



## Legislation Text

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**File #:** 2018-0289, **Version:** 1

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**DATE:** October 9, 2018

**SUBJECT:**

**PRESENTATION OF THE SAN DIEGO UNIFIED PORT DISTRICT EQUAL OPPORTUNITY PROGRAM ANNUAL REPORT FOR FISCAL YEAR 17/18**

**EXECUTIVE SUMMARY:**

The Board of Port Commissioners will be presented with the San Diego Unified Port District's Equal Opportunity Program Annual Report for Fiscal Year 17/18. The report highlights statistical data under the District's contracting, diversity and inclusion, and the Americans with Disabilities Act programs.

**RECOMMENDATION:**

Receive presentation of the San Diego Unified Port District's Equal Opportunity Program Annual Report for Fiscal Year 17/18.

**FISCAL IMPACT:**

This presentation has no fiscal impact.

**COMPASS STRATEGIC GOALS:**

This agenda item is part of the reporting system to promote communications with the community and supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.

**DISCUSSION:**

The Equal Opportunity Program Annual Report provides an overview of activities and statistical data during the previous fiscal year under contracting, diversity and inclusion, and the Americans with Disabilities Act (ADA). The data is collected and analyzed in order to identify opportunities to attract a diversity of businesses and applicants, foster and retain an engaged and committed workforce, and to provide access for all.

Our success in attracting a diversity of contractors and applicants is a reflection of our commitment to access and inclusion on the foundation of the following Board policies:

- BPC Policy No. 359: Equal Opportunity Contracting<sup>1</sup>
- BPC Policy No. 361: Equal Employment Opportunity and Nondiscrimination<sup>2</sup>
- BPC Policy No. 362: Americans with Disabilities Act<sup>3</sup>

Fiscal Year 17/18 marks the twenty-eighth year of program implementation. Some notable highlights during the year include:

- Elite Member status in the San Diego Regional Chamber of Commerce's Honor Roll Program as an employer who hires and support veterans;
- Public Agency of the Year as a Community Partner for Inclusion and Participation in Equal Opportunity from the Black Contractors Association of San Diego;
- Development and distribution of a District Gender Transition Policy;
- Implementation of Gender Neutral restrooms and posting signage; and
- Implementation of a Committee to enact a Diversity & Inclusion Strategic Plan.

### Employees of the Port

Our workforce faces unique challenges on the waterfronts of five cities along San Diego Bay. We are an economic engine, a protector of the environment, a provider of community services, an innovator for businesses and a host to visitors and residents. We represent a diversity of perspectives as shown below:

|                            |                                   |                          |
|----------------------------|-----------------------------------|--------------------------|
| 13% Officials and Managers | 6% Executive                      | 1% Traditionalist        |
| 25% Professionals          | 29.3% Harbor Police               | 22% Baby Boomers         |
| 10% Technicians            | 9.9% Marketing/External Relations | 49% Generation X         |
| 22% Protective Services    | 27.8% Administration              | 27% Generation Y         |
| 17% Admin Professionals    | 14.5% Operations                  | 2% Generation Z          |
| 5% Skilled Craft           | 12.5% Financial Services          | Average Service Years 10 |
| 8% Service Maintenance     |                                   |                          |
| 83 Eligible to Retire      | 13% Veterans                      | Average Age 45           |

Traditional workforce statistics on August 3, 2018, include a total of 553 employees with 209 (37.8%) women and 241 (43.6%) minority. Women and minorities make up 346 (62.6%) of the total workforce.

| Total | Women | Men   | Minority | Hispanic | Black | American Indian | Asian | Pacific Islander | Two or More Races | White |
|-------|-------|-------|----------|----------|-------|-----------------|-------|------------------|-------------------|-------|
| 553   | 209   | 344   | 241      | 123      | 31    | 1               | 61    | 2                | 23                | 312   |
| %     | 37.8% | 62.2% | 43.6%    | 22.2%    | 5.6%  | 0.2%            | 11%   | 0.4%             | 4.2%              | 56.4% |

Since last fiscal year, our workforce decreased by 4 employees. Women decreased by 7 and minorities increased by 3. However, keep in mind that this is just a snapshot as of August 3, 2018, and these numbers are fluid throughout the year.

Other relevant data of actions during the year include the following:

|                | 55 New Hires | 55 Promotions | 58 Terminations |
|----------------|--------------|---------------|-----------------|
| Women (W)      | 16 or 29%    | 26 or 47%     | 21 or 36%       |
| Minorities (M) | 27 or 49%    | 17 or 31%     | 23 or 40%       |
| W/M Combined   | 35 or 64%    | 35 or 64%     | 33 or 57%       |

While no hiring goals can be set for employment opportunities, the purpose of tracking this data is to identify opportunities to enhance the District's outreach and identify areas of concern to ensure non-discrimination in employment practices. One indicator of diversity is to reflect the community we serve. This can be measured by comparing availability data with workforce representation. Availability data is an estimated percentage of individuals in a given group in comparison to the total population. An analysis of the District's workforce in various job groups was conducted to identify areas where outreach could be enhanced (Attachment A). The analysis shows areas of success and areas of under representation in reaching or exceeding parity with availability data. Since FY 16/17 there continues to be under representation of women in the Technicians, Protective Services, Skilled Craft and Service Maintenance job groups. Minorities are underrepresented in the Technicians, Protective Services, and Skilled Craft job groups. The data does not identify any significant changes in the workforce from last years' snapshot.

### **Community Outreach**

With the objective of creating diverse applicant pools from which to hire, outreach included: job fairs, community meetings, distribution to all District employees and community organizations, and social media and website postings. We also sent emails to those who completed a Job Interest Card in the last year for posted opportunities. Additional outreach is conducted on a case-by-case basis.

Business outreach is also conducted to ensure that businesses know how to access opportunities, have networking and partnering venues, and to obtain technical knowledge. Outreach included 93 events, an increase from the previous year, and focused on the following functions:

|             | FY 15/16 | FY 16/17 | FY 17/18 |
|-------------|----------|----------|----------|
| Contracting | 42       | 38       | 53       |
| Employment  | 53       | 33       | 24       |
| ADA         | 7        | 9        | 16       |
| Total       | 102      | 80       | 93       |

Some statistics from the outreach include:

- A total of 956 new businesses registered in the District's Planetbids portal: 193 (20.2%) are small, women, minority, or disabled veteran owned.
- The total number of businesses in the portal is 13,371, of which 3,509 (26.3%) are small, women, minority, or disabled veteran owned.
- From FY 16/17 to FY 17/18, the number of diverse vendors grew at a rate (7.1%) almost equal to the growth of total vendors (7.3%).

- Employment applications received during the reporting period reached 7,037 of which 53.7% were minority (as shown earlier, 27 or 49% of 55 hires are minority).

Based on this data, outreach efforts continue to attract a diverse pool of contractors and applicants.

### Contract Awards

It is the policy of the District that all businesses are provided equal opportunity to participate in the performance of District contracting opportunities. The District is also committed to increasing small business participation for a positive economic impact to the region.

Additionally, equal opportunity staff ensures that workers on public works projects of \$1,000 or more are paid the general prevailing rate of per diem wages for regular, holiday, and overtime work as required by California Labor Code Section 1771. Under labor compliance, in FY 17/18:

- 26 new projects were entered into the Department of Industrial Relations public works projects registration database as required by Labor Code Section 1773.3;
- 27 new projects were monitored for labor compliance; and
- 424 certified payroll records were submitted for review to ensure payment of prevailing wages.

Small business achievement during the reporting period is shown on the table below in Professional/Services, Public Works and the total awards:

|                           | Total        | SBE          | MBE         | WBE         | DVBE        | M/W/DV       |
|---------------------------|--------------|--------------|-------------|-------------|-------------|--------------|
| Professional/<br>Services | \$37,376,678 | \$8,490,247  | \$2,779,439 | \$859,198   | \$1,601,157 | \$5,239,794  |
|                           |              | 22.7%        | 7.4%        | 2.3%        | 4.3%        | 14%          |
| Public Works              | \$16,882,342 | \$12,879,653 | \$1,516,816 | \$533,098   | \$8,329,425 | \$10,379,340 |
|                           |              | 76.3%        | 9%          | 3.2%        | 49.3%       | 61.5%        |
| Total Awards              | \$54,259,020 | \$21,369,900 | \$4,296,255 | \$1,392,296 | \$9,930,582 | \$15,619,134 |
|                           |              | 39.4%        | 7.9%        | 2.6%        | 18.3%       | 28.8%        |

Small contracts (\$175,000 or less) continue to be an area of opportunity for small business participation and creating a pipeline in preparation for bigger projects. SBE participation on these projects was 36% and 20% were MBE/WBE/D/VBE. There were 346 awards to 255 different businesses, with only 45 of those businesses receiving 2 or more awards. This data reflects that where we are able to directly negotiate, we are utilizing a variety of businesses.

### Accessibility

An Accessibility Advisory Committee (AAC) was appointed in 2002 to assist the Port in ensuring that all services, programs, and facilities be fully usable and accessible to all. The eight-member committee assists the Port in fostering a culture of access and inclusion by encouraging Universal Design and six projects went before the AAC for feedback to maximize access:

- Former Navy Pier Head House Demolition and Site Improvements

- Power Your Drive Program Application and Americans with Disabilities Act Accessibility Considerations for Electric Vehicle (EV) Charging Stations
- Presentation of Harbor Island West Redevelopment
- Presentation of Destination RV Park Development
- Presentation on Fifth Avenue Landing Development Project
- Presentation of Harbor Island West Redevelopment, Waterside Improvements

Members of the AAC also participated in work groups to review the new website, lighting at the North Embarcadero Pier, and the Adam Belt Artwork.

Based on feedback from the AAC members, a list of standard accessibility enhancements are being captured in order to proactively share with tenants planning to redevelop their leaseholds. Getting this information early in the planning stages will reinforce the commitment and raise awareness for more creative and innovative ideas.

### Summary

Overall contracting and employment reflects continued growth in diversity. Our analysis reflects normal industry fluctuations given variables including retirement, type of opportunities, and bidding requirements. Achievements are race and gender neutral, implementing District processes that include inclusive outreach and diverse perspectives in selection processes.

Moving forward, in order to continue working towards an inclusive culture where everyone feels a sense of belonging, being valued for who they are and essential to the success of the District, we will work diligently to:

- Increase visibility, transparency and access to information and encourage feedback;
- Leverage technology and social media to reach all of our communities and communicate our opportunities;
- Develop awareness and training opportunities that support agility and being proactive;
- Support initiatives that encourage creativity and expression; and
- Continued development and eventual implementation of a diversity and inclusion strategy plan to guide us in developing operational plans to ensure a diverse workforce and inclusive culture.

Staff invites Board feedback to staff on the equal opportunity programs.

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed the issues set forth in this agenda and has found no legal concerns as presented.

### **Environmental Review:**

The proposed Board direction or action, including without limitation, a presentation on the Equal Opportunity Program Annual Report for Fiscal Year 17/18 does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because

it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action complies with Section 35 of the Port Act, which allows for the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board direction or action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

Shirley Hirai  
Manager, Equal Opportunity

**Attachment(s):**

|               |  |
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| Attachment A: | Workforce Analysis data as of August 3, 2018                           |
| Attachment B: | BPC Policy No. 359: Equal Opportunity Contracting                      |
| Attachment C: | BPC Policy No. 361: Equal Employment Opportunity and Nondiscrimination |
| Attachment D: | BPC Policy No. 362: Americans with Disabilities Act                    |