

OREGON JUDICIAL DEPARTMENT



AFFIRMATIVE ACTION REPORT

January 2021

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OREGON JUDICIAL DEPARTMENT INTRODUCTION

January 2021

The Oregon Judicial Department (OJD), as a separate and independent branch of government, is committed to ensuring diversity, equity, inclusion, affirmative action, and equal employment opportunities to allow all Oregonians to thrive. Having a workforce that reflects the diversity of the people and communities we serve is essential to our mission of providing fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence. The Affirmative Action Plan produced identifies goals and initiatives that help develop and maintain a workforce that reflects the demographics of Oregon; encourages career development and advancement; and provides tools and training to create an inclusive and equitable courthouse and workplace culture.

We acknowledge that having a policy of equal employment opportunity, by itself, will not necessarily result in a diverse and inclusive workforce. Affirmative action provides active and positive steps to addressing historical and current discrimination and bias—intended or unintended—against those who have been underrepresented in the workplace. In our efforts to further strengthen our commitment, the Oregon Judicial Department is also engaging in a two-year Strategic Campaign that embeds diversity, equity, inclusion throughout the identified initiatives.

Our goal is to create an environment of belonging where all employees and applicants feel empowered to bring their authentic self to work and hold themselves and others accountable. We are proud of our commitment to be an equal opportunity and affirmative action employer.

Martha L. Walters
Chief Justice

Nancy Cozine
State Court Administrator

Section 1. OREGON JUDICIAL DEPARTMENT DESCRIPTION

A. Overview

Oregon Judicial Department (OJD) was created in Article III, Section 1, of the Oregon Constitution. The Chief Justice is responsible for the administration of the judicial branch of government and is designated as the administrative head of OJD which includes the appellate, tax, and circuit courts. It is the Chief Justice's responsibility to promulgate a personnel plan for all officers and employees of the courts governing appointment, compensation, promotion, discipline, and all other aspects of employment. The Chief Justice is also charged with the duty of supervising a statewide plan for budgeting, accounting, and fiscal management of OJD. The department has 1,476 full-time employees as of June 30, 2020; this excludes judges, who are elected officials (instead of employees) and, as such, not subject to the plan. There is a total of 256 judges serving the Oregon appellate, tax, and circuit courts.

1. Appellate and Tax Courts

The Oregon Supreme Court consists of seven justices and is the court of last resort in the state court system. The Court of Appeals consists of thirteen judges who hear appeals from circuit courts, agencies, and boards. The Oregon Tax Court judge hears matters arising from Oregon tax law. The Tax Magistrate Division includes three tax magistrates, appointed by the Tax Court Judge, who oversee less formal tax appeal proceedings.

2. Office of the State Court Administrator

ORS Chapter 8 (primarily) establishes and defines the duties of the Office of the State Court Administrator. The State Court Administrator serves under the direction of the Chief Justice. The State Court Administrator is generally responsible for certain centralized functions of the unified Oregon state court system including legal counsel, internal audit, judicial and staff education, enterprise technology systems, budget and financial administration, court statistics and program support, human resource management, and intergovernmental relations. Administration of the Citizens Review Board Program, Juvenile and Family Court Programs, Court Language Access Services, State of Oregon Law Library, and Appellate Court Records Section are also funded and managed within the office.

3. Circuit Courts

The circuit courts are general jurisdiction trial courts located in each of the 36 counties, organized as 27 judicial districts, and served by 256 judges. These courts adjudicate matters and disputes in criminal, civil, domestic relations, traffic, juvenile, small claims, violations, abuse prevention, probate, civil commitment, adoption, and guardianship cases.

Pursuant to ORS 1.003, the Chief Justice appoints 27 judges to serve as presiding judge in each district for administrative purposes. Their general authority is described in ORS 1.171. The nonjudicial operations of the circuit courts are managed by 27 trial court administrators who are appointed and supervised by the presiding judges. Their general authority is described in ORS 8.225. Their duties include personnel administration, budget and financial management, court operations, and jury management.

4. Oregon Supreme Court Council on Inclusion and Fairness

The Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF) was created by Chief Justice Order in 2016. The Council includes broad stakeholder representation including staff, judges and external community stakeholders. The Council works to ensure that all persons have equal access to Oregon state courts for fair and efficient dispute resolution and advises the Chief Justice on matters of racial, ethnic, and gender bias. In addition to identifying ways to integrate inclusion and fairness into practices and procedures, OSCCIF promotes a diverse workforce that reflects the community at large and monitors and strives to accelerate OJD's progress while championing inclusion and fairness opportunities for judges and staff.

B. Mission, Values, and Commitment

1. OJD Mission

OJD's Mission describes the purpose and focus of the work that goes on every day in Oregon's state courts.

As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence.

2. OJD Values

OJD's Values are core human beliefs that define what is important to us as we work to administer justice for Oregonians. Our values shape our sense of duty to the public; help us make decisions; and challenge us to develop innovative programs and processes to better serve the public and to reduce crime.

- Fairness, equality, and integrity
- Openness and timeliness
- Independence, impartiality, and consistency
- Excellence, innovation, and accountability
- Respect, dignity, public service, and community wellbeing

3. OJD Commitments

OJD's Commitments are the basis of the 2020-2021 strategic campaign. The strategic campaign recognizes our constitutional obligation to provide justice for all Oregonians and identifies four commitments and seventeen (17) strategic initiatives to advance that cause. This forms the framework for decision making and provides focus of our efforts to increase public trust and confidence in our courts and improve services for all.

- We will join with community partners to improve services and outcomes for people who are underserved, vulnerable, or marginalized; and we will develop effective, supportive, and creative solutions to respond to their legal needs.
- We will improve access to justice by eliminating barriers; continuing to simplify and streamline our processes and forms; enhancing service options; leveraging technology; improving interpreter services; and advocating for resources to keep courts open, safe, and secure.
- We will enhance the public's trust and confidence in Oregon's state government, including the judicial branch, by listening and responding to the needs of those we serve; holding ourselves to high standards; and communicating the role of our courts in providing justice for all.
- We will create a workplace and courthouse culture that is supportive, inclusive, welcoming, and affirming; that embraces diversity; and where all people can thrive and are treated with respect and dignity.

C. Chief Justice

Martha Walters, Chief Justice
 1163 State St. Salem, OR 97301-2463
 (503) 986-5668

D. State Court Administrator

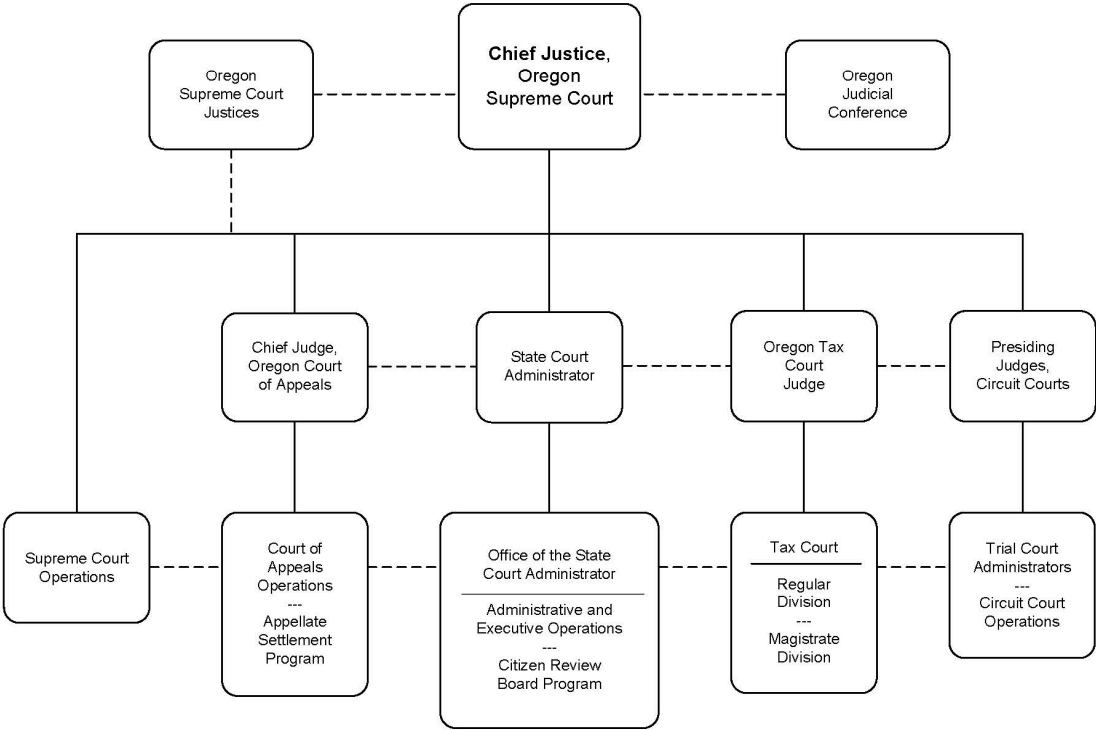
Nancy Cozine, State Court Administrator
 1163 State St. Salem, OR 97301-2463
 (503) 986-5668

E. Human Resource Services Director

Kimberly Rockeman Human Resource Services Director
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 (503) 986-5595

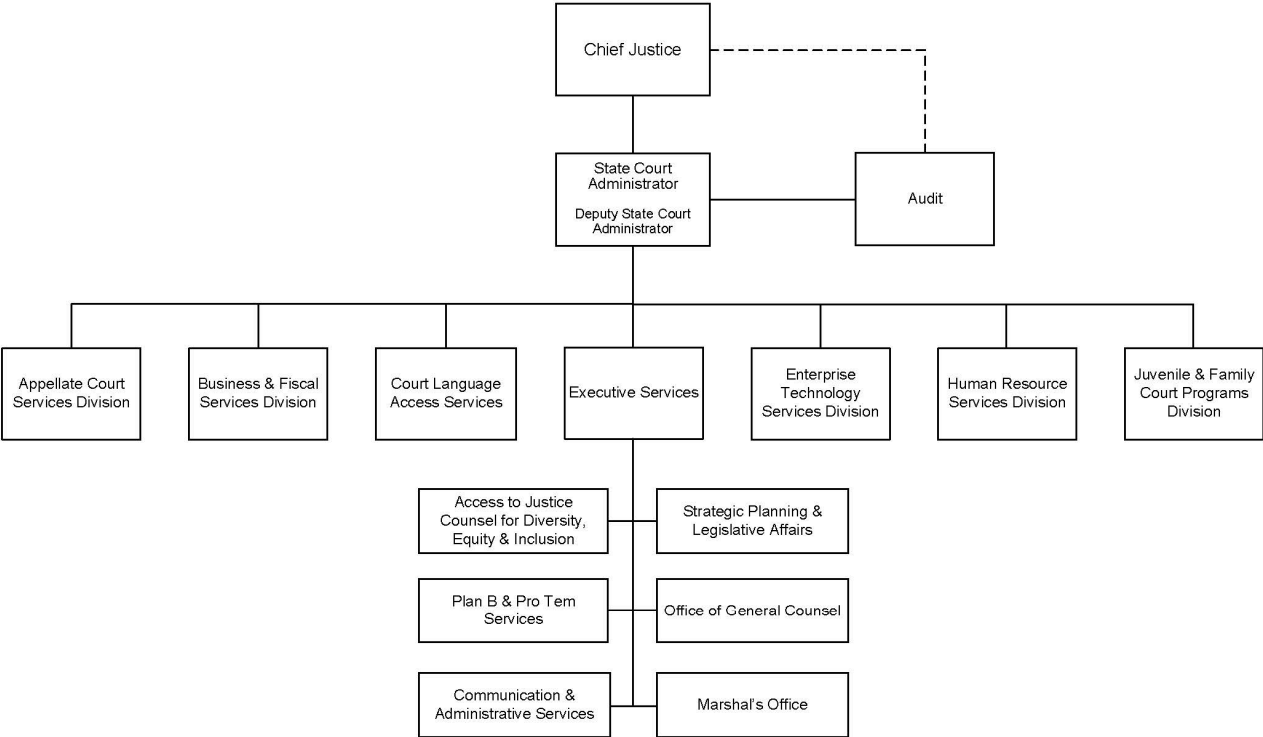
F. Organizational Charts

Oregon Judicial Department
 Administrative Organization
 January 2020



NJC:jm/Admin Org for OJD 2020-01-01

OFFICE OF THE STATE COURT ADMINISTRATOR
 (Organization Chart)
 (November 2020)



Section 2. AFFIRMATIVE ACTION POLICIES

- Purpose

This Affirmative Action Plan was developed to assure that the Oregon Judicial Department (OJD) is providing equal employment opportunities. The plan identifies representation of women, people of color, and people with disabilities within the department as a whole, and where there are representation gaps for the purpose of taking action to increase representation of historically underrepresented populations within the workforce.

- Policy

OJD's rule on Equal Employment Opportunity is set forth in the Judicial Department Personnel Rules as follows:

Judicial Department Personnel Rule (JDPR) 5 - Equal Employment Opportunity

OJD provides equal employment opportunities to all employees and applicants for employment without unlawful regard to race, color, religion, national origin, sex, political affiliation, age, marital status, mental or physical disability, sexual orientation, genetic information, veteran status, or any other reason prohibited by law. This applies to all aspects of employment, including but not limited to, recruitment, hiring, training, promotion, transfer, and administration of all personnel policies, procedures, practices, programs, and services.

Administrative authorities are required to assure that equal employment opportunity provisions are applied to all employment practices. (Also see the OJD Policy Statement on Unlawful Discrimination and Harassment.)

Section 3. EEO/AA RESPONSIBILITIES AND DUTIES

A. Chief Justice and State Court Administrator

The Chief Justice committed OJD to a policy of equal employment opportunity. The Chief Justice has delegated the overall administrative responsibility for ensuring equal employment opportunity to the State Court Administrator through the Judicial Department Personnel Rules (JDPR).

B. Human Resource Services Director

The Human Resource Services Director, as directed by the State Court Administrator, has day-to-day responsibility for the implementation of the Equal Employment Opportunity (EEO) Plan. Such responsibility includes:

1. Developing and monitoring the department's written EEO Plan. The plan is periodically updated as deemed appropriate by the Human Resource Services Director.
2. Disseminating the plan internally.
3. Assisting trial court administrators, managers, and supervisors as necessary.
4. Providing employee counseling related to informal discrimination complaints.
5. Auditing and ensuring that all OJD policies are in compliance with equal opportunity (and affirmative action) laws and regulations.
6. Serving as liaison between the department and enforcement agencies.
7. Identifying the need for and developing EEO management and supervisory training programs.
8. Assisting hiring authorities in broad dissemination of recruitment announcements in order to attract diverse applicant pools.

C. Administrative Authorities

Within their respective jurisdictions, administrative authorities are responsible for:

1. Establishing a positive climate for equal employment.
2. Evaluating subordinate managers and supervisors on the basis of their EEO practices.
3. Assuring that all personnel practices and procedures, including training, hiring, and promoting, are applied equally and in compliance with OJD Personnel Rule 5.

4. Communicating the availability of the department's Affirmative Action Plan to all judges and employees.
5. Reviewing diversity goals and employing outreach strategies to achieve such goals.

D. Managers and Supervisors

The following responsibilities are assigned to managers and supervisors as it relates to employees under their supervision:

1. Establishing a positive climate for equal employment.
2. Assuring that all personnel practices and procedures, including training, hiring, and promotion, are applied equally and in compliance with JDPR 5.
3. Taking necessary action(s) to prevent discrimination and/or harassment.
4. Reviewing diversity goals and employing outreach strategies to achieve such goals.

E. Employees Who Regularly Represent the Department to External Organizations

Employees who regularly present information to external organizations should, when feasible, affirm OJD's commitment to workforce diversity, inclusion, and affirmative action.

Section 4. DATA DURING PLAN PERIOD

The goal of OJD is to have an employee workforce which reflects the Oregon labor force in terms of the representation of women, people of color, persons with disabilities, and veterans. Changes within the OJD workforce are tracked in the following ways:

1. The ten-year trend charts below show the change in percentages of women, people of color, people with disabilities, and (beginning in 2020) veterans within OJD's workforce from September 30, 2010 to June 30, 2020.
2. Statistics used in the trend report are from the State of Oregon's new Human Resource Information System, Workday and its DEI Dashboard for 2021. Data for 2011, 2013, 2015, 2017, and 2019 are from the state's legacy system, Position and Personnel Data Base (PPDB).
3. Information on gender, race, disability and veteran status (not collected in previous reports) is provided by new employees on a self-reported basis via Workday.
4. The designation as of 2003, to provide employees the option of choosing "multi-racial/ethnic" as their primary designation is now titled "two or more races". The percentage of employees designating "two or more races" increased from the previous plan period from 4.5 percent to 5.1 percent.
5. During the 2009 plan period, OJD revised the racial categories as directed by the U.S. Department of Justice, Office of Justice Programs. The revision (from five racial categories to seven) brings OJD into compliance with the reporting requirements for obtaining federal grant monies. As a result, a new census survey was conducted and a database was developed to store and analyze the information. This information is now collected via Workday.
6. During this preparation period, OJD corrected the classification of its job categories using the EEO Job Profile Job Classification Crosswalk in Workday (details of job profiles updated into their new EEO job categories can be found listed in Section 6. Summary of Findings below). As a result, OJD does not have or report positions for the Technicians and Service/Maintenance categories. The following EEO job categories were also combined to align with federal reporting: Paraprofessional into Professionals and Protective Services Workers (Non-Sworn and Sworn) into Protective Service Workers (OJD does not have or report for

positions for the Protective Service Workers Non-Sworn category).

7. OJD is including report tables for the following information:¹
 - summary of the data
 - percentage calculation of the data
 - workforce representation by EEO job category, gender, race, and disability and veteran status
 - promotions in a supervisor role by gender and race
 - promotions in a non-supervisory role by gender and race

8. Because current parity data for the State of Oregon unavailable, these reports do not use parity analysis as in the past. Parity is defined as the ultimate goal of affirmative action programming; to achieve “parity” in the work force, i.e., women and minorities to be represented in every job category of a work force in the same proportion they are available in the total work force. The Governor’s Diversity and Inclusion Office and Oregon state agencies will update the parity analysis for the next plan period of 2023-2025. For this 2021 report, the actual numbers of employees within each EEO job category, gender, race, disability, and veteran status will be reviewed and an action plan developed to continue to increase the representation as appropriate.

¹ See Appendix A pages 26-32 for detailed data underlying 2021 numbers.

Section 5. TREND ANALYSIS

A comparison of OJD's 2021 affirmative action data indicates that since the 2011 report, the department has:

- Decreased the percentage of women in its workforce slightly, however since the 2019 report, it has remained steady.
- Increased the percentage of representation for people of color in its workforce between the 2011 and 2019 plan periods; however, decreased slightly since the 2019 plan period.
- Decreased the percentage of representation for persons with disabilities; however, since the 2019 plan period, there has been a notable decrease.

The following four pages provide specific numerical information, percentage trends, as well as a comparison to previous years.

YEARLY COMPARISON*

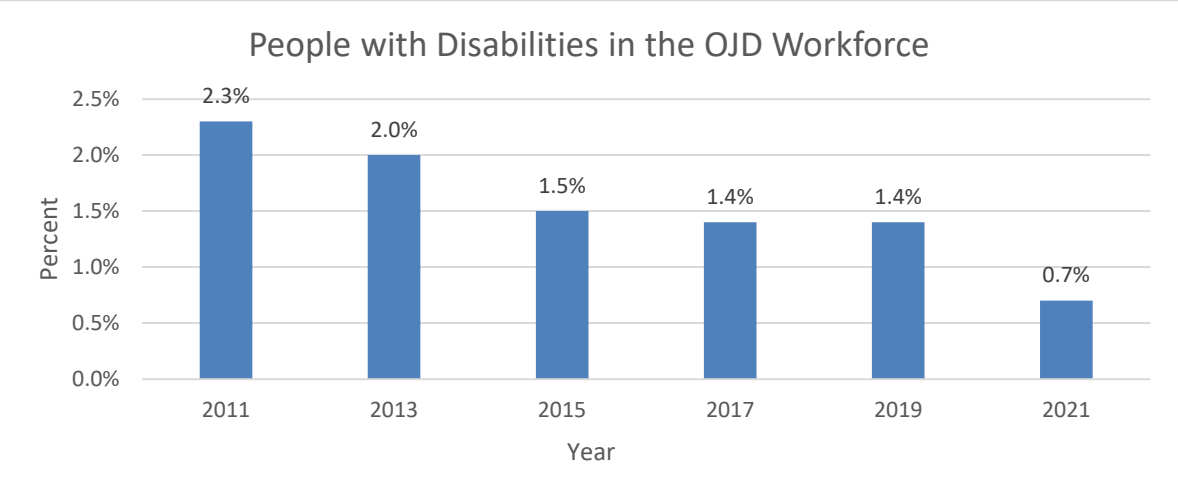
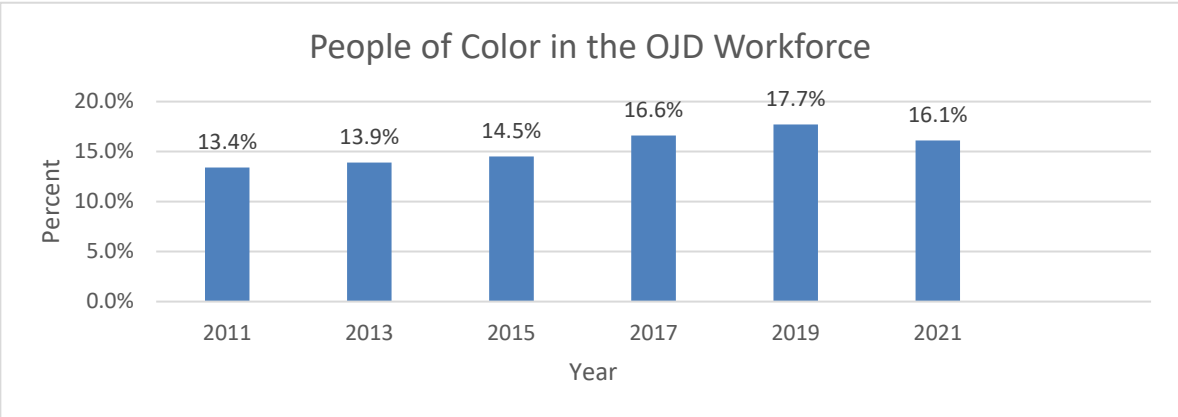
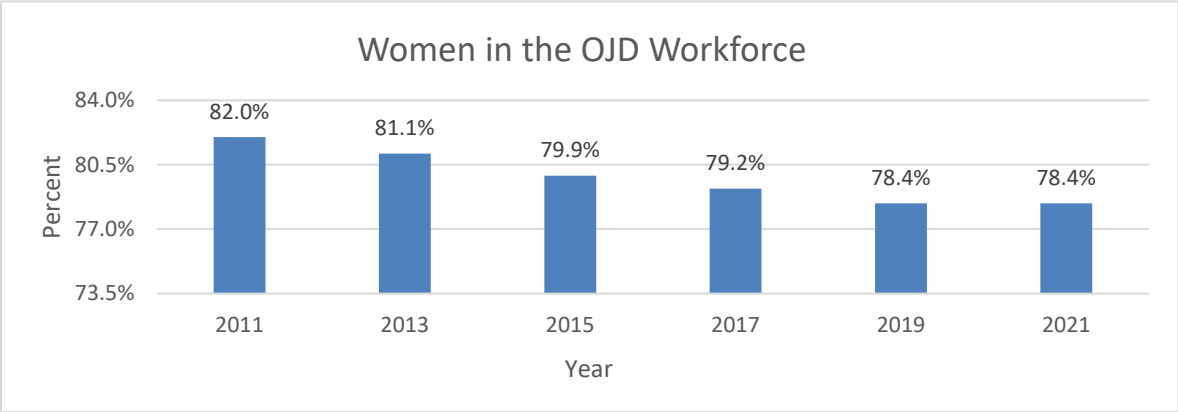
| EEO Job Categories | 2011 | | | | | 2013 | | | | | 2015 | | | | |
|------------------------------------|-------------|-------------|-----------------|--------------------------|------------|-------------|-------------|-----------------|--------------------------|------------|-------------|-------------|-----------------|--------------------------|------------|
| | No. EEs | | | | | No. EEs | | | | | No. EEs | | | | |
| | | Female | People of Color | People with Disabilities | Vets | | Female | People of Color | People with Disabilities | Vets | | Female | People of Color | People with Disabilities | Vets |
| | | FTE | FTE | FTE | FTE | | FTE | FTE | FTE | FTE | | FTE | FTE | FTE | FTE |
| Officials & Admin. | 51 | 32 | 4 | 2 | N/A | 47 | 31 | 2 | 1 | N/A | 57 | 38 | 6 | 1 | N/A |
| Professionals | 327 | 199 | 42 | 11 | N/A | 316 | 185 | 41 | 8 | N/A | 364 | 216 | 44 | 9 | N/A |
| Protective Service Workers (Sworn) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Technicians | 48 | 17 | 4 | 1 | N/A | 39 | 12 | 3 | 1 | N/A | 38 | 10 | 3 | 1 | N/A |
| Administrative Support | 1183 | 1074 | 166 | 26 | N/A | 1049 | 950 | 156 | 19 | N/A | 1130 | 1007 | 177 | 13 | N/A |
| Service/Maintenance | 2 | 0 | 0 | 0 | N/A | 2 | 0 | 0 | 0 | N/A | 1 | 0 | 0 | 0 | N/A |
| Overall Dept. Totals | 1611 | 1322 | 216 | 40 | N/A | 1453 | 1178 | 202 | 29 | N/A | 1590 | 1271 | 230 | 24 | N/A |

YEARLY COMPARISON (continued)

| EEO Job Categories | 2017 | | | | | 2019 | | | | | 2021 | | | | |
|------------------------------------|-------------|-------------|-----------------|--------------------------|------------|-------------|-------------|-----------------|--------------------------|------------|-------------|-------------|-----------------|--------------------------|-----------|
| | No. EEs | | | | | No. EEs | | | | | No. EEs | | | | |
| | | Female | People of Color | People with Disabilities | Vets | | Female | People of Color | People with Disabilities | Vets | | Female | People of Color | People with Disabilities | Vets |
| | | FTE | FTE | FTE | FTE | | FTE | FTE | FTE | FTE | | FTE | FTE | FTE | FTE |
| Officials & Admin. | 58 | 37 | 5 | 1 | N/A | 53 | 34 | 6 | 1 | N/A | 66 | 37 | 8 | 1 | 2 |
| Professionals | 361 | 222 | 56 | 9 | N/A | 347 | 207 | 50 | 7 | N/A | 498 | 321 | 75 | 6 | 7 |
| Protective Service Workers (Sworn) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2 | 0 | 0 | 0 | 0 |
| Technicians | 40 | 9 | 4 | 2 | N/A | 36 | 8 | 3 | 2 | N/A | N/A | N/A | N/A | N/A | N/A |
| Administrative Support | 1105 | 970 | 195 | 10 | N/A | 1070 | 932 | 207 | 11 | N/A | 910 | 799 | 154 | 4 | 11 |
| Service/Maintenance | 0 | 0 | 0 | 0 | N/A | 0 | 0 | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A |
| Overall Dept. Totals | 1564 | 1238 | 260 | 22 | N/A | 1506 | 1181 | 266 | 21 | N/A | 1476 | 1157 | 237 | 11 | 20 |

→

* The Yearly Comparison tables show the number of full-time positions (excluding judges and temporary positions) in each EEO job category compared to the past reports. Information reflects a snapshot of the work force on September 30 of the previous year (except totals for 2021, which shows a snapshot from June 30 of the previous year) and does not include EEO parity goals. See Appendix A pages 26-32 for detailed data underlying 2021 numbers.



PROMOTIONS INTO SUPERVISORY POSITIONS*

| July 1, 2019 through June 30, 2020 | | | | |
|------------------------------------|----------|----------|----------|------|
| Racial Category | Male | Female | Total | Pct. |
| Two or More Races** | 0 | 0 | 0 | 0% |
| People of Color | 0 | 0 | 0 | 0% |
| White | 1 | 7 | 8 | 100% |
| Overall Dept. Totals | 1 | 7 | 8 | |

PROMOTIONS INTO NON-SUPERVISORY POSITIONS

| July 1, 2019 through June 30, 2020 | | | | |
|------------------------------------|-----------|-----------|-----------|-------|
| Racial Category | Male | Female | Total | Pct. |
| Two or More Races | 0 | 3*** | 3 | 3.8% |
| People of Color | 5 | 13 | 18 | 22.8% |
| White | 11 | 47 | 58 | 73.4% |
| Overall Dept. Totals | 16 | 63 | 79 | |

* The Promotions tables show the number of full-time positions (excluding judges and temporary positions). Information does not include EEO parity goals and is based upon voluntary self-identification.

** "Two or More Races" category was added to give employees a choice beyond the state-recognized racial categories.

***One two or more races female was promoted in the non-supervisory category between July 1, 2019 and June 30, 2020.

Section 6. SUMMARY OF FINDINGS

As of June 30, 2020, OJD slightly decreased the percentage of women in its workforce, although since the 2019 plan period, it has remained steady at 78.4%. The department's goal is to maintain representation in this job category.

Regarding people of color, the department increased the percentage of representation for people of color between the 2011 and 2019 plan periods. Improvement is still needed in the American Indian or Alaska Native and Native Hawaiian or Other Pacific Islander categories. The department's representation of people of color slightly decreased since the 2019 plan period from 17.7% to 16.1%. Of the eight (8) employees promoted into a supervisory position between July 1, 2019 and June 30, 2020, no employees of color were promoted. Of the 79 employees promoted into a non-supervisory position, 22.8% were employees of color.

During this plan period, employees with disabilities comprised .7% of the OJD workforce. This is a continuation of a downward trend since 2.7% reported in 2009, 2.3% reported in 2011, 2% reported in 2013, and 1.5% reported in 2015. The percentage of the workforce for people with disabilities remained steady at 1.4% between the 2017 and 2019 plan periods. Although the data on people with disabilities is not separated by EEO job category, the department's goal is to increase representation in all categories.

A summary of each EEO job category listed below provides a brief review and findings. A detailed breakdown of each job EEO category can be found in Appendix A.

EEO Category: *Officials and Administrators*

Occupations in which employees set broad policies; exercise overall responsibility for execution of these policies; direct individual departments or special phases of the court's or division's operations; or provide specialized consultation on a regional, district, or area basis.

Classifications include:

- Law Librarian
- OJD Chief Marshal
- OJD Counsel in Charge
- OJD General Counsel
- Manger 1, 2, 3
- OSCA Division and Deputy Directors
- Appellate Commissioner
- Appellate Settlement Program Manager
- State Court Administrator

- Supervisor 1, 2, 3
- Trial Court Administrator 1, 2, 3, 4, 5

OJD has 66 employees in this job category (4.5% of its workforce). There are 37 females, 8 people of color, 1 person with disabilities, and 2 veterans in this category.

EEO Job Category: *Professionals*

Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Classifications include:

- Accountant 1, 2
- Analyst 1, 2, 3, 4
- Appellate Commissioner
- Appellate Legal Counsel
- Appellate Legal Counsel, Assistant
- Appellate Staff Attorney
- Benefits Manager
- Collections Agent
- CRB Coordinator 1, 2
- Electronic Services Librarian
- Fiscal Analyst 1, 2, 3
- Hearings Referee
- Human Resource Manager
- Information Technology Manager
- Information Technology Specialist 1, 2, 3, 4
- Information Technology Supervisor
- Internal Auditor 1, 2
- Interpreter 1, 2
- Interpreter/Translator
- Judicial Clerk
- Law Clerk
- Legal Counsel, Assistant
- Librarian
- OJD Senior Staff Counsel
- OJD Staff Counsel
- Paralegal
- Payroll/Benefits Technician 1, 2
- Procurement Officer 1, 2
- Program Coordinator 2, 3, 4
- Release Assistance Officer
- Tax Magistrate

- Technical Writer

OJD currently has 498 employees in this job category (33.7% of its workforce). There are 321 females, 75 people of color, 6 persons with disabilities, and 7 veterans in this category.

EEO Job Category: *Technicians*

Occupations in which workers are responsible for technical applications. There are currently no classifications in this category being utilized.

OJD currently has no employees in this job category. OJD currently has no vacancies in this job category and is not currently recruiting to fill positions in this category. When recruitment for any position(s) in this job category is established, OJD will strive to recruit a more diverse work force.

EEO Job Category: *Administrative Support*

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information, and other paperwork required in an office. Classifications include:

Analyst 1
Assistant Editor—Composer
Budget and Finance Specialist 1, 2
Fiscal Analyst 1
Judicial Services Specialist 1, 2, 3, 4
Management Assistant 1, 2
Program Coordinator 1

OJD currently has 910 employees in this job category (61.7% of its workforce). There are 799 females, 154 people of color, 4 persons with disabilities, and 11 veterans in this category.

EEO Job Category: *Protective Service Workers*

Protective Service Workers provide a wide variety of services which do not produce goods or provide transportation. Classifications include:

OJD Deputy Marshal

OJD currently has 2 employees in this category of work (.1% of its workforce). There are no females, no people of color, no persons with disabilities, and no veterans in this category.

EEO Job Category: *Service/Maintenance*

Service and maintenance workers provide a wide variety of services which do not produce goods or provide transportation. There are currently no classifications in this category being utilized.

OJD currently has no employees in this category of work. OJD currently has no vacancies in this category of work and is not currently recruiting to fill positions in this category. When recruitment for any position(s) in this job category is established, OJD will strive to recruit a more diverse workforce.

Section 7. JUDICIAL DEPARTMENT NEW AND ONGOING INITIATIVES

OJD is working to develop and implement initiatives, as budget allows, which attract and retain a diverse workforce and create a workplace culture that is supportive, inclusive and welcoming.

Some of the initiatives include:

Language Initiatives

- Continued to provide testing and pay differentials for eligible department employees who possess bilingual skills that reflect the communities they serve.

Strategic Initiatives

- Established department-wide diversity, equity and inclusion initiatives supporting the department's 2020-2021 Strategic Campaign.
- Created strategic team to provide new and ongoing education and training to judges and staff in the areas of diversity, equity and inclusion.
- Created strategic team to lead training and education efforts for all court security personnel in the areas of diversity, equity and inclusion.

Training

- Provided training to supervisors and lead workers with a component on recruitment, selection, equity and fairness.
- Established an on-going webinar series to discuss the impact of racial justice and other equity and inclusion topics.
- Continued to provide implicit bias training to supervisors, lead workers, and staff.

OJD Job Announcements

- Providing links to all department job announcements postings on popular web sites as well as the department's internet and intranet web pages.
- Posting all department job announcements on the state of Oregon jobs page.
- Posting announcements of professional-level positions on the National

Center for State Courts (NCSC) web page and other related sites.

- Posting announcements on diversity websites.

OJD Recruitment and Retention

- Implemented a human resources information system that integrates recruitment and applicant data with employee information. The system contains advanced reporting capabilities allowing more efficient data gathering and analysis.

Employee Development

- Continued to provide developmental and rotational job opportunities and job shadowing for those employees interested in furthering their career with OJD.
- Continued to expand the breadth of applicant pools by underfilling positions for those employees who do not meet the minimum qualifications and where recruitment for qualified individuals is difficult.
- Continued to provide a centrally coordinated mentorship program for new trial court administrators.

Other Initiatives

- Created new department intranet Human Resource Division webpage that contains a training webpage and links the department's equity, diversity and inclusion pages for easy access.
- Continue to post the Affirmative Action Plan, the Equal Employment Opportunity Plan (EEOP), personnel rules/policies, and other personnel-related information to the department's intranet web page for all employees to access.
- Continue to ensure that OJD statewide committees and boards represent the diversity of the workforce.

Section 8. 2021-2023 AFFIRMATIVE ACTION GOALS AND STRATEGIES

In the 2021-2023 biennium, OJD will continue to build on the success of last biennium by continuing the initiatives outlined in Section 7. In addition, OJD will develop strategies and action plans to achieve the following goals:

1. Create a recruitment guide containing best practices for hiring authorities to increase diversity, equity, inclusion and belonging principles in recruitment practices.
2. Prioritize efforts to recruit, people of color, people with disabilities and veterans to increase representation in these categories by enhancing OJD's community presence and building relationships with community partners.
3. Explore developing internship programs to provide experience to interns in underrepresented categories.
4. Develop a plan to identify and eliminate bias in recruitment, selection and trial service practices.
5. Develop a plan to maximize remote means to increase participation in academic and community outreach events focused on recruitment. (job fairs, law clerk recruitment, etc).
6. Develop a strategy to increase hiring and retention of candidates with disabilities.
7. Capture applicant data for analysis to determine or improve outreach, recruitment and selection and strategies.
8. Identify opportunities to participate in outreach programs for students interested in working for the judicial branch.
9. Expand training for all staff and judges in the areas of diversity, equity and inclusion.

APPENDIX A: DATA SUMMARY DETAILS

Oregon Judicial Department
Work Force Analysis by EEO Category
 (Depicting employees choosing multi-racial/ethnic as primary designation)*

| 2021 | | | | | | | | | | | | | |
|-----------------------------------|-------------|------------|--------------|-------------|--------------|---------------|--------------------|---------------------|-------------|------------------------|-------------|-----------|--------------------|
| EEO Job Category | Total Emp. | Male | Pct. | Female | Pct. | Ppl. of Color | Pct. of Total Emp. | Two or More Races** | Pct. | Ppl. with Disabilities | Pct. | Vets | Pct. of Total Emp. |
| Officials/Administrators | 66 | 29 | 43.9% | 37 | 56.1% | 8 | 12.1% | 0 | 0% | 1 | 1.5% | 2 | 3% |
| Professionals | 498 | 177 | 35.5% | 321 | 64.5% | 75 | 15.1% | 11 | 2.2% | 6 | 1.2% | 7 | 1.4% |
| Technicians | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Administrative Support | 910 | 111 | 12.2% | 799 | 87.8% | 154 | 16.9% | 12 | 4.8% | 4 | 0.4% | 11 | 1.2% |
| Protective Service Workers | 2 | 2 | 100% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% |
| Service/Maintenance | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Totals | 1476 | 319 | 21.6% | 1157 | 78.4% | 237 | 16.1% | 23 | 1.6% | 11 | 0.7% | 20 | 1.4% |

*Information reflects a snapshot of the work force as of 6/30/20 and does not include EEO parity goals; it is based upon voluntary self-identification.

**"Two or More Races" category was added to give employees a choice beyond the state-recognized racial/ethnic categories.

Oregon Judicial Department
Trend Totals by Gender, Race, Disability and Veteran Status*

Statewide
Summary EEO
Category: All

| 2021 | | | | | |
|----------------------------|-----------------|------------|-------------|---------------|------------------------|
| EEO Job Category | Total Employees | Male | Female | Ppl. Of Color | Ppl. with Disabilities |
| Officials/ Administrators | 66 | 29 | 37 | 8 | 1 |
| Professionals | 498 | 177 | 321 | 75 | 6 |
| Technicians | N/A | N/A | N/A | N/A | N/A |
| Administrative Support | 910 | 138 | 932 | 154 | 4 |
| Protective Service Workers | 2 | 2 | 0 | 0 | 0 |
| Service/ Maintenance | N/A | N/A | N/A | N/A | N/A |
| Totals | 1476 | 319 | 1157 | 237 | 11 |

| Totals | | | | | | | | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|---------------------|------------|------------|------------|------------|------------------------------|-----------|-----------|-----------|-----------|
| Female | | | | | People of Color FTE | | | | | People with Disabilities FTE | | | | |
| 2011 | 2013 | 2015 | 2017 | 2019 | 2011 | 2013 | 2015 | 2017 | 2019 | 2011 | 2013 | 2015 | 2017 | 2019 |
| 32 | 31 | 38 | 37 | 34 | 4 | 2 | 6 | 5 | 6 | 2 | 1 | 1 | 1 | 1 |
| 199 | 185 | 216 | 222 | 207 | 42 | 41 | 44 | 56 | 50 | 11 | 8 | 9 | 9 | 7 |
| 48 | 12 | 10 | 9 | 8 | 4 | 3 | 3 | 4 | 3 | 1 | 1 | 1 | 2 | 2 |
| 1074 | 950 | 1007 | 970 | 932 | 166 | 156 | 177 | 195 | 207 | 26 | 19 | 13 | 10 | 11 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1322 | 1178 | 1271 | 1238 | 1181 | 216 | 202 | 230 | 260 | 266 | 40 | 29 | 24 | 22 | 21 |

* Based upon voluntary self-identification.

Oregon Judicial Department
 EEO Job Categories by Gender and Race*

| 2021 | | | | | | | | | | | | | | | | | |
|---|------------|--------------------|---------------------------|----------------------------------|-----------|---|-------------------|-------------------------|------------|--------------------|---------------------------|----------------------------------|-----------|---|-------------------|-------------------------|--------------|
| EEO Job Category | Female | | | | | | | | Male | | | | | | | | Total s |
| | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | I Do Not Wish To Answer | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | I Do Not Wish To Answer | |
| Officials and Administrators | 31 | 2 | 1 | 1 | 1 | 0 | 0 | 1 | 26 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 66 |
| Professionals | 267 | 24 | 10 | 3 | 7 | 1 | 7 | 2 | 141 | 17 | 1 | 1 | 10 | 1 | 4 | 2 | 498 |
| Protective Service Workers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Administrative Support (Including Clerical Sales) | 657 | 72 | 16 | 7 | 28 | 5 | 11 | 3 | 83 | 13 | 6 | 2 | 5 | 0 | 1 | 1 | 910 |
| Overall Dept. Totals | 955 | 98 | 27 | 11 | 36 | 6 | 18 | 6 | 252 | 31 | 7 | 3 | 17 | 1 | 5 | 3 | 1,476 |

*Based upon voluntary self-identification.

Oregon Judicial Department
 EEO Job Categories by Gender, Disability, and Veteran Status*

| 2021 | | | | |
|-------------------------------|------------------------|-----------|------------------------|----------|
| | Male | | Female | |
| EEO Job Category | Ppl. with Disabilities | Veterans | Ppl. with Disabilities | Veterans |
| Officials/ Administrators | 1 | 1 | 0 | 1 |
| Professionals | 3 | 6 | 3 | 1 |
| Technicians | N/A | N/A | N/A | N/A |
| Administrative Support | 2 | 5 | 2 | 6 |
| Protective Service Workers | 0 | 0 | 0 | 0 |
| Service/ Maintenance | N/A | N/A | N/A | N/A |
| Totals | 6 | 12 | 5 | 8 |

* Based upon voluntary self-identification.

Oregon Judicial Department
 Racial Categories by Gender, Disability, and Veteran Status*

| 2021 | | | | |
|---|------------------------|-----------|------------------------|----------|
| | Male | | Female | |
| Racial Category | Ppl. with Disabilities | Veterans | Ppl. with Disabilities | Veterans |
| White | 4 | 10 | 3 | 7 |
| Hispanic or Latino | 1 | 0 | 1 | 0 |
| Black or African American | 0 | 0 | 0 | 0 |
| American Indian or Alaska Native | 0 | 0 | 0 | 0 |
| Asian | 0 | 1 | 0 | 0 |
| Native Hawaiian or Other Pacific Islander | 0 | 0 | 0 | 0 |
| Two or More Races | 0 | 2 | 1 | 0 |
| I Do Not Wish to Answer | 1 | 0 | 0 | 0 |
| Totals | 6 | 13 | 5 | 7 |

* Based upon voluntary self-identification.

PROMOTIONS INTO SUPERVISORY POSITIONS*

| July 1, 2019 through June 30, 2020 | | | | |
|---|----------|----------|----------|------|
| Racial Category | Male | Female | Total | Pct. |
| American Indian or Alaskan Native | 0 | 0 | 0 | 0% |
| Asian | 0 | 0 | 0 | 0% |
| Black or African American | 0 | 0 | 0 | 0% |
| Hispanic or Latino | 0 | 0 | | 0% |
| Native Hawaiian or Other Pacific Islander | 0 | 0 | 0 | 0% |
| Two or More Races** | 0 | 0 | 0 | 0% |
| White | 1 | 7 | 8 | 100% |
| Overall Dept. Totals | 1 | 7 | 8 | |

PROMOTIONS INTO NON-SUPERVISORY POSITIONS

| July 1, 2019 through June 30, 2020 | | | | |
|---|-----------|-----------|-----------|-------|
| Racial Category | Male | Female | Total | Pct. |
| American Indian or Alaskan Native | 0 | 1 | 1 | 1.3% |
| Asian | 2 | 2 | 4 | 5% |
| Black or African American | 1 | 4 | 5 | 6.3% |
| Hispanic or Latino | 2 | 6 | 8 | 10.1% |
| Native Hawaiian or Other Pacific Islander | 0 | 0 | 0 | 0% |
| Two or More Races | 0 | 3 | 3 | 3.8% |
| White | 11 | 47 | 58 | 73.4% |
| Overall Dept. Totals | 16 | 63 | 79 | |

* The Promotions tables show the number of full-time positions (excluding judges and temporary positions) and does not include EEO parity goals; it is based upon voluntary self-identification.

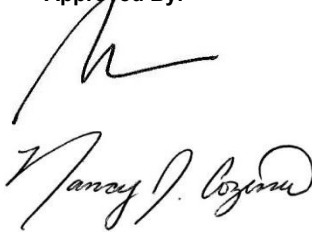
** "Two or More Races" category was added to give employees a choice beyond the state-recognized racial/ethnic categories.

APPENDIX B: OREGON JUDICIAL DEPARTMENT RULES AND POLICIES



Oregon Judicial Department Policy Statement



| | | | | |
|--|--|---|--------------------------------------|---------------------|
| Subject Area: Human Resources | | Secondary Subject Area: Conditions of Employment | | |
| Policy Statement Name: Unlawful Discrimination and Harassment | | Issued By: Chief Justice of the Oregon Supreme Court and State Court Administrator | | |
| Approved By:  | Date: 12/31/2019 12/26/2019 | Number: 040.20.07 | Effective Date: 01/01/2020 | Page 1 of 14 |

PURPOSE: To provide the Oregon Judicial Department (OJD) with a work environment free from unlawful discrimination and harassment. This policy

- Explains unlawful discrimination and harassment;
- Confirms OJD’s commitment to prohibit and prevent unlawful discrimination and harassment; and
- Provides reporting and investigation procedures to address incidents of alleged unlawful discrimination and harassment.

TYPE: Mandatory Policy. A policy statement that all OJD personnel must follow unless the policy statement makes a specific exception, or the Chief Justice, State Court Administrator, or designee authorizes an exception in writing.

This personnel policy provides guidance of current employment practices and may be modified pursuant to subsequent provisions or changes to the Oregon Judicial Department Personnel Rules (JDPR 1.03) or the Code of Judicial Conduct.

PRIMARY AFFECTED PERSONS: All OJD personnel and applicants for OJD employment. The public while on OJD-controlled premises, or at OJD-sponsored activities or events, or while using OJD equipment.

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POLICY DEFINITIONS AND TERMS

For standard definitions that appear in most OJD policies, [click here](#).

| | |
|----------------------|--|
| Complainant | Person who reports suspected workplace discrimination or harassment, including sexual harassment or sexual assault. |
| Complaint | A report of suspected workplace discrimination or harassment, including sexual harassment or sexual assault. |
| Discrimination | <p>Discrimination includes, but is not limited to:</p> <ol style="list-style-type: none">a. Basing an employment decision (e.g., hire, promote, transfer, terminate) as to a job applicant or employee on an unlawful basis as listed in this policy (e.g., race, color, national origin, sex, religion).b. Treating an applicant or employee in an unlawful manner in any aspect of employment as defined under this policy.c. Taking an adverse employment action (e.g., demotion, transfer, discipline, termination) based upon the employee<ul style="list-style-type: none">• Expressing opposition to unlawful discrimination or harassment in the workplace;• Assisting, supporting, or associating with a member of a protected group who complains about unlawful discrimination; or• Assisting in an investigation of unlawful discrimination. |
| HRSD | Human Resource Services Division. |
| Workplace Harassment | <p>Workplace harassment is a form of discrimination that consists of unwelcome conduct (verbal, physical, or visual) that is based on a protected group status and includes, but is not limited to:</p> <ol style="list-style-type: none">a. Verbal conduct such as epithets, derogatory comments, slurs, or lewd propositions made on any unlawful basis as listed in this policy. Prohibited speech also includes, but is not limited to, inappropriate race- or sex-oriented comments, inappropriate comments about one's dress or physical features, or inappropriate race- or sex-oriented stories or jokes. |

- b. Physical acts such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on an unlawful basis. Prohibited physical acts also include, but are not limited to, pinching, grabbing, gesturing, patting, propositioning, leering, or making explicit or implied job threats or promises.
- c. Visual insults such as derogatory posters, cartoons, drawings, or electronic images related to a protected group listed in this policy.

(Sexual) Assault consists of unwanted conduct of a sexual nature that is inflicted upon a person compelled through the use of physical force, manipulation, threat, or intimidation.

(Sexual) Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical or visual conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

Hostile Work Environment

A work atmosphere in which unwelcome verbal, visual, or physical conduct in violation of this policy is severe and pervasive enough to have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment as perceived by a reasonable person.

Issued By

Usually the division in OSCA where the author works.

JDPR

Judicial Department Personnel Rules.

Non-disclosure Agreement

An agreement between the employer and employee to disclose no information pertaining to complaints or personnel actions related to violations of this policy.

Non-disparagement Agreement

An agreement between the employer and employee to make no negative statements about the other pertaining to complaints or personnel actions related to violations of this policy.

OJD Personnel

OJD personnel includes employees, contractors, judges pro tempore, volunteers, elected officials, interns/externs, and others providing or receiving OJD services under this policy.

OSCA

Office of the State Court Administrator.

| | |
|--------------------|---|
| Protected Group | Member classification type under state and federal law that may not be used as a basis for discrimination or harassment in conduct or action. |
| Sexual Orientation | An individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth. |
| Supervisor | Any employee or judge who, subject to review by the administrative authority, has responsibility for hiring, assigning duties, disciplining, providing performance feedback, resolving grievances, and applying personnel rules and relevant personnel policies. |

POLICY

This policy prohibits unlawful discrimination and harassment against OJD personnel on the basis of

- Race;
- Color;
- National origin;
- Sex;
- Religion;
- Marital status;
- Age;
- Sexual orientation;
- Physical or mental disability;
- Political affiliation;
- Family relationship;
- Applying for workers' compensation benefits;
- Requesting (or taking) protected family leave;
- Whistleblower status;
- Any other factor that an employer is legally prohibited from considering in making employment decisions; or
- Association with an individual or group belonging to a legally protected classification.

OJD is firmly committed to providing all OJD personnel with a productive environment free from any form of unlawful discrimination and harassment.

In keeping with this commitment, OJD maintains and follows a strict policy prohibiting unlawful discrimination and harassment, in any form, including verbal, physical, or visual harassment, coercion, or retaliation. OJD does not tolerate discrimination or harassment (sexual or other) of OJD personnel at the work place or in any work-related situation by anyone, including by users of the court system.

All OJD personnel are requested to report any suspected violation of this policy. Further, all supervisors are responsible for promptly responding to and reporting any suspected violation of this policy.

All reported incidents of suspected unlawful discrimination or harassment will be investigated promptly, thoroughly, and objectively. Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved.

In the case of an employee, if the administrative authority determines, after such investigation, that an employee has violated this policy, the administrative authority will administer appropriate disciplinary action, which could include dismissal. In the case of a judge, if the Chief Justice determines, after such investigation, that a judge has violated this policy, the Chief Justice will take appropriate action, which could include referral to the Commission on Judicial Fitness and Disability.

Occasional, isolated, sporadic, or minimal acts, only annoying in nature, may not constitute unlawful harassment. Nonetheless, administrative authorities are expected to promptly investigate and remedy any seemingly minor act(s) to avoid the development of a hostile work environment as defined in this policy. Failure by a supervisor or manager to appropriately report or address known or suspected violations of this policy may result in appropriate disciplinary action.

This policy also prohibits retaliation against employees who report conduct suspected to be in violation of this policy or who assist in investigating such a report. If an employee violates this policy prohibiting retaliation, the administrative authority will administer appropriate disciplinary action, which could include dismissal. If a judge violates this policy prohibiting retaliation, the Chief Justice will take appropriate action, which could include referral to the Commission on Judicial Fitness and Disability.

PROCEDURES

Note: The following procedures are written primarily to apply to a complaint filed by *an employee* of OJD. The same general procedures may be used by any OJD personnel wishing to file a complaint of a suspected violation of this policy.

I. EMPLOYEE NOTIFICATION

- A. An administrative authority is responsible to provide a copy of this policy to each employee at the time of hire.
- B. The individual (designated in [Section IV](#), below) who receives a complaint must immediately provide a copy of this policy to each complainant.

II. HOW TO FILE A COMPLAINT

Any employee who wishes to file a complaint is encouraged (by this policy) to formalize it in writing so that an investigation can begin promptly, and be conducted thoroughly, based on the written information provided. A [“Complaint of Suspected Unlawful Discrimination or Harassment”](#) form can be found on the HRSD intranet site, and OJD encourages its use. A complaint may be filed in any other written manner but should include the information specified on the form.

While it is not preferable, because of potential misunderstanding or delay to the investigation, a complaint may be made verbally. If that occurs, the initial step in the investigation process will be to clarify and formalize the alleged incidents leading to the complaint.

Any employee who believes he or she is the victim of unlawful discrimination or harassment (or retaliation) is not required to directly confront the individual believed to be engaging in the discriminatory or harassing behavior. Such employee may choose to advise the person exhibiting unwanted behavior that the behavior is unwelcome, inappropriate, or making them uncomfortable, and that they wish the behavior to stop. If this approach is selected, the employee may have a witness present and/or document the meeting.

An employee may choose to speak with his or her own, or other, OJD supervisor about these issues. However, the supervisor cannot assure confidentiality and has an affirmative responsibility to notify the administrative authority (unless the allegation is against the administrative authority, in which case the supervisor must notify the presiding judge, State Court Administrator, or OJD HRSD Director; see [Section V.B.](#), below, for more information) of any alleged or suspected unlawful discrimination or harassment, even if the employee states that he or she “just wants advice” or “doesn’t want any action

taken.”

III. WHEN TO FILE A COMPLAINT

OJD strongly encourages employees to make a complaint as soon as they suspect violations of prohibited conduct under this policy. However, complaints must be filed no later than five years after the occurrence of the suspected conduct.

IV. WHERE TO FILE A COMPLAINT

Complaints may be filed with the following individuals:

- The employee’s supervisor or manager;
- The employee’s trial court administrator or OSCA division director;
- The employee’s presiding judge; or
- The OJD HRSD Director (or, if the report involves the OJD HRSD Director, the State Court Administrator).

No employee is required to file a complaint with an individual against whom the allegations of harassment, discrimination, or retaliation are reported or involve. If unique circumstances would require it, the employee may file a complaint with any other trial court administrator or OSCA division director.

V. RESPONDING TO (INVESTIGATING) A COMPLAINT

A. Verbal Complaint

Any individual receiving a verbal complaint of a suspected violation of this policy shall encourage the employee to file the complaint in writing. If the employee is unwilling to submit a written complaint, the individual receiving the complaint shall summarize the complaint in writing, and must include as much specificity as the employee is willing to provide. The individual must attempt to review the summary with the employee for accuracy. The individual must then forward the summary in accordance with the procedures described in Item B below.

B. Written Complaint

1. Routing of Complaint

If an individual who receives a written complaint alleging a violation of this policy is not the individual responsible for investigating the complaint (as detailed in Item 2 below), that individual shall immediately forward such complaint as follows:

- A complaint alleging a violation by a trial court employee – to the trial

court administrator of that employee.

- A complaint alleging a violation by an employee of the Office of the State Court Administrator – to the OSCA division director of that employee or, if within the Executive Services Division, the State Court Administrator.
- A complaint alleging a violation by a trial court administrator or division director – to the presiding judge of that trial court administrator or to the State Court Administrator, respectively.
- A complaint alleging a violation by an employee of the Supreme Court, Court of Appeals, or Tax Court – to the Chief Justice, Chief Judge, or Tax Court Judge, respectively.
- A complaint alleging a violation by the State Court Administrator – to the Chief Justice.
- A complaint by an employee alleging a violation by a judge – to the OJD HRSD Director.

A trial court administrator, division director, presiding judge, or the State Court Administrator shall immediately forward a copy of the complaint to the OJD HRSD Director (unless the complaint was originally filed with the HRSD Director or is against the HRSD Director). The HRSD Director shall immediately forward a complaint involving a judge to the Chief Justice.

2. Investigating a Complaint

- a) Upon receipt of a complaint routed to a trial court administrator or division director, that individual must oversee and coordinate a prompt and thorough investigation. The trial court administrator or division director may request the HRSD Director to provide assistance in conducting the investigation.

If the employee filing a complaint and the alleged harasser both report to different trial court administrators or division directors, the trial court administrator or division director of the alleged harasser must ensure that the trial court administrator or division director of the employee filing the complaint receives a copy of the complaint. The trial court administrator or division director of the employee filing the complaint must participate in the investigation to the extent agreed upon by both.

- b) Upon receipt of a complaint (involving a suspected violation by an employee) routed to a presiding judge, the State Court Administrator, Chief Justice, Chief Judge, or Tax Court Judge, that individual, in coordination with the HRSD Director, shall determine who will oversee and coordinate a prompt and thorough investigation.
- c) Upon receipt of a complaint (involving an alleged violation by a judge) routed to the Chief Justice, the Chief Justice shall determine who will oversee and coordinate a prompt and thorough investigation.

c. Other Responsibilities

1. Employee Filing Complaint and Alleged Harasser

The employee filing the complaint and the alleged harasser shall not discuss the complaint or the investigation with each other; nor shall either party conduct an independent investigation at any time. If either party has any information to assist the OJD, he or she is to contact the person conducting the investigation. Both the employee filing the complaint and the alleged harasser are expected to cooperate honestly and fully in the investigation and to keep information regarding the investigation confidential.

2. Anyone Who “Knows or Should Know”

Every OJD employee and judge has an obligation to immediately report conduct that he or she reasonably believes to be in violation of this policy. All employees and judges shall cooperate honestly and fully in the investigation and, upon request, provide information or other assistance.

Witnesses shall keep information regarding the investigation confidential and may not conduct an independent investigation at any time.

3. Supervisors and Managers

All supervisors and managers are responsible for promptly responding to or reporting any suspected violation of this policy.

No supervisor or manager shall conduct an independent investigation at any time.

4. Administrative Authority

All administrative authorities are responsible for promptly responding to, or reporting, any suspected violation of this policy.

The administrative authority of the alleged harasser is responsible for notifying that individual in a timely manner about the existence of the complaint.

All disciplinary decisions regarding a substantiated violation of this policy shall be made by the administrative authority in accordance

with [JDPR 9](#).

5. HRSD Director and HRSD Staff

When the HRSD Director or HRSD staff are involved in the investigatory process, their role shall be to give assistance in the fact-finding process and to provide technical expertise, consultation, and resources to the administrative authority.

D. Work Assignment During Investigation

Pending completion of the investigation, the administrative authority may temporarily reassign the alleged harasser to another position or work site or (if an OJD employee) may suspend the employee with pay. Such action is not considered discipline.

Normally, the employee filing the complaint (or a witness) will not be reassigned to another position or work site during the investigation. However, when compelling circumstances exist, an administrative authority may take such action. If taken, such action is not considered discipline.

VI. CONFIDENTIALITY OF INVESTIGATION

OJD recognizes that allegations concerning conduct in violation of this policy may have serious implications on the personal and professional lives of affected employees and judges.

Therefore, information related to the investigation will be shared only on a “need to know” basis (or as otherwise required by law). The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any suspected incidents of harassment or discrimination, and to protect the reputation of any employee or judge against whom an unsubstantiated complaint is filed.

VII. INVESTIGATION OUTCOMES

Upon completion of the investigation, the administrative authority (or in the case of a judge, the Chief Justice) shall provide the employee who filed the report with a written response appropriate to the situation. At the discretion of the administrative authority (or Chief Justice), such response (or a separate response) may be provided to the alleged harasser.

A. Quarterly Outreach

HRSD will contact the victim of the alleged harassment once every three months during the twelve (12) calendar months following the date OJD received the complaint. The purpose of this contact is to determine whether the conduct has stopped, and whether the victim has experienced any other prohibited conduct under this policy, such as retaliation.

The victim may notify HRSD in writing that quarterly contact is not wanted.

B. Employment Agreements

1. Prohibited Employment or Settlement Agreements

OJD may not require, coerce, or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:

- a) Constitutes discrimination prohibited by
 - [ORS 659A.030](#), including conduct that constitutes sexual assault; or
 - [ORS 659A.082](#) or [659A.112](#); and
- b) Occurred between employees or between an employer and an employee
 - In the workplace or at a work-related event that is off the employment premises and coordinated by or through the employer; or
 - Off the employment premises.

2. Exceptions to Prohibited Agreements

- a) OJD may enter into a settlement, separation or severance agreement that includes one or more of the following, only when an employee claiming to be aggrieved by conduct described under [Section VII.B.1](#) of this policy requests to enter into the agreement:
 - A provision described in Section VII.B.1 of this policy;
 - A provision that prevents the disclosure of factual information relating to a claim of discrimination or conduct that constitutes sexual assault; or
 - A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.

- i) An agreement entered into under subsection (a) of this section must provide the employee at least seven days after executing the agreement to revoke the agreement.
 - ii) The agreement may not become effective until after the revocation period has expired.
- b) If an employer makes a good faith determination that an employee has engaged in conduct prohibited by ORS 659A.030, including sexual assault, conduct prohibited by ORS659A.082 or 659A.112, or conduct prohibited by this section, the employer may enter into a settlement, separation, or severance agreement that includes one or more of the following:
- A provision described in [Section VII.B.1](#) of this policy;
 - A provision that prevents the disclosure of factual information that relates to a claim of discrimination or conduct that constitutes sexual assault; or
 - A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.

VIII. ACCESS TO THE RECORD

HRSD will document and maintain records regarding all complaints of suspected prohibited conduct, which must include the following: the date of the incident; the date the complaint was received by an individual as specified in [Section V.B.1](#); the open and close dates of the investigation; the investigation findings; the investigation outcome; dates of outreach to the victim or the date the victim released OJD from quarterly outreach.

Except as noted below, OJD will not disclose copies of any notes, summaries, findings, or other written materials regarding the investigation which are confidential management documents.

OJD will not disclose specific disciplinary information regarding OJD personnel which is confidential.

Only the following individuals shall have access to any notes, summaries, findings, or other written material regarding the investigation and its outcome:

- Administrative authority of the employee filing the report;
- Administrative authority of the alleged harasser;
- Staff of the Judicial Department Human Resource Services Division;
- Chief Justice of the Supreme Court and the State Court Administrator;

- Legally authorized law enforcement and regulatory agencies;
- Members or staff of the Commission on Judicial Fitness and Disability (in the event the report alleges a judge violated this policy); and
- Any person or agency representing the Judicial Department on a legal matter involving this policy.

In the event discipline is imposed as a result of a violation of this policy and the employee challenges that action, members of the OJD Appeals Board (or grievance panel) will have access to the record when considering the appeal (or grievance).

In the event an employee is dismissed or resigns as a result of a violation of this policy and applies for unemployment insurance benefits, the Oregon Employment Department will have access to the record when considering the application for benefits.

IX. RETALIATION PROHIBITED

It is a violation of this policy for any OJD personnel to retaliate against any person who files a complaint alleging a violation of this policy or who assists with, or provides information relating to, an investigation of an alleged violation of this policy. Imposition of discipline or other

appropriate action in response to an intentional and false accusation of violating this policy is not retaliation.

X. INTENTIONAL AND FALSE COMPLAINTS

OJD policy is to provide an environment free of discrimination and harassment. The nature of workplace harassment and discrimination may make it difficult or impossible to substantiate a complaint. OJD recognizes that the inability to corroborate or substantiate a complaint does not necessarily mean the complaint was unfounded. If OJD investigates a complaint and determines that OJD personnel intentionally and falsely accused another person of prohibited conduct under this policy, or intentionally provided false information during an investigation, those individuals may be subject to disciplinary action (up to and including dismissal) or other appropriate action.

XI. CONSEQUENCE FOR VIOLATING THIS POLICY

Any violation of this policy by an employee, including any failure to follow any provision of this policy, may result in disciplinary action, up to and including dismissal. Any violation of this policy by a judge, including any failure to follow any provision of this policy, may result in other appropriate action, which could include referral to the Commission on Judicial Fitness and Disability.

XII. RESOURCES FOR EMPLOYEES

OJD provides employee assistance services (EAP) through the Oregon Public Employees Benefit Board (PEBB). Professional counselors are available via telephone or in person, and can also refer employees to other available services.

XIII. ALTERNATIVE COMPLAINT PROCESS

While employees are encouraged to file a complaint with OJD under this policy, the policy alone is not intended to preclude any employee from filing a complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC), or from seeking redress under any other available law, whether civil or criminal. Timelines for filing complaints with BOLI and the EEOC are different from those established in this policy. Any employee or claimant must provide advance notice of a claim against a public employer as required by [ORS 30.275](#). Each agency may be contacted directly for specific guidance on filing a formal complaint with that agency. Addresses as of the date this policy was revised are:

Oregon Bureau of Labor and Industries (BOLI)

Website: <https://www.oregon.gov/boli/Pages/index.aspx>

Eugene: 1400 Executive Parkway, Suite 200, Eugene, OR 97401
541-686-7623

Portland: 800 NE Oregon St., Suite 1045, Portland, OR 97232
971-673-0761

Salem: 3865 Wolverine St. NE, Bldg. E-1 Salem, OR 97305
503-375-3292

Equal Employment Opportunity Commission (EEOC)

Website: <https://www.eeoc.gov>

Federal Office Building 909 First Ave, Suite 400
Seattle, WA 98104-1061
800-669-4000

HISTORY:

Original Effective Date: 05/26/1988

Prior Version Effective Date: 05/01/2008 Revision No.: 3

Other:

OREGON JUDICIAL DEPARTMENT
ALLEGATION OF UNLAWFUL DISCRIMINATION OR HARASSMENT

Name of Individual Filing Report _____
(Please Print or Type)

(1) Please indicate the type of unlawful discrimination or harassment you are alleging (you may check more than one basis):

- | | |
|--|-----------------------------------|
| _____ Age | _____ Political affiliation |
| _____ Application for workers' compensation benefits | _____ Protected family leave |
| _____ Color | _____ Race |
| _____ Disability (physical or mental) | _____ Religion |
| _____ Family relationship | _____ Retaliation (for reporting) |
| _____ Gender (sex) | _____ Sexual Harassment |
| _____ Marital Status | _____ Sexual Orientation |
| _____ National Origin | _____ Other: _____ (specify) |

(2) Date(s) the incident(s) being alleged took place (If more than one date, be sure to include the date of the most recent incident):

(3) Please state the facts and include all relevant information (use additional pages if necessary):

(a) Describe the specific incident(s) of unlawful discrimination or harassment. Include name(s) and job title(s) of individual(s) involved, court(s)/division(s), etc.

(b) List any witnesses. Include name(s), job title(s), and court(s)/division(s), etc.

(c) If there was more than one event, include the chronology/timetable of the event(s)/action(s).

(d) Indicate where the alleged incident(s) occurred.

(e) Have you told anyone about the alleged incident(s)? Yes No (circle one)

If yes, provide name(s), title(s), and the date that you told each of the alleged incident.

(f) Do you have any additional documentation (notes, calendars, emails, etc.)? Yes No
(circle one)

If yes, please attach or explain.

(4) List any other information that would assist in the resolution of this matter.

| | | |
|--------------------------------------|--|-------------|
| _____ | | _____ |
| Employee's signature | | Date |
| OJD Court/Division: _____ | | |
| Contact phone number(s): Work: _____ | | Home: _____ |
| | | (optional) |

If this form has been completed by someone other than the person initiating this report, please provide the name and court/division of the person completing the form and the date completed:

| | | |
|-------|----------------|-------|
| _____ | _____ | _____ |
| Name | Court/Division | Date |

| | |
|---|-------|
| _____ | _____ |
| Signature of individual completing report | Date |

(signature acknowledges the above information is accurate to best of individual's knowledge)

The completed form should be returned to your supervisor, trial court administrator, division director, presiding judge, or the OJD Human Resource Services Director (see Section III. of the procedure section of OJD Policy "Unlawful Discrimination and Harassment" (Volume 4, Chapter 3, Section 3).

Thank you for your time and effort to complete this form completely. The Oregon Judicial Department takes all allegations of unlawful discrimination and harassment seriously. The above written information will assist greatly in our investigation. Although all allegations will be promptly and thoroughly investigated, including those received orally, we urge you to submit any allegation of unlawful discrimination or harassment in writing on this form to facilitate a prompt response.

| |
|---|
| <p>For Use By Individual Responsible For Overseeing and Coordinating Investigation</p> <p>Date report received: _____</p> <p>Date investigation began: _____ Date completed: _____</p> |
|---|

OJD complies with the American with Disabilities Act (ADA). Please contact the OJD Human Resource Services Division at 503-986-5930 or 1-800-962-0736 (in state) or <http://www.ojd.state.or.us/osca/personnel/> if you require a reasonable accommodation or alternative format to complete this form.

Judicial Department Personnel Rule (JDPR) Rule 5: Equal Employment Opportunity

OJD provides equal employment opportunities to all employees and applicants for employment without unlawful regard to race, color, religion, national origin, sex, political affiliation, age, marital status, mental or physical disability, sexual orientation, genetic information, veteran status, or any other reason prohibited by law. This applies to all aspects of employment, including but not limited to, recruitment, hiring, training, promotion, transfer, and administration of all personnel policies, procedures, practices, programs, and services.

Administrative authorities are required to assure that equal employment opportunity provisions are applied to all employment practices. (Also see the OJD Policy Statement on Unlawful Discrimination and Harassment.)

Judicial Department Personnel Rule (JDPR) Rule 6: Veterans' Preference

6.14 VETERANS' PREFERENCE

As provided in [ORS 408.225 through ORS 408.237](#) and [OAR 839-006-0450](#), veterans' preference will be applied when one or more qualified disabled or non-disabled veterans apply for a vacancy for which the recruitment method selected by the administrative authority uses a competitive process of application screening (including Open Competitive, OJD Limited, OJD Local Limited, or Notice of Transfer Opportunity) or scoring, interviews, or any other form of examination.

(1) Eligibility

An administrative authority shall apply veterans' preference points to eligible (disabled and non-disabled) veteran applicants who:

- a. have met the minimum qualifications for the position, and
- b. have submitted the required documentation as provided in [JDPR 2.56](#) and [2.57](#).

(2) Administration

(a) Required interviews for eligible veterans

An eligible veteran must be offered an interview when

(i) the eligible veteran meets the minimum qualifications and all special qualifications and all requested skills and attributes included in the job announcement (Note: qualifications, skills, or attributes not included in job announcements may not be considered when evaluating applicants for initial interview.) or

(ii) the eligible veteran meets the cutoff criteria for interviews as provided below.

(b) Scored Method

At each step of the application process where an application screening, interview, or any other form of examination uses a numeric scoring method, the total possible points must equal 100. At the conclusion of the scoring, an eligible non-disabled veteran will receive 5 additional points (to a potential maximum score of 105 points);

an eligible disabled veteran will receive 10 additional points (to a potential maximum score of 110 points). The veteran will then be advanced to the next step (if any) of the selection process only if he or she meets the criteria, as established by the administrative authority, to advance to the next step.

(c) Tiered Method

At each step of the application process where an application screening, interview, or any other form of examination uses a tiered method, the following five tiers must be used:

- (i) Not acceptable,
- (ii) Marginally acceptable,
- (iii) Acceptable,
- (iv) More than acceptable, and
- (v) Outstanding.

At the conclusion of the screening, interview, or examination, an eligible non-disabled veteran will be advanced to the next higher tier (unless already at the “outstanding” tier). An eligible disabled veteran will be advanced two tiers (unless already at the “more than acceptable” tier – in which case the disabled veteran will be advanced one tier to the “outstanding” tier – or unless already at the “outstanding” tier). The veteran will then advance to the next step (if any) in the selection process only if he or she meets the criteria to advance, as established by the administrative authority.

Note: Reference checks and criminal history checks (as provided in [JDPR 6.15](#)) are not a form of screening or scoring applicants under this section; unless the reference or criminal history check is used by the administrative authority to decide between more than one finalist; therefore, veterans’ preference points do not apply to either.

Following all steps in the recruitment process, including the reference checks and criminal history checks, if the final outcome results in a tie between a non-veteran and a veteran or disabled veteran applicant (or between a disabled and a non-disabled veteran applicant), the veteran (or disabled veteran) applicant shall be offered the position.

Judicial Department Personnel Rule (JDPR) Rule 7: **Performance Standards and Feedback**

7.01 Performance Standards

OJD believes each employee wants to work to the best of the employee's capabilities to fulfill OJD's performance requirements. To this end, each employee shall:

General Conduct

1. Conduct him/herself in such a way as to promote the best interests of OJD;
2. Conduct him/herself in such a way as to promote harmony and goodwill in the workplace;
3. Demonstrate efficiency, competence, and care in the performance of assigned duties;
4. Demonstrate language and conduct that reflects positively on OJD;
5. Treat the public, judges, and OJD staff with dignity and respect;
6. Foster positive working relationships with judges and coworkers including, but not limited to, refraining from harassing, threatening, or making derogatory comments about others;
7. Abstain, while on official duty, from assigning or requiring the performance of work that is not directly related to official OJD business. This includes work of a personal nature assigned by or performed for any OJD employee (regardless of that person's classification level) or judge;
8. Abstain from engaging in conduct (on or off the job) that reflects adversely on the employee's honesty, trustworthiness, or fitness to perform assigned duties;
9. Cooperate honestly and fully in any internal investigation

APPENDIX C: Definitions

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|--------------------------|--|
| All Agencies | These are defined by agencies, with 11 or more employees in executive branch agencies led by the governor. |
| Attraction | Examples of strategies are recruitment, engagement, the application process, position descriptions, creating an applicant pool for consideration. |
| Diversity | Synonym for a variety of identities and cultures within a room, group, or organization measurable with quantitative metrics. |
| Engagement | Examples are leadership, affinity groups, leadership, workplace equity, inclusion, and communication. |
| Equity | Equity represents the use of policies, programs, practices, processes, and investments to eliminate institutional and structural racism and enable all people to attain their full potential. |
| Protected Class | A shared characteristic that employers cannot use as a basis for employment decisions under the law. This report is concerned with these specific protected classes: gender, race and color, age, disability, and veterans' status in the State of Oregon's workforce. |
| Race | In this report, race means the sum of the racial categories, except white. |
| Racial Categories | A racial category is one of seven racial classifications: Asian, Alaska Native/American Indian, African American/Black, Hawaiian Native/Asian Pacific Islander, Hispanic (non-white), two or more races, white. Person (or people) of color represents someone who identifies as belonging to any racial categories but white. |
| Retention | Examples of retention are promotions, effective supervision, access training, strong management, and mentorship. |
| Selection | Selection strategies include, for example, minimum qualifications, interview process, interview panels, fairness, hiring, decision making. |
| Small Agencies | Mostly, boards and commissions, with ten or fewer FTE. Affirmative action reporting requirements differ from those for larger agencies. |

| | |
|-------------------------|---|
| Workforce | State workforce includes all full-time, limited duration, academic, temporary employees, and seasonal in-season executive branch agencies under the governor's leadership. |
| Workforce Equity | Eliminate barriers to employment that stem from hiring panel biases, enabling a more inclusive hiring process that results in a diversity of successful candidates and inclusive workplace. |