

ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

NOREEN AMBROSE

CHAIR

To:

From:

Subject:

December 10, 2020

YVONNE LEE VICE-CHAIR

Members of the Ethics Commission

Daina Chiu Commissioner LeeAnn Pelham, Executive Director

FERN M. SMITH COMMISSIONER

Agenda Item 6 – Discussion and possible action on Ethics Commission Draft

Racial Equity Action Plan

LARRY BUSH

Summary This item provides background on the City's Racial Equity Ordinance and

an Ethics Commission Draft Racial Equity Action Plan for the Commission's

review and consideration.

COMMISSIONER

LEEANN PELHAM

EXECUTIVE DIRECTOR

Action Requested

That the Commission review the attached draft Plan and provide Staff

with any comments or feedback so that input can be reflected in the Plan submitted to the Office of Racial Equity by the December 31, 2020

deadline.

In July 2019, the City's Office of Racial Equity (ORE) was created by Supervisors Sandra Lee Fewer and Vallie Brown (Ordinance No 188-19) as a Division of the San Francisco Human Rights Commission (HRC). ORE was legislated in response to the City's growing racial disparities as a means to address the history of structural and institutional racism in San Francisco's delivery of services to the public and its internal practices and systems. Creating ORE was the result of advocacy and organizing by Black City workers, labor leaders, and community members. With the establishment of ORE, San Francisco joins a national movement to address the government's role in resolving the inequitable outcomes it created.

As ORE's <u>Citywide Racial Equity Framework</u> guides us, racial equity is a set of social justice practices, rooted in a solid understanding and analysis of historical and present-day oppression, aiming towards a goal of fairness for all. As an outcome, achieving racial equity would mean living in a world where race is no longer a factor in the distribution of opportunity. As a process, racial equity is applied when those most impacted by the structural racial inequities are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives.

Under the leadership Director Shakirah Simley and Senior Policy Advisor Sami Iwata, ORE has been working with City departments through monthly convenings to implement the Racial Equity Framework citywide, to direct Departments to develop and implement mandated Racial Equity Action Plans, and to analyze disparate impacts of pending ordinances, as well as various other policy and reporting functions. In addition, ORE's enabling legislation requires that City departments designate employees as racial equity leaders to liaise with ORE, and requires the Department of Human Resources to assess and prioritize racial equity with the City's

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workforce. ORE also centers racial equity within the City's budget process and can make recommendations on funding of departments should certain racial equity metrics not be met.

Departmental Racial Equity Action Plans

Phase I of the City's Racial Equity Framework focuses on prioritizing systemic change and racial equity within San Francisco City government. With the City and County as San Francisco's largest employer, with its more than 37,000 employees across 60 departments, how the city works to ensure safe, equitable, supportive, and anti-racist workplaces can catalyze meaningful action toward institutional change across sectors.

Toward that end, ORE has established a comprehensive framework for action along with baseline departmental strategies that is a call to action: "Ultimately, all City agencies must build a culture, space, and workplace that is accessible and welcoming to all current and future employees, and to actively build an environment in which all people, regardless of background, identity, or ability, can be equal participants. In this way, our City employees, throughout departments and at all organizational levels, can reflect the communities we serve."

Ethics Commission Draft Racial Equity Action Plan

Phase I of our work to develop a departmental Racial Equity Action Plan comes an important and particularly valuable time in our organizational development. As we have geared up to implement a wideranging FY21 Hiring Plan to strengthen all areas of our operations and programmatic work with critically overdue staffing resources, our team of hiring managers and I have worked closely to develop that Hiring Plan while also being in conversation about the role and goals of a departmental Racial Equity Action Plan. Consultation on the draft plan has included the Department of Human Resources and the City Attorney's Office. Prior to finalizing our Plan for submission later this month, we also will have the benefit of feedback and discussion with ORE staff after they have reviewed our draft.

The draft Plan shown in **Attachment 1** identifies action steps the following areas: 1) hiring and recruitment; 2) retention and promotion; 3) discipline and separation; 4) diverse and equitable leadership and management; 5) mobility and professional development; 6) organizational culture of inclusion and belonging; and 7) boards and commissions.

Next Steps

We fully anticipate that the attached draft, and then the subsequent Plan we submit by December 31, will be a living document. The attached draft is being shared with all Commission staff to invite their observations, feedback, and contributions as we prepare our Plan for submission to ORE, however due to the volume and pace of other competing priority projects this year -- including the BLA Audit, emergency COVID operations, ongoing DSW deployments and resulting adjustments in staffing assignments and shifting project timeframes -- we have not yet had the opportunity to engage all staff in the Plan development process. Particularly as we start another organizational chapter in the months ahead with hiring and onboarding of additional staff in the new year, we expect to do that important work so that our Plan continues to expand and evolve to reflect the full breadth of our commitments, experiences, aspirations, and practices as a Commission and staff team.

We look forward to your benefit of your feedback and insights at next week's meeting.

RACIAL EQUITY ACTION PLAN - PHASE 1

A Racial Equity Action Plan (RE Action Plan) shall include Racial Equity indicators to measure current conditions and impact, outcomes resulting from changes made within programs or policy, and performance measures to evaluate efficacy, that demonstrate how a City department will address Racial Disparities within the department as well as in external programs. — ORE Legislative Mandate, Ordinance No. 188-19

Ethics Commission

Racial Equity Lead

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Last Updated

12/10/2020

Racial Equity Team

Racial Equity Action Plan Template Key

ACTIONS: specific acts to accomplish to achieve departmental goals

RESOURCES COMMITTED: what is needed to perform actions; financial, human, and/or material

INDICATORS: quantifiable measure of an action's success; how much, how well, or is anyone better off?

TIMELINE: dates denoting the start and end of the action

IMPLEMENTATION: detailed plan on how the action will be accomplished; month, quarter, and/or year STATUS: the action's current status, updated regularly [ongoing | in-progress | completed | not started] LEAD: staff, committee, or body responsible for the action and/or accountable for its completion

Racial Equity Action Plan Sections

- Hiring and Recruitment
- Retention and Promotion
- Discipline and Separation
- Diverse and Equitable Leadership and Management
- Mobility and Professional Development 5.
- Organizational Culture of Inclusion and Belonging
- **Boards and Commission**

PROCESS

Phase I of the Plan was developed by the Commission's Executive Director with consultation of the staff Senior Leadership Team, Department of Human Resources, City Attorney, and with review by the five-member Ethics Commission at the Commission's December 14, 2020 Regular Meeting.

DEPARTMENT BACKGROUND

Our mission is to practice and promote the highest standards of integrity in government. We achieve that by delivering impactful programs that promote fair, transparent, and accountable governmental decision making for the benefit of all San Franciscans. With public service a public trust, our aim is to ensure that San Franciscans can have confidence that the operations of the City and County and the decisions made by its officials and employees are fair, just, and made without any regard to private or personal gain.

Department History

The San Francisco Ethics Commission was created directly by the City's voters with the passage of Proposition K in November 1993. Through its 24-member staff, the Commission is responsible for the independent and impartial administration and enforcement of laws related to campaign finance, public financing of candidates, governmental ethics, conflicts of interests, and registration and reporting by lobbyists, campaign consultants, permit consultants, and major developers. The Commission has an operating budget of roughly \$4.8 million also administers a \$7 million Election Campaign Fund that provides partial public financing for qualified candidates for City elective office. Our programs include:

- PUBLIC DISCLOSURE AND COMPLIANCE GUIDANCE provides compliance and filing assistance for persons required to submit public disclosure statements and other filings, including political candidates and committees, lobbyists, city officials and employees, campaign and permit consultants, and major developers. Provides public access to disclosed information.
- AUDITS conducts audits of campaign committees, publicly financed candidates, and lobbyists to ensure compliance with applicable state and local laws, and also verifies eligibility and disbursements from the Election Campaign Fund for publicly-matched funds to candidates for the Board of Supervisors and Mayor.
- POLICY AND ADVICE provides formal and informal advice regarding the application of ethics, campaign finance, and lobbyist laws, and requirements for campaign consultants, permit consultants, and major developers; conducts policy analysis and legislative reviews; issues reports on programs and issues within the Commission's jurisdiction; and oversees the registration and regulation of campaign consultants and lobbyists.
- INVESTIGATIONS AND ENFORCEMENT investigates complaints alleging violations of laws under the Commission's jurisdiction and pursues administrative enforcement when warranted.

The Commission acts as filing officer for over 80 different types of public disclosure statements and reports related to governmental ethics, campaign, and lobbying that are filed by City officials, local candidates, political committees, lobbyists, permit consultants, campaign consultants, major developers and major donors; audits certain of these statements for compliance with state and local laws; investigates complaints alleging ethics and political reform law violations; raises public awareness these laws; researches and proposes legislative changes; and provides guidance and advice about the applicability of the City's political reform laws to City candidates, officeholders, officers, employees and the general public. With its sworn responsibility to the public trust, Members of the Ethics Commission are pledged to a high standard of excellence in government accountability. Together with its staff, the Commission works to effectively implement the laws within its jurisdiction, and to ensure those laws are strong, workable in practice, and enforceable.

HIRING AND RECRUITMENT

Identify, Attract, Invest in and Retain a Diverse City Workforce. Racial homogeneity within hiring and recruiting networks reproduce historical inequities in access to family-sustaining, living wage jobs. Therefore, cultivating an inclusive workforce requires intentional efforts in and with diverse, underrepresented and underserved communities. Rather than passively waiting for diverse candidates and people with non-traditional backgrounds to apply, Departments can and should actively seek these

individuals out. This includes assessing the most basic barriers to access that influence the City's applicant pool, and developing a clear, intentional outreach strategy. Further, partnering creatively within nontraditional outlets, community-based organizations, BIPOC professional networks, re-entry programs, SFUSD and community college systems will cultivate a rich pool of diverse candidates.

DEPARTMENT GOAL

What is the department's overall goal on Hiring and Recruitment?

The Ethics Commission is committed to recruiting, hiring, and retaining and a diverse, collaborative, and high performing staff of individuals whose individual experiences, knowledge, and talents collectively drive achievement of the Commission's unique mission in San Francisco city government. We honor and value diversity, inclusion, and engagement, and are committed to promoting racial equity and to creating and sustaining a work environment that reflects and engages the diversity of our communities. The Commission provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, gender, gender identity or expression, national origin, age, disability, genetics, or any other protected category.

Develop a hiring and recruitment policy and procedure that aligns with the Citywide Racial Equity Framework and the overall departmental RE goals.

ACTIONS	RESOURCES COMMITTED	INDICATORS	TIMELINE	IMPLEMENTATION PLAN	STATUS	LEAD
1.1.1 Assess conditions and barriers that may impede 1) potential applicants' ability to competitively apply to available positions, and 2) disallows current, competitive employees to apply.	Review by senior leadership/hiring managers in consultation with DHR.	Departmental review of hiring processes and practices is completed. Review DHR Citywide assessment survey once completed.	Prior to posting of job announcements and ongoing during application period.	Implemented as part of FY21 Hiring Plan.	Partially completed.	Executive Director.

1.1.2 Outreach to identify BIPOC and non-traditional outlets and networks and encourage applications for open positions. Map and track outreach efforts.	Hiring managers, Executive Director, and Commission members.	Recruitment contacts and networks identified and solicited. Applicant pool is diverse and referred from a variety of sources.	Prior to posting of job announcements and ongoing during application period.		Partially completed.	Executive Director.
1.1.3. Review, simplify, and standardize job descriptions, minimum qualifications, and application information requested to attract diverse candidates and those with non- traditional backgrounds.	Hiring managers and Executive Director in consultation with DHR.	Reviews completed. Job descriptions display consistent and inclusive language.	Prior to posting job announcements	Implemented as part of FY21 Hiring Plan.	Completed.	Executive Director.
1.1.4 Review job descriptions to ensure hard and soft skills necessary are clearly identified and are closely aligned to reflect specific requirements of the position.	Hiring managers and Executive Director in consultation with DHR.	Broadly experienced pool of applicants received with transferrable skills from diverse life, education, and professional experiences.	Prior to posting job announcements	Implemented as part of FY21 Hiring Plan.	Completed.	Executive Director.
1.1.5 Maintain a standardized and holistic interview process with structured interview questions.	Hiring managers and Executive Director in consultation with DHR.	Standardized interview process used, including inclusive interview questions.	Prior to scheduling interviews.	Implemented as part of FY21 Hiring Plan.	Underway.	Executive Director.
1.1.6 Ensure hiring managers and supervisors have completed DHR's implicit bias awareness and Fairness in Hiring trainings.	All departmental supervisors, Leads, Hiring managers, and Executive Director.	Interviews and onboarding will be increasingly more equitable, conversations regarding racial equity can be easily had among and within staff teams.		Implemented prior to development of FY21 Hiring Plan.	Completed.	Executive Director.
1.1.7 Include opportunities to expand collective knowledge regarding diversity, equity, and inclusion.	All departmental supervisors and leads.	Self-identify and pursue at least one learning opportunity focused on diversity, equity, and inclusion.	Annually on individual performance plan.	Implemented as part of FY21 performance plans.	Underway.	Executive Director.

Attachment 1 to December 14, 2020 Commission Meeting Agenda Item 6

1.1.8

Track and evaluate Hiring Plan outcomes including reviewing the application process and resulting hires, including by race/ethnicity.

Hiring managers and Executive Director in consultation with DHR.

Departmental review of hiring processes and outcomes is completed. Consult with DHR on review

findings and learnings.

By June 30. To be implemented with FY21 Hiring Plan. Planned.

Executive Director.

RETENTION AND PROMOTION

Our Workforce is Our Largest Asset. Retaining a strong workforce means supporting our employees holistically to ensure that they are affirmed, in and out of the office. A competitive salary, inclusive benefits and opportunities for advancement ensure that our workforce can sustain themselves and their immediate family, and oftentimes, due to the wealth gap and the effects of systemic racism, their extended

families and friends. A clear and intentional path to promotion addresses barriers to upward mobility that systemically face underrepresented employees. Lastly, acknowledging and responding to any potential inequitable impacts of the COVID-19 pandemic on frontline City workers will be essential.

DEPARTMENT GOAL

What is the department's overall goal on Retention and Promotion?

The Ethics Commission is committed to employee retention and promotion practices that support, develop, and equitably advance the unique knowledge, skills, and abilities of a diverse and inclusive staff, including for paths to promotional opportunities and leadership roles.

Ensure departmental retention and promotion actions and practices align with Citywide Racial Equity Framework and overall departmental RE goals.

ACTIONS	RESOURCES COMMITTED	INDICATORS	TIMELINE	IMPLEMENTATION	STATUS	LEAD
2.1.1 Track deployment and functions of all DSW workers deployed and review demographics of departmental DSW deployments.	Executive Staff.	Deployment tracking mechanism implemented. Demographic data reviewed.	Ongoing during pendency of all DSW deployments. Annually by Jan 31.	Implement as part of planning for and development of Annual Budget submission.	Ongoing.	Executive Director.

2.1.2. Conduct internal budget analysis with racial equity lens and DSW data, to inform current and future staffing needs, budget requests, and approaches in response to budget instructions.	Executive Staff.	Review mechanism implemented. Demographic data analyzed. Budget analysis completed.	Ongoing during pendency of all DSW deployments. Annually by Feb 1.	Implement as part of planning for and development of Annual Budget submission.	Ongoing.	Executive Director.
2.1.3. Conduct annual internal salary reviews to ensure parity.	Executive Staff.	Review mechanism implemented. Demographic data analyzed. Salary review completed annually. Salary reviews conducted prior to offer of employment.	Annually by Dec 31.	Implement in preparation for development of Annual Budget submission. Implement as part of FY21 Hiring Plan.	Reviews conducted.	Executive Director.
2.1.4 Encourage staff participation in education and professional development opportunities to help develop their career goals.	All Staff.	Identify and share list of all applicable education opportunities for City employees (e.g, DHR University; bargaining unit-specific provisions; tuition reimbursement). Remind Staff of available education programs. Identify point person to answer questions about what programs, workshops, or classes would help them advance their career goals.	By June 30, 2021. Annually.	Initiate with implementation of FY21 onboarding.	Planned.	Executive Director.
2.1.5.	All Staff.	Develop method to identify staff professional development	By June 30, 2021.	Initiate with implementation of FY21 onboarding.	Planned.	Executive Director.

Include opportunities to expand collective knowledge regarding diversity, equity, and inclusion.

opportunity focused on diversity, equity, and inclusion. Annually. Conduct or provide.

Departmental Note: Phase 1 of the Commission's Racial Equity Action Plan places primary focus at this point in time on the Commission's priority FY21 Hiring Plan and on recruitment, retention and promotion. The actions shown below also have been identified in following additional areas. Additional actions will appear in further RE Action Plan updates as the Commission's Plan continues to evolve.

- **Discipline and Separation** 3
- Diverse and equitable leadership and management.
- **Mobility and Professional Development.**
- **Organizational Culture of Inclusion and Belonging**
- **Boards and Commissions**

ACTIONS	RESOURCES COMMITTED	INDICATORS	TIMELINE	IMPLEMENTATION	STATUS	LEAD
Discipline and Separation 3.1.1. Track disciplinary actions and analyze subsequent disaggregated data.	Executive Staff in consult with DHR.	Tracking mechanism created. Analyze data annually.	At least annually.	After receiving disciplinary action data, conduct analysis and evaluate results as they relate to staff of color. Data includes Performance Improvement Plans (PIP), suspensions, etc. After receiving separation data, conduct analysis and evaluate results as they relate to staff of color. Separation data would include dismissals, probation release for disciplinary reasons, demotions, etc.	Ongoing	Executive Director.

3.1.2 Standardize discipline procedures and corrective actions to ensure any discipline received is the same level across similarly situated employees for a particular policy.	Executive Staff in consult with DHR.	Procedures standardized. Tracking method established. Corrective actions reviewed.	At least annually.	Implement as part of annual performance and goal setting process. Review as needed during year.	Ongoing	Executive Director.
Diverse & Equitable Leadership and Management 4.1.1 Commit to ongoing racial equity training and development for Staff leadership.	All departmental managers and supervisors.	Identify staff to be trained. Identify appropriate trainings related to racial equity and developing leadership skills. Schedule staff for training.	Annually.	By June 30, 2021.	Planned.	Executive Director.
4.1.2. Foster an organizational culture of inclusion and belonging by supporting paths to promotional opportunities and leadership roles.	Executive Staff.	Process to review training and promotional opportunities established and implemented. Demographic data analyzed. Individual professional development plans identified for each fiscal year. # and type of available professional development opportunities # and type of completed trainings	At least annually.	Implement as part of annual performance and goal setting discussions. Review in preparation for development of Annual Budget submission.	Completed. Reviewed by Jan 31.	Executive Director.
4.1.3 Assess staff professional and skill development opportunities through a racial equity lens to acknowledge underrepresented staff of color.	Executive Staff.	Tracking method established and implemented. # of staff of color utilizing professional development.	Annually.	Implement as part of annual performance and goal setting discussions. Review as part of budget development process.	Ongoing. Annually by Dec 31.	Executive Director.

4.1.4. Incorporate senior leadership demographics in the department annual report.	Executive Director.	Senior leadership demographic included in the department annual report	Annually.	Implement with Annual Report.	Pending next Annual Report, Aug 2021.	Executive Director.
4.1.5. Implement a simple process to submit anonymous input to senior leadership. Develop a plan to respond to such input.	Senior Leadership.	% of staff is aware of the process	Annually.	Implement by year end prior to development of annual budget request.	To be initiated.	Deputy Director/COO
Mobility &						
Professional Development						
5.2.1. Develop an annual performance evaluation for all staff. Highlight advancement opportunities.	Senior Leadership.	Annual performance evaluation program established for all staff.	Annually.	Implemented as part of annual performance and goal setting process.	Ongoing.	Executive Director.
5.2.2 Encourage and formalize process for staff attendance at external professional conferences, including processes for approvals, reimbursements, and sharing/implementing learnings.	Senior Leadership.	Process formalized. Process shared with all staff.	Annually.	To be initiated with formalized annual Staff Training Plan.	Planned.	Deputy Director/COO
5.2.3 Track professional and skill development and assess annually, and specifically for underrepresented staff of color.	Senior Leadership.	Identify underrepresented employees of color to participate in professional and skill development, including individuals in lower level classifications to support ongoing career development.	Annually.	Implement as part of annual performance and goal setting discussions. Review as part of budget development process.	Ongoing.	Executive Director.

Organizational Culture of Inclusion and Belonging

6.1.1. Foster an intentional organizational culture that is committed to inclusion and belonging by ensuring that the department's mission, policies, and procedures reflect an ongoing commitment to an organizational culture of inclusion and belonging.	Executive Director; Senior Leadership; all supervisory staff; and Members of the Commission.	Department mission, policies, and procedures are updated and available to all employees. Annual report reflects ongoing commitment by Commission as a whole.	Annually.	Each fiscal year as part of annual performance and goal setting process. Implement with Annual Report.	To be formalized by June 30 2021. Annually.	Executive Director and Commission Chair.
6.1.2. Develop a RE Action Plan that continues to evolve and expand, ensuring it is available to the public and that Commission processes and procedures to promote equity are communicated.	Senior Leadership.	RE Action Plan and updates are reported to staff, publicly shared with Ethics Commission, and published on departmental website.	As expansion or updates warrant.	Posted on website and reviewed no less than annually following annual performance and goal setting discussions. Include in Annual Report.	RE Plan Underway. Reporting to be initiated.	Executive Director
7.1.1. Review and revise Bylaws to include inclusive language and align with the department's RE Action Plan.	Executive Director and Commission Chair.	Bi-laws successfully updated.	Adopt by June 30, 2021.	Adopted by Commission and posted on website. Include in Annual Report.	To be initiated.	Executive Director
Boards and Commissions 7.1.2. Collect current board and/or commission demographic data and include in the department annual report.	Executive Director and Commission Chair.	Collect board/commission demographic data as changes to Commission composition occur. Data included in annual report.	As needed per Commission appointments.	Include in Annual Report.	To be initiated as warranted by Comm changes.	Executive Director
			Annually.		In annual report.	

Vulnerable Populations Served

The Ethics Commission serves San Franciscans, candidates for City office, and City employees, elected and appointed officials, and others in promoting transparency and accountability in City elections and local government decision making by serving as a repository for public disclosures, providing compliance guidance, conducting audits, developing public policy, and by enforcing the laws within the Commission's subject matter jurisdiction. Due to ongoing severe constraints on staffing resources in 2020, the Ethics Commission did not submit a Vulnerable Populations Served survey.

Vulnerable Populations Engagement Assessment

Please see above.

POPULATION STAKEHOLDER ENGAGEMENT % OF BUDGET CRITICAL ISSUES ACCOMPLISHMENTS	
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RESULTS FROM DEPARTMENT ASSESSMENT AND EMPLOYEE SURVEY

Please describe themes and key takeaways from your survey results.

The Ethics Commission is presently staffed by 20 full time employees, with four additional position authorities that remained vacant this Fiscal Year. In 2020, nine members (45%) of its staff were deployed for Disaster Service Work, and included staff whose services were requisitioned by COVID Command Center for extended DSW deployments from June through December 30, 2020. The Commission has not conducted an employee survey.