached for your review and approval are the draft minutes of the Personnel Committee meeting of January 13, 2014.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5073

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Monday, January 13, 2014

1. Call to Order – Roll Call

Chairperson Brad Wagenknecht called the meeting to order at 9:33 a.m.

Present: Chairperson Brad Wagenknecht; Vice-Chairperson Eric Mar; and Directors Susan Adams, Carole Groom, David Hudson, Carol Klatt and Mary Piepho.

Absent: Director Scott Haggerty.

Also Present: None.

2. Public Comment Period: None.

3. Approval of Minutes of December 2, 2013

Personnel Committee (Committee) Comments: None.

Public Comments: None.

Committee Action:

Director Hudson made a motion to approve the Minutes of December 2, 2013; Director Piepho seconded; and the motion carried by the following vote of the Committee:

AYES: Groom, Hudson, Klatt, Piepho and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Haggerty and Mar.

NOTED PRESENT: Director Adams was noted present at 9:36 a.m.

4. Conduct Interviews and Consider Recommending Board of Directors’ (Board) Approval of Incumbent Reappointment and Candidates for Appointment to the Air District’s Advisory Council

Eric Stevenson, Director of Technical Services, gave the staff presentation *Conduct Interviews and Consider Recommending Reappointment to the Advisory Council* (Council), through slide #4, *Members*, including background and current membership.

Jack Colbourn, Director of Administrative Services, gave the remainder of the staff presentation starting at slide #5, *Recruitment*, including a summary of the recruitment process.

Chairperson Wagenknecht welcomed Sam Altshuler, P.E., Council Chairperson.

Committee Comments:

The Committee and staff discussed the upcoming recruitment for the Agriculture seat.

The Committee discussed and assigned the interview questions.

The Committee interviewed candidate Margaret Okuzumi (by telephone) for the Council conservation organization category seat.

NOTED PRESENT: Vice-Chairperson Mar was noted present at 9:47 a.m.

The Committee interviewed candidates Laura Tam, Rick DeGolia and Bruce Mast for the Council conservation organization category seat.

The Committee and staff discussed potential conflicts of interest and the staggered terms of office.

The Committee interviewed candidates Gary Latshaw and Anthony Fisher for the Council conservation organization category seat.

Mr. Latshaw presented material to the Committee during the course of the interview.

The Committee discussed the proposed reappointment of Member Jeffrey Bramlett and the candidates, first amongst its members and then with staff.

Public Comments: None.

Committee Action:

Director Adams made a motion, seconded by Director Piepho, to recommend Board approval of the appointment of Laura Tam to the conservation organization category seat on the Council, for the remainder of a term expiring December 31, 2015; and the motion carried by the following vote of the Committee:

AYES: Adams, Groom, Hudson, Klatt, Mar, Piepho and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Haggerty.

Director Piepho made a motion, seconded by Director Hudson, to recommend Board approval of the incumbent reappointment of Member Bramlett, to the Council to a term ending December 31, 2015; and the motion carried by the following vote of the Committee:

AYES: Adams, Groom, Hudson, Klatt, Mar, Piepho and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Haggerty.

Committee Comments (continued):

The Committee discussed the candidates further.

Committee Action (continued):

Director Piepho made a motion, seconded by Director Adams, to recommend Board approval of the appointment of Bruce Mast to the conservation organization category seat on the Council, for the remainder of a term expiring December 31, 2014; and the motion carried by the following vote of the Committee:

AYES: Adams, Groom, Hudson, Klatt, Mar, Piepho and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Haggerty.

5. Committee Member Comments/Other Business:

Director Adams requested that staff contact the Farm Bureau, Marin Organic, and Marin Agriculture Land Trust regarding the upcoming recruitment for the agriculture category seat.

Director Groom requested that staff follow up with her to obtain similar contacts in San Mateo County for the same purpose.

The Committee discussed the appointment of a working farmer and asked staff to review and reach out to the interviewees that were not appointed during the last agriculture category seat recruitment cycle.

Director Piepho requested that a copy of the agriculture category seat recruitment material be forwarded to her electronically in PDF format.

Chairperson Wagenknecht requested that staff issue a press release regarding the appointments after the final decision by the Board.

Director Adams requested that staff investigate ways to get a link or flash regarding future recruitments to appear on the home page of the Air District's website.

6. Time and Place of Next Committee Meeting: At the call of the Chairperson.

7. Adjournment: The meeting adjourned at 11:55 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 17, 2014

Re: Strategic Staffing Plan Update

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

At the January 15, 2014 Board Retreat, the Board requested an update on the Air District's strategic staffing process.

DISCUSSION

The Air District, as part of its annual budget process, considers, analyzes and implements the staffing of the Agency. Staff will update the Personnel Committee on this annual process and the considerations for the Fiscal Year Ending (FYE) 2015 budget.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None; all personnel costs are contained the FYE 2015 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 19, 2014

Re: Conduct Interviews and Consider Recommending Board of Directors Approval of a Candidate for Appointment to the Air District's Advisory Council in the Agriculture Category and Consider Recommending Hearing Board Member Reappointments

RECOMMENDED ACTION:

Conduct interviews of candidates for appointment to the Air District's Advisory Council in the Agriculture Category. The Committee will consider recommending Board of Directors' approval to re-appoint the regular and alternate member positions for the two public member positions and their alternates on the Air District's Hearing Board.

BACKGROUND

Advisory Council

Pursuant to Section 40261 of the California Health and Safety Code the Air District is required to maintain an Advisory Council consisting of 20 members. Further, section 40262 requires that the member categories consist of at least three representatives of public health agencies; at least four representatives of private organizations active in conservation or protection of the environment within the bay district; at least one representative of colleges or universities in the state; and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. Advisory Council members serve a term of two years.

Recently, State Senator Jerry Hill (D-San Mateo) has introduced a bill about the District's Advisory Council. Senator Hill served on the District Board, and as Chair in 2008. As Chair, he served as an ex-officio member of the Advisory Council. Senate Bill (SB) 1415 makes some changes to the District's Advisory Council.

In 1955, at the same time it established the District, the Legislature also established the Advisory Council. That language remains in statute today, virtually unchanged. This language reads that the Advisory Council members "preferably are skilled and experienced in the field of air pollution." Today, the Air District is required by state and federal law to address a far more diverse set of issues than it handled in 1955. The Air District works to reduce emissions from a

much wider range of sources, addresses the public health impacts of air pollution, and is part of a unified effort on climate change.

SB 1415 updates the Advisory Council statute language to recognize the current responsibilities of the Air District. Specifically, the bill would require the members to be “skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution”.

Hearing Board

Pursuant to Section 40800 of the California Health and Safety Code, the Air District is required to maintain a Hearing Board consisting of five members including, one member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), one member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine, and two public members. The Air District board may also appoint one alternate for each member. The alternate shall have the same qualifications, specified in Section 40801, as the member for whom such person is the alternate. The alternate may serve only in the absence of the member, and for the same term as the member.

Pursuant to Division I, Section 8.6 of the Air District’s Administrative Code, Hearing Board Member terms are limited to fifteen (15) consecutive years, with re-appointment possible after a three-year absence. If re-appointed, this will be the regular Public Members’ fifth consecutive three-year terms and the Alternate Members’ second consecutive term.

DISCUSSION

Advisory Council

There is one vacancy in the Agriculture Member category, in which the incumbent submitted her resignation. Staff initiated three consecutive recruitment efforts to fill the vacancy. The vacancy announcement was posted on the Air District website and outreached to the following sites:

- Bay Area Newspapers including: Contra Costa Times, Oakland Tribune, Marin Independent Journal, Napa Valley Register, Press Democrat (Santa Rosa), San Francisco Chronicle, San Jose Mercury, San Mateo Times, and Times Herald (Vallejo)
- California Air Pollution Control Officers Association (CAPCOA)
- Governmentjobs.com
- Agcareers.com
- Ecojobs.com
- Ecoemploy.com
- Craiglists.org
- Bay Area Cities & Counties mailing lists
- Bay Area Professional Associations (e.g. Farm Bureau, Agricultural and Land Trusts, Farmer’s Market Associations, Agricultural Council of California, Marin Organic, Agricultural Institute of Marin, Association of Winegrape Growers, etc.)
- Previous Advisory Council (Agriculture Category) Candidates
- Board Members

After extensive recruitment and outreach efforts, staff received a total of seven (7) applications for the vacancy in the Agriculture category. Staff and the Advisory Council Chair and/or their designee have assessed the candidates' experience and education relative to the position for which the candidates applied and have selected three (3) candidates with the most relevant qualifications to interview with the Personnel Committee.

Interviews of the candidates will occur during the Personnel Committee meeting. The length of each interview will be approximately fifteen minutes. The application materials of the candidates will be provided to you for your review.

Hearing Board

The terms of office for the Public regular and alternate Members will expire on April 2, 2014. Of the four positions with terms expiring, both regular incumbents and both alternate incumbents have expressed an interest in being considered for re-appointment. Therefore, staff recommends that interviews be waived and both incumbents be re-appointed to three (3) year terms of office. Information on the incumbents attendance at hearings and their term limits will be provided to you for your review.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 18, 2014

Re: Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W.
Hall's Complaint of Violation of the Air District's Equal Employment Opportunity
Policy

INTRODUCTION

This item is an appeal of a decision by the Air Pollution Control Officer/Executive Officer to deny an appeal of a decision made by the Air District's Equal Employment Opportunity Officer.[†] Both decisions determined that there have been no violations of the Air District's Equal Employment Opportunity Policy ("Policy") and Equal Opportunity Plan ("Plan")[‡] as alleged in a complaint filed by Air District employee Douglas Hall. (For the Committee's convenience, a copy of the Policy is attached as Attachment A; a copy of the Plan is attached as Attachment B; a copy of the Air Pollution Control Officer's decision denying the appeal is attached as Attachment C, a copy of the Equal Employment Officer's decision addressing Mr. Hall's complaint is attached as Attachment D, and Mr. Hall's Appeal is attached as Attachment E.)

Mr. Hall contends that the Air District has not properly implemented the Air District's Policy, because Acting Manager assignments in the Engineering Division were assigned to individuals who the Director determined could appropriately ensure that the Air District's obligations were met during the acting assignments. The Division Director's acting assignments were made on the basis of interviews, reviews of work product, and reviews of other aspects of job performance of interested candidates, rather than rotating the acting assignments among all interested staff members. According to Mr. Hall, this resulted in his candidacy for a recruitment to hire a manager being disadvantaged because he was not selected to fill one of the acting manager roles.

[†] Pursuant to the Bay Area Air Quality Management District's Administrative Code, Division III, Personnel Policies & Procedures, Section 2.3 Discrimination Complaint Procedure, the Personnel Committee may consider an employee's appeal of the Air Pollution Control Officer/Executive Officer's decision regarding the District's Equal Employment Opportunity Policy.

[‡] The Plan generally implements the Policy. The Policy is set forth in Division III, Section 2 of the Air District's Administrative Code.

Although Mr. Hall's contentions may relate to a particular recruitment, his claims can and do relate only to an alleged failure of the Air District to implement the Policy. Therefore, neither Mr. Hall's qualifications for the position he sought, nor the qualifications of any other individual, including the incumbent, are at issue in this matter. Moreover, because the issue raised by Mr. Hall does not relate to the hiring, termination, or discipline of any employee, and particularly not an employee under the direct supervision of the Board of Directors, this matter must be considered in open session under the Brown Act.

RECOMMENDED ACTION

Staff recommends that the Personnel Committee deny the appeal and take no further action, because the allegations in Mr. Hall's complaint and appeals lack merit.

BACKGROUND

The Air District's Policy and Plan have been in place since the late 1960's. Fundamentally, the Policy and the Plan are intended to ensure equal opportunity for all people to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, and otherwise treated within the workplace. As noted above, the Plan is designed to implement the Policy. The Policy and Plan have been revised several times over the years, with the latest revision occurring on September 12, 2011. The 2011 revision changed all references from "affirmative action" to "equal employment opportunity" and deleted items that referred to affirmative action plan activities, (i.e., those activities that would favor applicants or employees based on gender or ethnic status). The Policy and Plan place the responsibility for implementation with the Director of Administrative Services acting as the Equal Employment Opportunity Officer and the Air Pollution Control Officer/Executive Officer and provide that division directors are responsible for implementation within a division. Neither the Policy nor the Plan specifically addresses acting assignments.

In 2012, the Director of Engineering determined that there was a need to backfill two vacant positions with acting managers. Air District Division Directors have considerable flexibility to determine the procedures for making acting assignments. These determinations are based on the needs of the division to carry out the Air District's mission and are made in accordance with the Air District's Administrative Code and the Memorandum of Understanding between the Air District and the Air District Employee Association. Typically, the division director makes an acting assignment to an individual who the director believes can fill the role without engaging in a formal process.

The Director of Engineering initially requested that senior staff in the Engineering Division apprise him of their interest in the acting assignments and indicated that the acting assignment might be rotated among interested staff. In many cases, Supervisor level staff members, who are immediately below managers, are considered for acting manager assignments. In this case, the Director of Engineering expanded the opportunity to undertake the acting manager assignments to Senior Engineers. After interviewing interested staff, including Mr. Hall, and considering their work performance and quality of work, the Director of Engineering determined the most qualified staff for the acting assignments. The Director of Engineering initially rotated four

engineers in the acting assignments, but eventually chose to have only two engineers act on a longer-term basis, because the Director determined that those individuals were best handling the assignments and accomplishing the Engineering Division's work and the Air District's mission.

The Air District began recruitment to fill the vacant Air Quality Engineering Manager position on April 8, 2013. Along with six other candidates, Mr. Hall applied for the open Engineering Manager position. He was interviewed for the position, including by the Division Director, and the Deputy Air Pollution Control Officer, but ultimately was not selected for the position.

DISCUSSION

On October 6, 2013, Mr. Hall filed a complaint alleging a violation of the Policy and Plan. Mr. Hall contends that the acting Engineering Assignments were not assigned in accordance with the Policy and Plan. According to Mr. Hall, the provision in the policy stating a commitment to "[p]rovide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities" mandates that acting assignments be distributed to all interested Air District staff, or at the least, to Mr. Hall.

As noted above, neither the policy nor the Plan addresses acting assignments. Furthermore, nothing in the Air District Administrative Code or the Memorandum of Understanding requires that acting assignments be rotated or otherwise assigned to whoever is interested without regard to the need to accomplish the necessary work of the Air District.

Staff fully investigated Mr. Hall's allegations. Staff also retained a licensed investigator to assist with the investigation. Based on the findings of the investigation, there is no merit to Mr. Hall's allegations. The investigation concluded that there was no evidence that the Director of Engineering violated any Air District policy based on the manner in which acting assignments were made as outlined above. The investigation further concluded that there was no evidence that acting assignments in the Engineering Division violated the Policy or the Plan. Furthermore, the investigation concluded that there is no evidence that race, ethnicity, or any other legally protected factor has played any role in acting assignments in the Engineering Division.

In short, there is no evidence that the Air District violated the Policy or the Plan. On the basis of the investigation, after following all appropriate procedures, on October 24, 2013, the Air District's Equal Employment Opportunity Officer responded to Mr. Hall's complaint and informed Mr. Hall that it had been determined by an independent investigator that there had been no violation of the Policy or Plan as alleged by Mr. Hall. On November 6, 2013, Mr. Hall appealed that decision to the Air Pollution Control Officer/Executive Officer. On November 26, 2013, the Air Pollution Control Officer/Executive Officer denied Mr. Hall's appeal and confirmed the findings of the Equal Employment Opportunity Officer. On December 18, 2013, Mr. Hall filed an appeal of the decision to the Personnel Committee.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger
Reviewed by: Jack M. Colbourn

Attachments: Attachment A - Air District's Equal Employment Opportunity Policy
Attachment B - Air District's Equal Opportunity Plan
Attachment C - The Air Pollution Control Officer's decision denying
Attachment D - The Equal Employment Officer's decision addressing Mr. Hall's
complaint
Attachment E - Mr. Hall's Appeal

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY
(Revised 10/5/11)

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

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

2.1 OBJECTIVES. (Revised 10/5/11)

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

2.2 RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY. (Revised 10/5/11)

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan.

- (b) The responsibilities of the Equal Employment Opportunity Officer are listed in the Equal Employment Opportunity Plan.

2.3

DISCRIMINATION COMPLAINT PROCEDURE (Revised 10/5/11)

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

for

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

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

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

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BACKGROUND

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

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

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

APPLICABLE REGULATIONS

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 1: COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

(Signature)

Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 2: ORGANIZATIONAL PROFILE

Workforce Analysis/Lines of Progression

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

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

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

Lines of Progression

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

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 3: JOB GROUP ANALYSIS

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

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

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

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

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

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

Job Grouping Guidelines

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 4: PLACEMENT OF INCUMBENTS IN JOB GROUPS

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 5: DETERMINING AVAILABILITY

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

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

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

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 6: COMPARING INCUMBENCY TO AVAILABILITY

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 7: DESIGNATION OF RESPONSIBILITY

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

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

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

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

Equal Employment Opportunity Officer

The responsibilities of the Equal Employment Opportunity Officer will include:

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

Human Resources Officer

The responsibilities of the Human Resources Officer will include:

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 8: ACTION-ORIENTED PROGRAMS

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

A. SELECTION PROCESS

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

B. RECRUITMENT PROCEDURES

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

informational presentations, and participate in career day activities.

9. Participate in career fairs.

PROMOTIONAL OPPORTUNITIES AND TRAINING

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

EQUAL EMPLOYMENT OPPORTUNITY PLAN

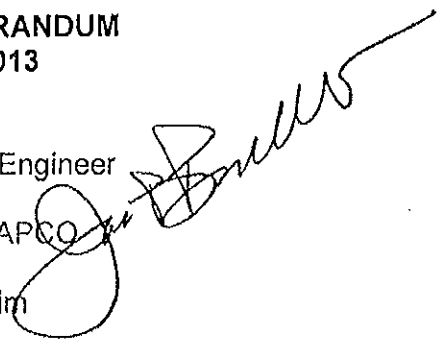
CHAPTER 9: INTERNAL AUDIT AND REPORTING

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

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

INTEROFFICE MEMORANDUM
November 26, 2013

TO: Douglas Hall, Supervising Air Quality Engineer
FROM: Jack P. Broadbent, Executive Officer/APCO
SUBJECT: Appeal of Determination of EEOP Claim



This memo is in response to your memo of November 6, 2013 in which you appeal the determination of your claim of a violation of the Equal Employment Opportunity Plan (EEOP) which you filed on October 6, 2013.

In that claim, you have asserted that a violation of the EEOP policy has occurred. Specifically, you have claimed that the selection of staff for acting management assignments in the Engineering Division has damaged your ability to be promoted.

As you are aware, the Air District retained a competent third party investigator to fully explore both your earlier complaint concerning the Air Quality Engineering Manager recruitment examination and the EEOP claim you filed on October 6, 2013. That investigation determined that no Air District policy, including but not limited to the EEOP, was violated.

I have reviewed your claim, met with you to understand your concerns, read the report of the investigator, and reviewed the determination of the EEOP Officer and I am satisfied that no violation of the EEOP has occurred in relation to your claim. Further, I am confident that the EEOP Officer and Human Resources Staff have acted responsively and thoroughly in addressing and investigating your concerns.

For the reasons stated above, I find that the determination of the EEOP Officer in response to your October 6, 2013 claim stands.

CC: Jack M. Colbourn, Director of Administrative Services / EEOP Officer / HRO

OFFICE MEMORANDUM
October 24, 2013

To: Douglas W. Hall
From: Jack M. Colbourn, Director of Administrative Services
Subject: Violation of the EEOP

By this correspondence we acknowledge receipt of your memo of October 6, 2013 in which you report a complaint concerning alleged violations of the District's Equal Employment Opportunity Plan (EEOP) as it relates to acting manager assignments in the Engineering Division. For the reasons explained below, we have concluded that no investigation of the concerns you raised is warranted at this time.

In the summer, an outside investigator was hired by the District to conduct an investigation into allegations that one of your co-workers raised about acting manager assignments made by Engineering Division Director, Jim Karas, as well as Mr. Karas' recommendation that Pamela Leong be promoted to the vacant Engineering Manager position. That investigation considered the very same allegations that you have raised in your complaint - whether Mr. Karas' acting manager assignments in late 2012 and 2013 violated any District policy (including, but not limited to, the EEOP) and whether those acting assignments unfairly benefitted Ms. Leong in the recruitment process for the Engineering Manager position.

After interviewing numerous individuals and reviewing a voluminous amount of documents relating to acting assignments, the Engineering Manager recruitment, and other recent recruitments in the Division, the investigator concluded that District policy grants Mr. Karas broad discretion in making acting assignments and there is no evidence to suggest that Mr. Karas has abused that discretion or that his decisions concerning acting manager assignments violated the EEOP.

The investigator further concluded that Mr. Karas did not abuse his discretion in recommending Ms. Leong for the permanent position of Engineering Manager. According to the investigator, Mr. Karas credibly explained his reasons for believing Ms. Leong was the best fit for the position. Although Mr. Karas did consider Ms. Leong's tenure as acting manager in recommending her for the promotion, that was not the only reason for his recommendation. Further, Mr. Karas' belief that Ms. Leong was most qualified for the position was corroborated by others who were involved in the recruitment process. The initial screeners – division directors Damian Breen and Wayne Kino – believed Ms. Leong to be the best choice for the position as did Human Resources Analyst, Christine Holmes, who sat in on the interviews of the finalists. Also,

as you know, Jeff McKay re-interviewed all the finalist candidates and agreed that Ms. Leong was most suited for the position.

Based on the investigator's findings regarding acting assignments in the Engineering Division and their impact on the Engineering Manager recruitment, we have concluded that no further investigation is warranted at this time.

Please let us know if you have any further questions regarding this matter.

**VIOLATION OF SPIRIT AND INTENT
OF
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

BY

DOUGLAS W. HALL

SUPERVISING AIR QUALITY ENGINEER

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

October 6, 2013

To: Equal Employment Opportunity Officer

From: Douglas W. Hall, Supervising Air Quality Engineer, *DWH*

Subject: Violation of Equal Employment Opportunity Policy

I am filing a complaint as permitted under Section 2 of the Equal Employment Opportunity Policy:

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

The District is an Equal Employment Opportunity and affirms elements of its policy below:

- The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated...
- The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.
- Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division...
- Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.

I believe that an incident involving a violation of the District's equal employment opportunity policy has occurred, which has severely damaged my opportunity for advancement. In the promotional recruitment for the hire of a new Air Quality Engineering Manager in the Engineering Division, I was not afforded the same opportunity as others to demonstrate leadership and supervisory capabilities in the role of acting manager prior to the open recruitment. It is essential to have been allowed this opportunity to enhance my chances for advancement. Education and breadth of experience has little weight in this management recruitment unless given the same opportunity which was afforded to

others in an acting management assignment. The hiring manager has stated the importance of this acting managerial assignment in the announcement of the new hire.

“I have selected Pamela Leong for Air Quality Engineering Manager in the Engineering Division. Pam demonstrated that she has the most relevant experience and qualifications to perform the duties of this position.”

Given the same opportunity as Pam in an acting managerial assignment, I would have rated very highly and, using the same measuring stick, I would have been selected over Pam for the position. My MBA Degree in Management and 40 years of professional engineering experience of which more than half was spent as a District supervisor along with the opportunity of an acting managerial assignment would have given me more relevant experience and qualifications than her. The failure of the Director of Engineering (the Hiring Manager) to afford me the opportunity to demonstrate leadership and supervisory capabilities in a management capacity is contrary to the spirit and intent of equal employment. The Director of Engineering should not be allowed to pick and choose who he wants to fill a position at the expense of not carrying out his responsibility to implement equal employment opportunity.

No employee should be favored over another as opportunity belongs to everyone. In the 4th quarter of 2012, the Director had informal interviews to see all who wanted an acting managerial assignment as part of a rotation. I was interviewed but was never appointed by the Director of Engineering to assume one of the two acting managerial assignments. For all intent and purposes, the two acting assignments were filled by two employees (Pam Leong and Sanjeev Kamboj)

Recommendation


I recommend that an investigation be launched to determine the severity of this alleged infraction on my ability to be promoted into management. If my complaint is found to have merit and to be as I have declared, appropriate action should be taken by the Equal Employment Opportunity Officer in an effort to make right that which is wrong. I have proposed a satisfactory remedy below.

Remedy

To correct for the harm that has befallen me, I recommend that the fourth management position in the Engineering Division that was lost because of the 3rd DAPCO position be restored and that I be placed in that management position.

November 6, 2013

To: Executive Officer/Air Pollution Control Officer

From: Douglas W. Hall, Supervising Air Quality Engineer 

Subject: Violation of Spirit and Intent of Equal Employment Opportunity Policy

On October 24, 2013, the EEOC Officer responded back to my filed complaint on October 6, 2013 asserting a violation of the Equal Employment Opportunity Policy. In essence, I was informed that the Director of Engineering has broad discretion in appointing acting assignments and no violation of the Equal Employment Opportunity Policy occurred. I am now appealing to the APCO to determine whether or not the Director of Engineering erred in his responsibility to ensure the spirit and intent of the Equal Employment Opportunity Policy was carried out.

I do not want to rehash what was stated in my attached filed complaint nor provide a rebuttal, at this time, to the statements made in the attached EEOC Officer reply. In a nutshell, I am focusing on what happened prior to the open recruitment for the Air Quality Engineering Manager Position. Did the Director of Engineering hand pick Pam Leong, his favorite, to be his successor? Did he provide her with greater responsibilities to demonstrate leadership and supervisory capabilities at a management level to set her apart from potential contenders for the subsequent opening of the manager position? Did Pam Leong have a competitive advantage prior to the recruitment that would allow her to excel in the interviews and be ultimately chosen? The answer to all of these questions, in my unbiased opinion, is yes. You should reflect on these questions and ask yourself does this advance or regress the implementation of equal employment opportunity.

The investigator mentioned that the Director of Engineering has broad discretion in making acting assignments. However, at what point, does that cross over the line into practicing unequal employment opportunity. The Director of Engineering had good intentions. He conducted informal interviews in 2012 to set up a rotation for those advanced-journey engineers and higher that wanted an acting manager assignment in the Division. For reasons unknown, he scrapped this plan which provided equitable and fair treatment to all and appointed, for the most part, Pam Leong and Sanjeev Kamboj to serve long term in the two positions for acting manager. Each had served for at least a year prior to Pam being selected for the position. Even though the position was filled competitively, the outcome was predetermined because of the managerial experience she had gained. Hence, the recruitment process was perfunctory at best, which is in violation of the spirit and intent of equal employment opportunity.

If the actions of the current Director of Engineer continue to go unfettered, I have no opportunity of ever being promoted into the management class.

December 18, 2013

To: Brad Wagenknecht – Chairperson and Personnel Committee Members

From: Douglas W. Hall, Supervising Air Quality Engineer

Subject: Violation of Spirit and Intent of Equal Employment Opportunity Policy

I am filing an appeal of a violation of the Equal Employment Opportunity Policy (EEO) to be heard before the Personnel Committee in accordance with the Administrative Code, Section 2.3, Step 3, which is as follows:

STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

I filed my complaint on October 6, 2013 and followed the complaint resolution process. I have attached to this appeal a copy of my correspondences detailing the complaint and the District's reply for your benefit. In my complaint, I stressed the importance in adhering to the elements of the EEO policy. I mentioned that the District is an Equal Employment Opportunity Employer and affirms elements of its policy below:

- The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated...
- The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.
- Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division...

- Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.

I believe that an incident involving a violation of the District's equal employment opportunity policy has occurred in the area of acting assignments for management positions in the Engineering Division. I am not focusing on acting assignments in other divisions as this violation is systemic only to the Engineering Division. Also, I must add the Executive Officer, EEOP Officer and Human Resources staff have acted responsibly and admirably in addressing and investigating my claim. The Investigator did her best in reviewing my allegations. However, this EEOP violation is of the 21st century. Perhaps, only those that have been victimized can see the slightest flaws in the system.

This case begins with two management vacancies in the Engineering Division. The Director of Engineering put out an announcement to attract all interested engineers (senior level and higher) for the opportunity to hold an acting managerial assignment in the Engineering Division. See the attached emails at the end of this document for the opportunity for an acting managerial assignment. Later, he held meetings to discuss this opportunity with each of the interested engineers. He never went through with his plan. He scrapped the planned rotational process, which would have provided fair and equitable treatment for all. Instead, for all intent and purposes, he appointed two of his favorites for the two acting managerial assignments.

The Director of Engineering provided on-the-job training for their growth and development. He gave them tenure in that management role which added up to be about a year in a 15-month window. Those two "senior" engineers were groomed to be the best qualified candidates when the position finally opened up. Each of the acting managers was subsequently promoted to fill those vacancies by the hiring manager, the Director of Engineering. Even though I have been at the District for more than 26 years with 23 years as a supervisor, I was no match for this orchestrated plan. The appearance of a properly run recruitment process and employment selection procedure were only a disguise to cover up this violation of the EEOP policy, as the hiring process was only perfunctory. Vacancies are filled through the District's Administrative Code through a competitive process. Picking your managerial cabinet months in advance prior to the competitive process promotes unequal job opportunities and should be banned.

The Director of Engineering failed to carry out his responsibility in implementing the EEOP policy by:

1. Foregoing the Board of Directors' directive to implement the Equal Employment Opportunity Plan in the Engineering Division by shunning rotating the long-term acting assignments.
2. Choosing not to train and develop all the interested engineers for management positions as he had alluded to.

The Investigator stated that the Director of Engineering is granted broad discretion in making acting assignments. However, his discretion is limited when it comes to his commitment to implement equal employment opportunity in the Division. In my opinion, he exercised poor judgment by foregoing the planned rotational process and manipulating the system to place his favorites in management positions, which reported directly to him.

The vacancy should be viewed as an opportunity to develop employees and provide an opportunity for the employees to "try" the job and obtain an introduction to supervisory-leadership within a compressed timeline. A good management practice, in sync with the Equal Employment Opportunity Policy, would be to identify all engineers having promotional potential and recognize those engineers with personal desires for advancement so that those individuals may be given full opportunities for training, transfers or mentoring to gain the skills needed for the promotion. The Division directors should encourage a balancing of the operational work demands of the District with employee development needs and be a champion for promoting employment equity practices.

Opportunity Means Promotion

Education and breadth of experience has little weight in this management recruitment unless given the same opportunity which was afforded to others in an acting management assignment. The hiring manager has stated the importance of this acting managerial assignment in the announcement of the new hire.

"I have selected Pamela Leong for Air Quality Engineering Manager in the Engineering Division. Pam demonstrated that she has the most relevant experience and qualifications to perform the duties of this position."

Given the same opportunity as Pam in being granted an acting managerial assignment, I would have rated very highly and, using the same measuring stick, I would have been selected over her for the position. Please look at the two attached documents that show my education along with my job experiences and accomplishments. My MBA Degree in Management and 40 years of professional engineering experience of which more than half was spent as a District supervisor along with the opportunity of an acting managerial assignment would have given me exceedingly more relevant experience and qualifications than her. The failure of the Director of Engineering (the Hiring Manager) to afford me the same opportunity to demonstrate my management abilities is contrary to the spirit and intent of equal employment. The Director of Engineering should not be allowed to manipulate the system to pick and choose who he wants to fill a position at the expense of not carrying out his responsibility to implement equal employment opportunity.

Remedy

To compensate the aggrieved party for the harm that has befallen him, and to send a strong message to the Director of Engineering to provide fair and equitable treatment to all staff, I recommend that the fourth management position in the Engineering Division that was lost because of the 3rd DAPCO position be restored. The District has grown immensely in the number of management positions over the years. The Engineering Division is the only major division at the District which has **not** grown in the number of managers since I joined the Air District (more than 26 years ago). It is rich with minorities and females and is fertile ground to increase workplace diversity. Furthermore, to eliminate a management position in the Engineering Division would be regressive, in my opinion. It would stagnate opportunities for promotional advancement into the management field for minorities and females, which are already few and in between.

Also, once restored, I recommend that Juan Ortellado, Manager of Permit Evaluation, be reassigned his old position as Manager of Permit Operations where he excelled. Presently, Pam Leong, the new manager, is managing that section along with the Engineering Projects Section.

Further, I recommend that I become the new manager of the Permit Evaluation Section filling the vacancy left by Juan Ortellado. My entire time at the District has been in the Permit Evaluation Section and I am well qualified to perform the duties and responsibilities of that management class. My hiring selection can follow the same process as the promotion for Sanjeev Kamboj (chosen by the hiring manager from the list of finalists in the recent management recruitment for the division). I was one of the finalists that were interviewed for the open Air Quality Engineering Management position by the hiring manager back in the summer of 2013.

ATTACHMENT

From: Douglas Hall
Sent: Monday, September 10, 2012 4:21 PM
To: Sa Sa Kotovsky
Subject: FW: Interest in Acting Manager

Sa Sa,

I am interested in the two vacant Manager positions. Please arrange an appointment for me to discuss this opportunity with Jim.

Thanks,

Doug

From: Jim Karas
Sent: Tuesday, September 04, 2012 5:01 PM
To: Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich
Subject: RE: Interest in Acting Manager

Clarification:

Senior staff includes senior engineers and above.

Please have interested staff contact SaSa by Friday, September 14th.

JimK

From: Jim Karas
Sent: Tuesday, September 04, 2012 4:54 PM
To: Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich
Subject: Interest in Acting Manager

Managers,

As you know, we have two vacant Manager positions. Please have any interested senior staff make an appointment with SaSa to discuss this opportunity with me.

JimK

Jim Karas

Director of Engineering

Bay Area Air Quality Management District

jkaras@baaqmd.gov

www.baaqmd.gov

Douglas W. Hall

2454 Merritt Avenue
San Pablo, CA 94806

Specialty

Improving and maintaining air quality and protecting the public's health

Summary of Achievements

- Supervised 21 engineers, many new hires, over the past 23 years as a supervisor, in permitting routine and complex permit applications for which nearly ½ have become seniors or supervisors.
- Reviewed and edited more than 5000 engineering evaluations over 23 years as a supervisor for clarity, conciseness, soundness and accuracy.
- Managed the Title V program for 6 years and timely issued 41 of the 43 Title V renewals on the Our Children's Earth (OCE) list prior to the deadline.
- Interpreted and enforced for 26 years the District regulatory requirements on permitting existing, new and modified sources of air pollution.
- Led, as Project Leader, the Engineering Division in the interdivisional Flare Minimization Plan (FMP) efforts involving Engineering, Enforcement and Legal.
- Amended regulation and revised data forms to allow the permitting of portable equipment and pre-certified sources.
- Provided technical expertise as District representative on the CAPCOA and ARB portable equipment registration program.
- Represented Air District and reported directly to APCO on Locomotive Emissions Advisory Committee (LEAC).
- Taught and trained 19 Interns and 2 temporary employees to carry out the business of the Air District.
- Conducted many outside recruitments and hired two engineers into the Engineering Division.
- Acted as Acting Manager for an aggregate of 6 months during my tenure at the District and was the Acting Director of the Permit Services Division for 3 days.
- Improved public speaking skills through numerous presentations before the District's Personnel Committee, Budget and Finance Committee and Board of Directors.
- Helped develop and write policies on Enhanced Enforceability of Permit Conditions Committee (Engineering, Enforcement and Technical).

While Not Requested

- Authored and published nationwide BAAQMD paper on stationary internal combustion engines.
- Performed all work to create new job class in the Engineering Division -- Supervising Air Quality Engineer.
- Spoke before the Board of Directors on acceptance of the fiscal year budget.

Employment

BAAQMD, San Francisco, CA

Air Quality Engineer II (1987-1990) and Supervising Air Quality Engineer (1990 – Present)

Assigned, organized, reviewed, planned, evaluated and supervised, over this period, the air quality work of 21 Journey/Senior level Air Quality Engineers and 1 Title V Technician. Supervised and managed the Title V program for issuance of initial Title V permits, Title V renewals, Title V reopenings and revisions (administrative, minor, and significant). Managed the activities of three major refineries (Phillips 66, Valero and Tesoro) and Lehigh Southwest Cement. Managed the District engine program, and trained Interns and temporary employees.

Chevron Research Company, Richmond, CA

Research Engineer (1973 to 1986)

Explored the effect of carburetor deposits on engine performance. Evaluated the effect of gasoline volatility on engine driveability. Evaluated the octane quality of gasoline to keep engines from pinging. Explored feasible control measures to reduce NOx emissions from diesel engines.

Selected Publications

“Current Regulations Impacting Exhaust Emissions from Stationary Internal Combustion Engines”, D.W. Hall, BAAQMD, presented at the American Society of Mechanical Engineers Technical Conference in San Antonio, Texas, October 1988.

“Carburetor Deposits – Are Clean Throttle Bodies Enough?”, D. W. Hall and L. M. Gibbs, Society of Automotive Engineers, Paper #760752, Presented at F and L meeting, Dearborn, Michigan, October 1976.

Education

BS, Mechanical Engineering, 1973

Southern University, Baton Rouge, Louisiana

MBA, Management, 1979

Golden Gate University, San Francisco, CA

AIR QUALITY ENGINEERING MANAGER

Supplemental Information

1. Education

I have a Bachelor of Science (BS) degree in Mechanical Engineering from Southern University in Baton Rouge, Louisiana. I completed around 160 semester units to obtain this degree. I graduated with a 3.3 grade point average. Major course work was in chemistry, mathematics, thermodynamics, fluid mechanics, strength of materials, engineering economics and heat transfer.

I have a Master of Business Administration (MBA) degree in Management from Golden Gate University in San Francisco, CA. I completed 24 semester hours in management prerequisite course and 30 semester hours in the graduate program to obtain the MBA degree. I graduated with a 3.4 grade point average. Major courses for the MBA were: a) Business Policy, b) Marketing Decision Making, c) Public Policies toward Business, d) Business Policy: Strategy Formation and Management Section, e) Legal Environment of Business, f) Marketing Fundamentals, g) Decision Analysis for the Manager, h) Management, i) Managerial Finance and j) Managing toward Accounting Performance.

Training

Seminars/Workshops/Courses

- | | |
|--|---|
| o Sexual Harassment Training | November 8, 2011 |
| o Title V Permitting Program Overview | August 12, 2010 |
| o Personal Empowerment: Taking Initiative | January 27, 2009 |
| o Compliance Assurance Monitoring (CAM) | August 27, 2008 |
| o Portable Equipment Registration Program (PERP), Course #295 | August 19, 2008 |
| o Effective Permit Writing | February 26 - 28, 2008 |
| o Preventing Harassment | November 5, 2007 |
| o Employee Due Process Rights and Skelly | May 24, 2007 |
| o Environmental Impact Assessment & CEQA | May 2 - 4, 2006 |
| o Supervisory Skills for the First Line Supervisor/Manager | April 6, 2006 |
| o Legal Issues Regarding Hiring | February 16, 2006 |
| o Environmental Regulations of CA. Overview of Federal and State Law | February 7 and 8, 2006 |
| o Preventing Workplace Harassment, Discrimination and Retaliation | September 15, 2005 |
| o Discipline: Putting It Into Practice | March 2, 2005 |
| o Coaching For Improvement | February 3, 2005 |
| o MACT: Course #290, Sacramento | December 9, 2004 |
| o Use and Abuse of Absenteeism | February 4, 2004 |
| o Labor Relations Primer | October 8, 2003 |
| o Cal/OSHA | October 8, 2003 |
| o Managing the Marginal Employee | April 9, 2003 |
| o 12 Steps to Avoiding Liability | April 9, 2003 |
| o Accounting/Budgeting | 1999/2000 |
| o Understanding Finance and Accounting | November 2 and 3, 1998 |
| o Basics of Employment Law | March 24 and 25, 1998 |
| o Petroleum Refinery Compliance | 1997 |
| o How to be a Successful Team Leader | January 31, 1997 |
| o Interviewing Skills and Selection | May 15, 1997 |
| o Your Role as A Supervisor and Manager | May 14, 1997 |
| o How to Supervise People | December 6, 1996 |
| o For the newly Appointed Supervisor and Manager | |
| o Managing Multiple Projects, Objectives and Deadlines | November 5, 1996 |
| o Assertiveness Skills | October 15, 1996 |
| o Overview of Environmental Law | August 16, 1996 |
| o <u>CONFERENCES</u> | |
| o National Petroleum Refiners Association | October 15-17, 1995, September 27, 1993 |
| o Clean Air Act Conference and New Control Technology | October 16 and 17, 1990 |
| o Internal Combustion Engine Technical Conference | October 2 - 5, 1988 |

2. Notwithstanding 13 years at Chevron Research Company as a Research Engineer, I have spent 26 years at BAAQMD in the Permit Evaluation Section of the Engineering Division. Much of this time was spent on permitting existing, new and modified stationary sources at industrial facilities including refineries and carrying out the Title V program. Also, I was the lead person on the portable equipment program. During this period of time at the District, I was involved in these major activities.

BAAQMD: Supervising Air Quality Engineer: NSR and PSD: 23 years (1990 to present)

Assigned, organized, reviewed, planned, evaluated and supervised the air quality work of 21 professional journey/senior level air quality engineers over my tenure at the District. Main duties and responsibilities were to issue District operating permits to facilities operating existing, new and modified stationary equipment to control and monitor the release of harmful air contaminants. Applications were reviewed for correct source description, accurate emissions calculation, health-related impacts, chargeable cumulative increase, current BACT, generation of offsets, compliance with federal, state and local regulations, environmental impacts and soundness of permit conditions. The supervised group has evaluated more than 5000 applications of varying complexities and has issued a multitude of air permits.

BAAQMD: Air Quality Engineer II: NSR and PSD: 3 years (1987 to 1990)

Reviewed and evaluated more than 100 permit applications for issuing permits to existing, new and modified stationary equipment. Many applications were subjected to new source review (BACT, offsets), toxics and CEQA. Also, I completed several banking applications for emission reduction credits (ERC's).

BAAQMD: Supervising Air Quality Engineer: Title V: 17 years (1996 to Present)

Assigned, organized, planned, reviewed, evaluated and supervised the Title V activities of four to six professional air quality engineers. The supervised group was responsible for more than 20 Title V plants, which included the Valero, Phillips 66 and Tesoro refineries. Activities have included issuing Title V permits, renewing the Title V permits, revising Title V permits and issuing Synthetic Minor Operating Permits. The supervised group reviewed the various Title V action items for correct source descriptions, all inclusive general and applicable requirements, enforceable and sound permit conditions, appropriate monitoring requirements and established test methods. Also, they wrote the Statement of Basis to properly document all changes made in the Title V permit.

BAAQMD: Title V Supervisor: 7 years (2006 to Present)

I am the supervisor for the Title V program. I have direct supervision over a senior Title V engineer, a Title V technician and the indirect supervision of all other engineers working on Title V. I am responsible to ensure that non-refinery Title V permits and refinery Title V permits are completed in a timely fashion taking into account manpower shortages and resources. I arranged bi-weekly meeting to get progress reports and set up a wall-sized chart to monitor increments of progress. I am charged with reviewing the completed Title V work for completeness and quality control.

BAAQMD: Supervising Air Quality Engineer: Interns: 6 years (2006 to 2012)

Assigned, organized, planned, reviewed and supervised the work of 19 College Engineering Interns over this period of time. The Interns were primarily responsible for issuing permits to existing and new diesel engines and ensuring compliance with the stationary ATCM.

BAAQMD: FMP Project Leader: 2 years (2006 to 2008)

I am the FMP Project Leader in the Engineering Division. The FMP program is carried out by Enforcement and legal with technical support from the Engineering Division. I ensured that the 5 refinery engineers were clear on their assignments and met the deliverable dates. The team had numerous meetings with District staff, the refineries and WSPA. I attended all of the informational public meetings on the initial FMP held in the impacted community. I prepared the quarterly FMP reports and kept management updated on the FMP activities.

3. **BAAQMD: Supervising Air Quality Engineer: NSR, PSD & Title V: 23 years (1990 to now)**

Assigned, planned, organized, reviewed, evaluated, trained and supervised the air quality work of 21 professional journey/senior level air quality engineers over my tenure at the District. Main duties and responsibilities included issuing District and federal operating permits to facilities operating stationary equipment to: (1) control air pollution to maintain and improve air quality and (2) protect the public's health. Applications to permit new and modified sources were subjected to New Source Review (BACT, Offsets) and PSD. Health related impacts were evaluated through a toxic risk screen analysis. Discretionary projects were evaluated to comply with CEQA. Regarding Title V, the engineers have played an extreme role in issuing and maintaining Title V permits and synthetic minor operating permits. The supervised staff has also been instrumental in the field of rule development.

Work Example: I set a performance standard for the engineers to have no overdues (zero tolerance) while producing a good work product. Five methods have been employed to ensure that the engineer met the no overdue performance standard: 1) reviewing weekly application status report, 2) balancing work load among supervised staff, 3) seeking extensions when more time is needed, 4) providing direction and guidance to the assigned permit engineer on the projects, and 5) pushing overtime when an engineer has a work imbalance. In the event a permit application became overdue in spite of this policing, I made every effort to get it quickly off the overdue list. In regard to a good work product, I reviewed all completed assignments to ensure that they met the accurateness, thoroughness and completeness requirements set by the Engineering Division. I provided feedback to the engineers on shortcomings to improve the work quality of present and future documents.

BAAQMD: FMP Project Leader: 2 years (2006 to 2008)

Led the Engineering Division in the interdivisional FMP efforts. We supported fully the FMP efforts by Enforcement and legal for refineries to produce and follow a Flare Minimization Plan (FMP) to reduce emissions from flares by minimizing the frequency and magnitude of flaring. My main duties and responsibilities were to help ensure the success of the FMP program. This feat was accomplished by having the five refinery engineers work diligently with District staff and the refineries on completing the initial FMP, reviewing causal reports for future prevention measures and reviewing the annual FMP update. I provided work assignments, monitored progress, and kept the group and management informed of new developments.

Work Example: I set a performance standard for the refinery engineers to meet the deadline for completing the FMP assignments. On one occasion, the refinery engineers along with the inspectors were to do a synopsis of the draft FMP submitted by the refineries to help identify deficiencies. In a follow up visit with the engineers, I learned that two senior-level engineers were not going to do the synopsis because of poor morale. They felt they were working in vain since most of their hard work, in the past, was overlooked by Enforcement. I reiterated the importance of the FMP program and our commitment to support the FMP activities. After this discussion, both engineers completed the assignment by the deadline. Each engineer has now fully embraced the team concept in spite of perceived indifferences.

BAAQMD: College Engineering Interns' Supervisor: 6 years (2006 to 2012)

I was the supervisor for 19 College Engineering Interns over the past 6 years. I assigned, planned, organized, directed, reviewed and supervised their work in permitting diesel engines and other stationary sources of air pollution. I was actively involved in the hiring process. I was responsible for their training as well as their personal growth and development.

Work Example: I set a performance standard that each Intern is to have a high level of work productivity. This meant that they needed to complete, on average, about 3 to 5 permit applications per week. The methods used to ensure that they met that standard were to balance the workload among the Interns and then follow their weekly output. One Intern failed grossly to meet that standard and was fired.

BAAQMD: Title V Supervisor: 7 years (2006 to Present)

I am the supervisor for the Title V program. I am responsible to ensure that non-refinery Title V permits and refinery Title V permits are completed in a timely fashion taking into account manpower shortages and available resources. I am charged with reviewing the complete Title V work for completeness and quality control.

Work Example: I set a performance standard that the refinery engineers work with the refineries to ensure that they submitted their Title V applications for renewal on time. The methods used to ensure that they met that standard were: 1) to provide them with a clean Title V copy, 2) have the refineries complete a how-we-can help questionnaire, 3) hold periodic meetings with Title V engineers on increments of progress and 4) periodically meet with the refineries and WSPA on expectations. All of the refineries met the deadline.

4. **Hiring/Policies and Procedures**

Time as Acting Manager/Director

I have spent an aggregate of about 6 months since March of 1990 as the acting manager of the New Source Review Section. I have spent 3 days in April of 1995 as the acting Director of the Permit Services Division.

Hiring Personnel

I was the person in direct charge of the recruitment to hire two engineers into the Engineering Division. I reviewed the pool of candidates' applications, interviewed the applicants and made a recommendation for hire (which was approved). On numerous other occasions, I have been involved in the recruitment process, which included screening, interviewing and recommending the hire of the best candidate or candidates.

Policies and Procedures

An Ad hoc committee was formed to set policies and procedures for the enhanced enforceability of operating permits. I was one of the representatives from the Engineering Division (then Permit Services Division) that participated on this committee. The Committee operated as a team and, all policies set were through a collaborative effort. Standard language for permit conditions, such as temperature excursion language for thermal oxidizers and source test language, was set. A form was developed for reporting compliance problems in the field detected by area enforcement inspectors to permits. Policy related to quantifying emissions from internal combustion engines was also set. This committee met, on average, about once a month and lasted for two to three years.

DEVELOPING AND ADMINISTERING PROGRAMS

For more than 26 years, I have been instrumental in the developing and administering of various environmental programs, such as, the portable equipment program, Title V program and New Source Review Program. I participated in the District's 5-year Plan (1 week).