



Judiciary of the State of New Jersey

**Equal Employment Opportunity/  
Affirmative Action and  
Anti-Discrimination  
Master Plan**

June 30, 2014

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## I. Foreword

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Equal employment opportunity/affirmative action, anti-discrimination, and a bias-free court environment (the “EEO/AA-Fairness Program”) are integral to the fair and efficient operations of the courts. The New Jersey Judiciary has taken specific actions to ensure that employees, applicants, court users, volunteers, attorneys, litigants, witnesses, and all who come into contact with the court system are treated with fairness, dignity and respect. In May 2000, the New Jersey Supreme Court issued the Equal Employment Opportunity/Affirmative Action Master Plan (the “Master Plan”), a comprehensive roadmap and results-oriented managerial tool designed to guide and direct the entire judicial system to achieve fairness and equality of opportunity in the workplace and provide a positive and productive court and work environment. The Master Plan has been updated to reflect modifications in the Judiciary’s recruitment and hiring procedures, new legal developments, and the changes in New Jersey demographics. The Master Plan both establishes responsibilities and accountability for judges, managers, and supervisors at all levels of the Judiciary for managing fairness consistently throughout the Judiciary and sets forth employee and court user expectations for a bias-free court system.

The Master Plan is the foundation of the Judiciary’s EEO/AA-Fairness Program and is based on federal and state anti-discrimination laws and statutes, case law, United States Equal Employment Opportunity Commission affirmative action guidelines, New Jersey Judiciary Equal Employment Opportunity/Affirmative Action and Anti-Discrimination Policy, applicable codes of conduct, EEO/AA Best Practices, and the New Jersey Supreme Court-approved recommendations of the Minority Concerns Committee relating to minority participation in the judicial process. The Master Plan ensures compliance with these referenced laws, statutes, and policies, and also addresses adherence to the goals of the Judiciary’s Strategic Plan to earn the respect and confidence of an informed public by recruiting and training staff to meet the needs of a culturally and linguistically diverse population and to treat those who interact with the court system with civility, dignity, and respect.

The Master Plan provides the Judiciary with specific tools and methodologies to attain and maintain a diverse and inclusive workforce through recruitment and community outreach programs, diversity training, fair and uniform hiring procedures, and thorough monitoring of all aspects of employment practices. The Master Plan also provides for prevention of unfair treatment by: establishing mandatory training of judges and all employees on the EEO/AA-Fairness Program, sexual harassment prevention, and valuing diversity; and implementing the EEO/AA best practices. The Master Plan sets forth the process for addressing allegations of unfair treatment as specified in the Judiciary’s Complaint Procedures Manual, and for taking necessary actions to comply with legal requirements.

The Master Plan sets the bar for fairness and promotes equality of opportunity and workforce diversity for the Judiciary by requiring that everyone who works in the courts and those who use the courts, without exception, are treated with respect and dignity.

## II.

### ***Judiciary of the State of New Jersey Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination***

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The Chief Justice and Supreme Court of New Jersey declare the following to be the policy of the New Jersey Judiciary in order to ensure equal opportunity for all Judiciary employees including judges and applicants for employment, and in order to ensure that all court users, volunteers, attorneys, litigants, witnesses or others who come into contact with the court system are treated in a non-discriminatory manner with civility, dignity, and respect. All who serve in the Judicial Branch are responsible for implementing this policy. Judges, managers, and supervisors are to take all necessary steps to ensure that each employee's work environment is free of all forms of unlawful bias, harassment, and discrimination.

#### ***Policy on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination***

The New Jersey Judiciary is committed to the principles of equal employment opportunity and prohibits discrimination by those who work for the Judiciary or those who come into contact with the courts. The New Jersey Judiciary promulgates this policy for implementation throughout the court system and prohibits discrimination in all aspects of court operations and in hiring, promotion and terms and conditions of employment on the basis of race, creed, color, national origin/nationality, ancestry, religion/religious practices or observances, age, sex, pregnancy or breastfeeding, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, and status as a veteran or disabled veteran of, or liability for service in, the Armed Forces of the United States.

Accordingly, discrimination will not be tolerated whether it is practiced by judges, employees or non-employees, against court employees, attorneys, litigants, witnesses or others who come into contact with the court system. Managerial and supervisory personnel are required to ensure adherence to and compliance with this policy and, upon being informed of possible discrimination or harassment covered by this policy, are required to take appropriate and immediate action in response thereto.

#### ***Overcoming Barriers to Equal Opportunity***

The Judiciary will continue to take appropriate action to remove barriers that may prevent minorities and women from full participation in the Judiciary's workforce and full enjoyment of all of the privileges of employment. An important factor in evaluating management performance is compliance with the Judiciary's policy of fair employment practices as embodied in the Judiciary's Master Plan for EEO/AA and Anti-Discrimination ("Master Plan"). Management will periodically review Judiciary employment practices in order to ensure that all applicants and employees and, in particular, persons who are members of groups that have been historically disadvantaged because of discrimination are receiving fair and equal consideration for job opportunities. Affirmative efforts to ensure fairness will be undertaken with respect to all employment practices, including but not limited to: recruitment, selection, hiring, training, promotion, transfer, discipline, discharge, demotion, layoff, re-employment after layoff, job assignment, compensation, and fringe benefits.

#### ***Policy Against Racial/Ethnic, Religious and Other Forms of Bias, Harassment, and Hostile Work Environment***

The Judiciary prohibits all forms of unlawful bias, harassment, and discrimination in all of its operations, including humiliating or degrading jokes, insults or comments about one's race, creed, color, national origin/nationality, ancestry, religion, age, disability or perceived disability, sex, gender identity or expression, affectional or sexual orientation, or any other legally protected attribute. Harassment, coercion or intimidation of any individual based on these or other legally protected attributes is strictly forbidden. This prohibition extends to workforce management, all aspects of employment practices, the processing and adjudication of cases, and all programs, services and activities of the Judiciary.

**Policy Prohibiting Discrimination against Individuals with Disabilities**

The Judiciary is committed to complying with the Americans with Disabilities Act (ADA), the New Jersey Law Against Discrimination (NJLAD), and other applicable anti-discrimination statutes. The Judiciary will not discriminate against a court user, which includes litigants, witnesses, victims, spectators, jurors, attorneys, agency representatives, volunteers, probationers and participants in court programs, services and activities, on the basis of a disability regarding that individual's access to court proceedings, programs, services, and activities. In addition, the Judiciary will not discriminate on the basis of disability against any job applicant or employee regarding the terms, privileges, or conditions of employment. All Judiciary employees must remain qualified and able to perform the essential functions of the job, with reasonable accommodations where necessary. If a court user, qualified employee or job applicant believes that he/she has been treated unfairly because of a disability, he/she may file a discrimination complaint as described in the section entitled "Filing a Complaint."

**Policy on Reasonable Accommodations for Individuals with Disabilities**

The Judiciary will provide a reasonable accommodation for court users, qualified employees and job applicants with a disability, provided that the accommodation does not fundamentally alter the nature of a Judiciary program, service, or activity or impose an undue hardship upon the Judiciary.

The Judiciary will provide a reasonable accommodation for court users with a disability, enabling the individual to access and participate in court proceedings, programs, services and activities. A *court user* with a disability may request a reasonable accommodation by contacting the Local Title II ADA Coordinator. A list of Local Title II ADA Coordinators can be found in the Judiciary's brochure, "The New Jersey Judiciary's Title II ADA Procedures for Access to the Courts By Individuals with Disabilities," or on the Judiciary's website at njcourts.com.

The Judiciary will provide a reasonable accommodation for qualified employees and job applicants, provided that the individual is able to perform the essential functions of the job. A *qualified employee* or *job applicant* with a disability may request a reasonable accommodation by contacting the Local Title I ADA Coordinator listed in the Judiciary's brochure, "The New Jersey Judiciary's Title I ADA Procedures for Employees and Job Applicants with Disabilities," or on the Judiciary's website at njcourts.com.

**Policy Against Sexual Harassment**

The Judiciary prohibits sexual harassment. It is a form of discrimination that undermines the public's confidence in the Judiciary and the integrity of employment relationships, debilitates morale and may be destructive to its victims and their associates. *For detailed information defining sexual harassment, see the Master Plan.*

**Policy Against Discrimination Based on Gender Identity or Expression**

The Judiciary respects the individual humanity and worth of each person who comes in contact with the courts. Discrimination in any form based on a person's gender identity or expression is prohibited. Gender identity or expression is defined as having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth. The Judiciary shall not treat job applicants, employees, or individuals who come into contact with the courts differently because of their actual or perceived gender identity or expression.

**Policy Against Discrimination Based on Affectional or Sexual Orientation**

The Judiciary is committed to treating all employees and court users equally, with dignity and respect. Discrimination in any form against any individual on account of his or her affectional or sexual orientation is prohibited. Affectional or sexual orientation is defined as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation. The Judiciary shall not treat job applicants, employees, or individuals who come into contact with the courts differently because of their actual or perceived affectional or sexual orientation.

**Policy on Consensual Dating in the Workplace**

Consensual dating relationships between Judiciary employees are generally not the Judiciary's business. However, when the two people currently or previously involved in such relationships work as supervisor and subordinate, the supervisor must promptly inform his or her immediate superior of the personal relationship so that the Judiciary may take action to change the reporting relationship between the individuals. This is necessary in order to eliminate any appearance of, or actual, impropriety in the workplace. All Judiciary employees, including justices and judges, are subject to the New Jersey Tort Claims Act, *N.J.S.A. 59:1-1, et seq.* Accordingly, failure to give proper notice to the supervisor's immediate superior may result in the denial of legal representation and indemnification by the State in the event that a discrimination or sexual harassment lawsuit is filed in connection with the relationship.

**Filing a Complaint**

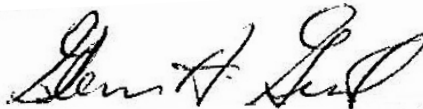
Employees, applicants, clients and users of the courts who have questions, problems or complaints regarding EEO, disability, sexual harassment, racial/ethnic bias, hostile work environment or other categories covered by the anti-discrimination laws may communicate their concerns to the judge, manager or supervisor in charge of the court program or service involved. If the complainant is dissatisfied with the handling of the matter, or if the complainant prefers, the complainant may contact the local EEO/AA Officer or may pursue his or her complaint according to the New Jersey Judiciary's discrimination and sexual harassment complaint procedures, which can be obtained from the local EEO/AA Officer and/or Access Coordinator. The Judiciary EEO/AA Unit at the Administrative Office of the Courts in Trenton can be contacted by calling (609) 815-2915. All complaints, inquiries, and investigations shall be handled in a confidential manner to the greatest extent possible. All Judiciary employees are to cooperate in the internal investigation of complaints. The local EEO/AA Officer can also provide information on other options available for filing complaints under state and federal complaint procedures.

**Prohibition Against Retaliation**

Retaliation in any form by anyone who serves in the Judicial Branch against any person who complains about discrimination, files a discrimination complaint or who assists in the investigation of such complaints is prohibited. A charge of retaliation may be raised at any step of the complaint procedures or may form the basis of a new complaint. Retaliation may result in legal liability even though the original discrimination complaint was unfounded and dismissed. Appropriate actions, up to and including discharge, will be taken against individuals who are found to have retaliated against a complainant or against any individual who assists in the investigation of a complaint.

**Dissemination and Compliance with Policy**

This Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination will be (1) sent to all New Jersey Judiciary judges and employees, (2) distributed to new employees of the Judiciary, and (3) posted in areas visible to court users, volunteers, and job applicants. Discrimination and harassment based on any of the protected categories in this Policy Statement are illegal and, if engaged in by a Judiciary employee, will be deemed to constitute misconduct. Appropriate actions, up to and including discharge, will be taken against individuals who do not adhere to this policy. The New Jersey Judiciary has a moral responsibility and a legal responsibility for ensuring adherence to the provisions of this Policy Statement.



January 23, 2018

Hon. Glenn A. Grant, Acting Administrative Director



### **III. Description of the New Jersey Judiciary**

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The New Jersey Judiciary, as the third branch of New Jersey State government, consists of the Supreme Court, the Superior Court (including the Appellate Division and the Trial Courts), the Tax Court, the Municipal Courts,<sup>1</sup> and the Administrative Office of the Courts (AOC). The Judiciary has over 9,000 court employees and more than 400 judges at the state level. The Municipal Court workforce includes approximately 2,100 Municipal Court employees and 365 Municipal Court judges who sit in 536 Municipal Courts. These Municipal Court employees and judges are not on the state payroll but rather are funded and appointed by the individual municipalities.

The Chief Justice of the Supreme Court is the judicial and administrative head of the Judiciary. The Chief Justice and six associate justices comprise the Supreme Court. As the highest court in New Jersey, the Supreme Court hears appeals from decisions of New Jersey's other courts and interprets the United States and New Jersey Constitutions and laws enacted by the New Jersey State Legislature. The Supreme Court is also responsible for promulgating rules governing the operation of the courts and the regulation of attorneys.

The Superior Court is the statewide trial court of general jurisdiction (civil, criminal, family). The Tax Court is a statewide court of limited jurisdiction that hears appeals from tax decisions made by county boards of taxation and by the Director of the Division of Taxation. The Appellate Division of the Superior Court hears appeals from decisions of the Trial Courts, the Tax Court, and state administrative agencies. The Municipal Courts are also courts of limited jurisdiction, hearing cases involving parking and motor-vehicle violations, violations of municipal ordinances, disorderly persons and petty disorderly persons offenses, and other minor offenses.

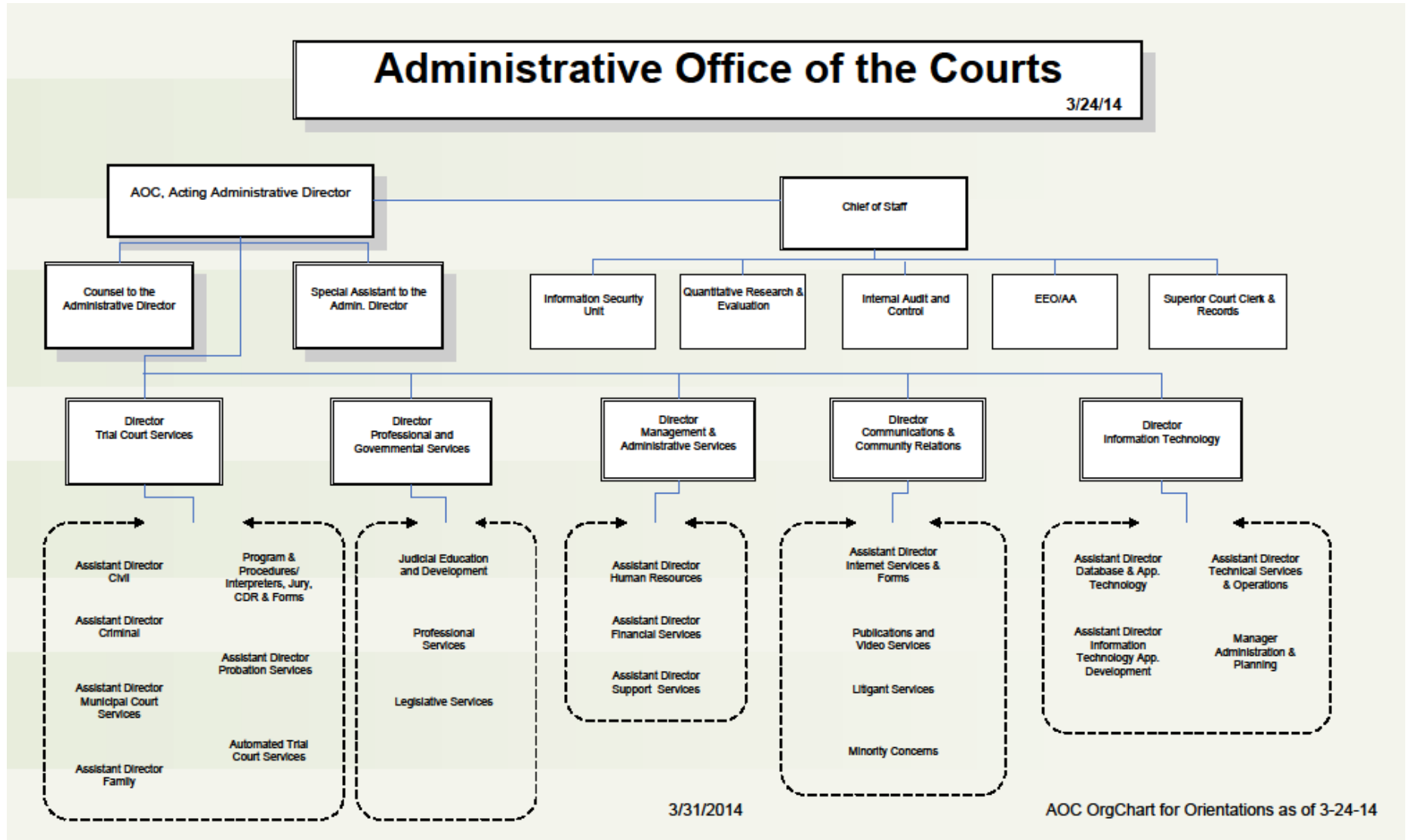
For administrative purposes, the Superior Court is divided into fifteen court districts called vicinages, each of which consists of one or more counties. Each vicinage is headed by an Assignment Judge (selected by the Chief Justice), who is assisted by a Trial Court Administrator in managing the vicinage. The vicinage organizational structure consists of the following divisions: Criminal, Civil, Family, Probation, Municipal, Finance, Human Resources, Operations, and Information Technology.

The AOC assists the Chief Justice and Supreme Court in exercising their constitutional responsibility to provide administrative support to the courts. The AOC, headed by the Administrative Director of the Courts, does so by providing technical assistance, training, research and development, budget/personnel coordination, and development/operation of information systems to the various court divisions. It also designs, supervises and operates many court-related programs at the state, county, and municipal levels.

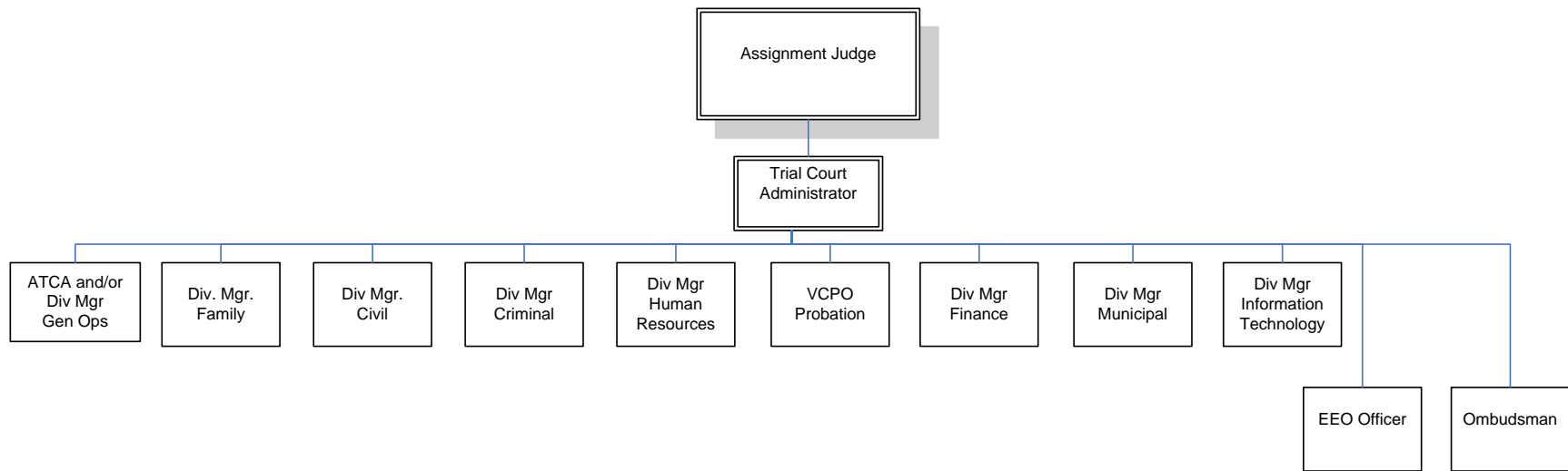
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<sup>1</sup> On January 1, 1995, as a result of a constitutional amendment, the New Jersey Judiciary became a unified court system and thereby acquired responsibility for budget and personnel matters previously under the jurisdiction of local county government. The Municipal Courts were not covered by this constitutional amendment.

A. Administrative Office of the Courts Table of Organization



## B. Vicinage Table of Organization



#### IV. Access and Fairness

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The New Jersey Judiciary has a strong tradition of self-critical analysis. Consistent with the Judiciary's guiding principles including the Mission and Vision Statements, Statement of Core Values, EEO/AA and Anti-Discrimination Policy Statement, and the Judiciary's longstanding commitment to fairness and removing barriers to the public's full participation in the courts, Chief Justice Stuart Rabner created the Supreme Court Advisory Committee on Access and Fairness. The charge of the Committee is to ensure that the Judiciary, as an institution, embraces "Access and Fairness" as an integral part of our core values. The framework for this effort is a concept called "procedural fairness" which is designed to improve the perception that the public has of the court system based on how they feel about their courthouse and courtroom experience. Four core elements comprise procedural fairness:

- **Respect**—People react positively when treated with politeness and dignity.
- **Voice**—People want to tell their side of the story and should have the opportunity to participate in their court proceeding.
- **Neutrality**—People feel they are treated equally when those in authority act consistently and fairly.
- **Trust**—People want to feel that their court experience was just and fair, regardless of the outcome.

Membership of the Advisory Committee on Access and Fairness includes judges and non-judge managers, as well as external community partners such as representatives from Legal Services of New Jersey, the Sheriffs' Association of New Jersey, Rutgers University School of Law, the New Jersey State Bar Association, and minority and/or specialty bar associations. With input from diverse sources, the Committee continues to establish an organizational course of action to firmly embed access and fairness principles into the culture of the court system. The following are some of the Committee's accomplishments.

1. Design and promulgation of "Ensuring an Open Door to Justice" slogan and logo
2. Internet and InfoNet dedicated web pages;
3. Design and distribution of "Ensuring an Open Door to Justice" postcards translated into Spanish, Korean, Polish, Haitian Creole and Portuguese;
4. Principles of Access and Fairness training module added to Management Leadership training course;
5. Principles and Application of Access and Fairness training sessions held at: Judicial College, Staff College, Judiciary Institute for Staff Attorneys, New Judges Training, MAACM Annual Conference, Tax Court Training, MAACM Mid-Year Conference, Conference of Municipal Court Judges, Conference of Municipal Court Administrators, Probation Association of New Jersey Annual Conference, NJ Child Support Conference, and NJ Library Association Conference;
6. The development and system-wide roll out of the *Access and Fairness Toolkit for Leaders: Series One*; designed for judges and managers to begin a statewide

conversation about the importance of continued efforts to ensure that the courts are accessible to everyone;

7. “Ensuring An Open Door to Justice” language added to job postings statewide and to the “Make a Difference” employee recruitment brochure;
8. Access and Fairness collaborative training initiative designed and developed for the New Jersey Sheriffs’ Association;
9. The Access and Fairness public survey project which serves as a way for the Judiciary to measure the public’s perceptions of their experience in the Superior Courts.

The Access and Fairness Committee will continue to develop and support projects that promote equal access to the courts and fair treatment of the public. Some of these initiatives include: analyzing results of the survey and examining our continued efforts to ensure equal access and quality service; continuing to translate publications into frequently spoken languages; the creation of local, self-help resource centers; simplification of self-help forms and kits; and recurring customer service training.

## **V. Anti-Discrimination Statements and Guidance**

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The Judiciary prohibits all forms of unlawful bias, harassment, and discrimination in all of its operations, including humiliating or degrading jokes, insults or comments about one's race, creed, color, national origin/nationality, ancestry, religion, age, disability or perceived disability, sex, gender identity or expression, affectional or sexual orientation, or any other unlawful criteria. Harassment, coercion or intimidation of any individual based on these or other unlawful criteria is strictly forbidden. This prohibition extends to workforce management, all aspects of employment practices, the processing and adjudication of cases, and all programs, services, and activities of the Judiciary. Appropriate actions, up to and including discharge, will be taken against individuals who do not adhere to this policy. Judges, managers, and supervisors are to take all necessary steps to ensure that each employee's work environment is free from all forms of unlawful bias, harassment, and discrimination.

### **A. Discrimination on the Basis of Race, Color, National Origin/Nationality or Ancestry**

The Judiciary will not tolerate discrimination in hiring, promotion, or terms and conditions of employment based on an individual's race, color, or country of origin. This prohibition applies to both minority and non-minority races and includes unlawful discrimination by members of the same racial/ethnic group. Discrimination because of an individual's ancestor's place of origin or because an individual has the physical, cultural or linguistic characteristics (accent or manner of speaking) of a specific ethnic group is also prohibited. This includes discrimination because of a marriage to or association with persons of a national origin group, membership in or association with an organization identified with the interests of a national origin group, or because an individual's name or spouse's name is associated with a national origin group.

Harassment on the basis of race, color, national origin/nationality or ancestry shall not be tolerated in the Judiciary workplace. As an employer, the Judiciary has an affirmative duty to maintain a working environment free of racial or ethnic jokes, slurs and other verbal or physical conduct relating to an individual's race, color, national origin/nationality or ancestry.

It is a violation of Judiciary policy to deny equal employment opportunity on the basis of race, color, national origin/nationality or ancestry. The Judiciary shall provide equal employment opportunity in areas including, but not limited to, recruitment, selection, hiring, training, promotions and advancements, transfers, discipline, discharge, demotion, layoffs, re-employment after layoff, job assignment, compensation, and fringe benefits.

All Judiciary employees are entitled to equal opportunity for advancement to positions of greater responsibility and authority based on their knowledge, skills and abilities. In that regard, procedures shall be implemented at the AOC/Central Clerks' Offices, the Offices of the Dedicated Funds, and in the vicinages, to

monitor employment practices on an ongoing basis to ensure that such practices are fair to all employees regardless of race, color, national origin/nationality, ancestry or other protected categories.

## **B. Employee Language Fluency Requirements and Workplace English-Only Rules**

With the population growing more diverse, the Judiciary may have the need to require that some employees be fluent in languages other than English in order to better serve members of the public. The Equal Employment Opportunity Commission (EEOC) states that job requirements for fluency in languages, whether English or another language, must be necessary for the effective performance of the positions for which they are imposed.

Workplace policies restricting communication in languages other than English, often called “English-only rules,” must be based on sound business justifications, such as promoting workplace efficiency or safety, and be adopted for non-discriminatory reasons. The EEOC states that implementing broad English-only rules without weighing the business justifications for the rule against possible discriminatory effects, and failing to evaluate alternatives to English-only rules, can constitute national origin discrimination.

The following are some situations in which business necessity might justify an English-only rule: (a) for communication with customers, coworkers, or supervisors; (b) for emergencies or other situations in which workers must speak a common language; (c) for cooperative work assignments to promote efficiency; and (d) for monitoring by supervisors of employee performance and for communication with coworkers and customers. (EEOC Compliance Manual Section 13: National Origin Discrimination)

While employees are not prohibited from speaking languages other than English during breaks, at lunch, or in other personal or casual conversations in the workplace, they are encouraged to be respectful and sensitive to others in their presence who may not speak that language.

## **C. Language Access**

The U.S. Supreme Court has held that failing to take reasonable steps to ensure meaningful access to the courts for Limited English Proficiency (LEP) persons is a form of national origin discrimination prohibited by Title VI of the Civil Rights Act of 1964. Both Title VI and the Omnibus Crime Control and Safe Streets Act of 1968 prohibit national origin discrimination by recipients of federal financial assistance. Additionally, the Department of Justice has stated that “[d]ispensing justice fairly, efficiently, and accurately is a cornerstone of the Judiciary. Policies

and practices that deny LEP persons meaningful access to the courts undermine that cornerstone.”<sup>2</sup>

#### **D. Discrimination on the Basis of Gender**

It is the policy of the New Jersey Judiciary to provide equal employment opportunity to all persons without regard to gender. The Judiciary shall continue to foster an atmosphere free of sexual harassment through the implementation and enforcement of the Judiciary’s anti-discrimination policies and the EEO/AA program. In support of this policy:

- The Judiciary shall continue to recruit employees for all jobs without regard to gender. Advertisements shall not express a preference for a particular gender.
- Human Resources policies shall not discriminate on the basis of gender. Discrimination on the basis of pregnancy, childbirth, or related medical conditions also constitutes unlawful gender discrimination. Employees and applicants shall be given equal consideration for all positions for which they are qualified without regard to gender. All employment practices, including but not limited to recruitment, selection, hiring, training, promotions, performance evaluations, transfers, discipline, discharge, demotion, layoffs, re-employment after layoff, job assignment, compensation, and fringe benefits, shall be reviewed periodically to ensure that such practices do not discriminate against individuals because of their gender. Gender-based assumptions or stereotypes about perceived family/caregiver roles and responsibilities shall not be considered when making employment decisions. Further, males and females shall be equally compensated for substantially equal work.
- Where the Judiciary’s self-critical workforce analysis indicates a gender underutilization with respect to a particular position relative to the qualified applicant pool, a thorough investigation will be undertaken in order to identify and eliminate any barriers preventing full and fair participation in the workforce.

#### **Policy Against Sexual Harassment**

In recognition of the dignity and worth of each person who works for the Judiciary or who comes into contact with the courts, the New Jersey Judiciary prohibits sexual harassment, whether it is practiced by judges, employees, or non-employees, against court employees, attorneys, litigants, witnesses, or others

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<sup>2</sup> For additional guidance on providing LEP persons full and fair access to the courts, see the Department of Justice Guidance Letter to the Courts on LEP dated August 16, 2010, at [https://www.lep.gov/final\\_courts\\_ltr\\_081610.pdf](https://www.lep.gov/final_courts_ltr_081610.pdf).



who come into contact with the court system. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment undermines the public's confidence in the Judiciary and the integrity of employment relationships, debilitates morale, and is destructive to victims and their associates. It will not be tolerated.

#### **E. Discrimination on the Basis of Gender Identity or Expression**

The Judiciary prohibits discrimination on the basis of an employee's gender identity or expression. Gender identity or expression is defined as having or being perceived as having a gender-related identity or expression whether or not stereotypically associated with a person's assigned sex at birth. The Judiciary respects the individual humanity and worth of each person who comes in contact with the courts. Treating job applicants, employees, or individuals who come in contact with the courts differently because of their actual or perceived gender identity or expression is prohibited.

#### **F. Discrimination on the Basis of Marital Status/Civil Union Status or Domestic Partnership Status**

The Judiciary prohibits discrimination on the basis of an employee's marital status/civil union status or domestic partnership status. In February 2007, same-sex couples in New Jersey were granted the right to enter into civil unions. In October 2013, same-sex couples in New Jersey were granted the right to enter into marriages.<sup>3</sup> Civil union spouses (same-sex) are afforded the same rights, privileges, and obligations under New Jersey law as married spouses (opposite-sex or same-sex). Domestic partners (opposite-sex or same-sex) are granted certain basic rights under New Jersey law, but not the same comprehensive rights and obligations as married/civil union spouses.<sup>4</sup>

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<sup>3</sup> See Garden State Equality v. Dow ([http://www.njcourts.gov/courts/assets/municipal/caselaw/gardenstate\\_equality\\_decision\\_summary.pdf](http://www.njcourts.gov/courts/assets/municipal/caselaw/gardenstate_equality_decision_summary.pdf)).

<sup>4</sup> The New Jersey Domestic Partnership Act applies only to: (1) opposite-sex and same-sex couples who have reached the age of 62; (2) couples younger than that who entered into a domestic partnership before the law was revised in February 2007 to create civil unions; and (3) couples who have entered a

The Judiciary shall not base any personnel decision on the fact that an individual is joined in a marriage/civil union or domestic partnership, single, divorced, separated, or widowed. All individuals, regardless of their marital/civil union or domestic partnership status, shall continue to be treated equally in all aspects of employment practices, including benefits.

**G. Discrimination on the Basis of Affectional or Sexual Orientation**

The Judiciary prohibits discrimination against individuals because of their affectional or sexual orientation. Affectional or sexual orientation is defined as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation. The Judiciary shall not discriminate against and shall not treat differently job applicants, employees, or individuals who come in contact with the courts, because of their actual or perceived affectional or sexual orientation.

**H. Discrimination on the Basis of Creed/Religion or Religious Practices/Observances**

The Judiciary prohibits discrimination on the basis of creed/religion against employees, applicants for employment, or individuals who come in contact with the courts. Furthermore, no distinction based solely on creed/religion shall apply in employment opportunities, wages, hours of work, or other conditions of employment. Efforts shall be made to accommodate the sincerely-held religious practices and observances of an employee unless the accommodation of such practices is unreasonable and would result in undue hardship on Judiciary operations.<sup>5</sup>

**I. Discrimination on the Basis of Age**

The Judiciary prohibits discrimination in hiring, promotion, or terms and conditions of employment against an individual on the basis of his or her age. In such items as job prerequisites, notices sent to recruitment sources, hiring decisions, wages, employment opportunities, and layoffs, the Judiciary shall not discriminate against individuals because of their age.<sup>6</sup>

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domestic partnership or relationship status with similar rights and obligations outside of New Jersey.

<sup>5</sup> The determination as to whether religious beliefs are “sincerely held” requires a case by case analysis. For additional guidance, see the EEOC Compliance Manual at [www.eeoc.gov/policy/docs/religion.html](http://www.eeoc.gov/policy/docs/religion.html) .

<sup>6</sup> The New Jersey Law Against Discrimination (LAD) protects individuals from discrimination on the basis of age if they are 18 years or older. However, under the LAD, mandatory retirement is permitted for certain categories of employees, including judges.

## **J. Discrimination on the Basis of Disabilities/Accommodation**

The Judiciary shall not permit discrimination against any individual on the basis of physical or mental disability.<sup>7</sup> The Judiciary, unless constrained by an undue hardship or other considerations permitted by law, shall provide reasonable accommodations for employees to perform their jobs effectively. In accordance with the Americans with Disabilities Act, the New Jersey Law Against Discrimination, and related laws, the Judiciary shall remove from the workplace those physical and other barriers that may unnecessarily limit the ability of individuals with disabilities to pursue a career in the Judiciary and shall provide reasonable accommodation to individuals with qualified disabilities. The Judiciary shall not make the provision of such an accommodation a factor in an employment action, unless the accommodation requested poses an undue hardship to the Judiciary or a direct threat to the health and safety of the individual with a disability or to the health and safety of others. However, an employee or applicant must be capable of performing the essential functions of the job, with or without reasonable accommodation. Identifying the functions that are essential to the job requires a case by case evaluation of the particular job functions. Essential functions of any position in the Judiciary shall be deemed to include regular attendance at work and compliance with work rules generally applicable to all employees. It is the responsibility of the employee to request an accommodation from the supervisor or from a human resources staff person.

The Judiciary shall provide all individuals equal access to all Judiciary services and programs in a manner that integrates individuals with disabilities to the extent possible into the mainstream of court activities. The Judiciary shall make reasonable accommodations for those with disabilities to participate in court processes and programs. The Judiciary shall foster compliance with the law and its requirements in any renovation, construction, or acquisition of facilities used by the courts. Consistent with the law, the Judiciary shall endeavor to ensure compliance with the ADA by vendors and providers of goods and services to the courts.

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<sup>7</sup> Disability includes physical disability, infirmity, malformation or disfigurement caused by bodily injury, birth defect, illness or disease, including epilepsy, and which includes, but is not limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide animal, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions that prevent the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability also includes AIDS or HIV infection.

**K. Discrimination on the Basis of Atypical Hereditary Cellular or Blood Trait or Genetic Information or Refusal to Submit to Genetic Testing or to Make Available the Results of Any Such Testing**

In addition to general restrictions with respect to the Americans with Disabilities Act (ADA), the Law Against Discrimination specifically prohibits discrimination based on an atypical hereditary cellular or blood trait (such as sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait), or on any genetic information, or refusal to submit to genetic testing, or refusal to make the results of any such testing available to an employer. The Judiciary shall not discriminate against any individual based on the foregoing considerations. Reasonable accommodation, if needed, shall be provided to individuals in accordance with the Americans with Disabilities Act.

**L. Discrimination on the Basis of Liability for Service in the Armed Forces**

The Law Against Discrimination prohibits discrimination on the basis of liability for service in the Armed Forces of the United States. Individuals are considered to be liable for service in the Armed Forces if they are: 1) a member of the National Guard, Naval Militia, or reserves; or 2) subject to induction through the selective service. The Judiciary shall not discriminate in any aspect of employment practices against individuals who have a liability for service in the Armed Forces.

**M. Prohibition Against Retaliation for Filing a Discrimination Complaint**

The Judiciary prohibits employment-related retaliation against an individual based on that individual having: (1) filed a discrimination complaint; (2) testified, assisted or participated in any manner in an investigation, proceeding or hearing in connection with a discrimination complaint; or (3) otherwise opposed discrimination in the workplace. Even if the allegations in the underlying complaint are determined to be unfounded, retaliation in any form is strictly prohibited. Additionally, an employee shall not be subjected to discipline or any other form of retaliatory action for electing to pursue a discrimination complaint outside of the Judiciary's established discrimination complaint procedures.

## **VI. Responsibility and Accountability for Implementation of the EEO/AA Program**

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The New Jersey Judiciary Equal Employment Opportunity/Affirmative Action and Anti-Discrimination Program and Master Plan are promulgated by the New Jersey Supreme Court. The Administrative Director of the Courts is responsible for monitoring statewide implementation of the EEO/AA and Anti-Discrimination Program and Master Plan. The Assignment Judges are responsible for ensuring compliance with the EEO/AA Program in their respective vicinages. The Assignment Judges also must develop local EEO/AA Implementation Plans tailored to their respective vicinages' unique needs.

The Administrative Director has appointed EEO/AA staff within the Administrative Office of the Courts to oversee the day-to-day administration and operation of the Judiciary's EEO/AA program. These appointments include a Chief, Equal Employment Opportunity/Affirmative Action Officer; an Affirmative Action Officer; four EEO Investigators; an Administrative Specialist 3 (EEO/AA statistical data analysis); an Administrative Specialist 2 (training event/data coordination); and a Judiciary Secretary 1. The Assignment Judge in each vicinage has appointed an EEO/AA Officer to assist in the implementation of the EEO/AA program in that vicinage.

### **A. Administrative Director of the Courts, Judges, and Senior Managers**

The Administrative Director of the Courts, Judges (including Assignment Judges and Presiding Judges), and senior managers<sup>8</sup> shall implement and ensure compliance with the Judiciary's EEO/AA and Anti-Discrimination Program and Master Plan and local EEO/AA Implementation Plans. These responsibilities include:

- Recommending policy, as appropriate, to the Chief Justice and Supreme Court;
- Familiarizing themselves with the Judiciary's non-discrimination policies and procedures, diligently enforcing such policies and procedures, and facilitating the implementation of the Judiciary's EEO/AA and Anti-Discrimination Master Plan and local EEO/AA Implementation Plans;
- Seeking new approaches for ensuring a discrimination-free work environment;

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<sup>8</sup> The "senior managers" are the Directors, Chief of Staff, Clerks of Court, Assistant Directors, Trial Court Administrators, Deputy Clerks of Court, Director and Chief Counsel of the Disciplinary Review Board, Director of the Office of Attorney Ethics, the Director and Counsel of the Lawyers Fund for Client Protection, Tax Court Administrator, and other managers reporting directly to the Administrative Director of the Courts.

- Ensuring fair employment decisions (including but not limited to recruitment, selection, hiring, training, promotion, performance evaluation, reclassification of position, transfer, discipline, discharge, demotion, layoff, re-employment after layoff, job assignment, compensation, and fringe benefits) without regard to race, creed, color, national origin/nationality, ancestry, sex, pregnancy, gender identity or expression, age, religion/religious practices or observances, disability or perceived disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, affectional or sexual orientation, service in the armed forces of the United States, or other non-job related criteria. This includes employment decisions based on a perception that a person is a member of any of these protected categories;
- Assisting subordinate managers in identifying, eliminating, and overcoming barriers to equal employment opportunity;
- Initiating affirmative steps and developing a plan of remedial action when necessary to eliminate barriers to equal employment opportunities. These steps may include specific outreach to underutilized minority groups or females in particular jobs or classes of jobs. Hiring and promotion goals based on considerations of race or gender may be implemented only where such goals are consistent with and comport with applicable law;
- Monitoring the statistical workforce analysis in their area of the organization and reviewing progress toward eliminating any barriers preventing full participation by minorities and females;
- Evaluating effectiveness and progress of the EEO/AA Program and recommending any changes needed in the program;
- Appointing EEO/AA staff that meet the qualifications specified in this Master Plan;
- Contacting the Judiciary EEO/AA Unit for information on issues of statewide concern and on specific or potential EEO complaints;
- Cooperating with the Judiciary EEO/AA Unit in the investigation of discrimination complaints and in the evaluation of the EEO/AA Program;
- Ensuring that minorities and females are provided with equal access to training, promotional opportunities, and job assignments; and
- Maintaining a professional work environment free from unlawful discrimination and harassment.

## **B. Judges**

In addition to being held accountable for adherence to the Judiciary's EEO/AA policies (as set forth in the previous section), judges are subject to the **Code of Judicial Conduct, Canon 3A (4) and (5)**, which provides as follows:

A judge should be impartial and should not discriminate because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or disability. [Canon 3A (4)]

A judge shall require lawyers in proceedings before him or her to refrain from manifesting, by words or conduct, bias or prejudice based upon race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status or disability against parties, witnesses, counsel, or others. This section does not preclude legitimate advocacy when race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status or disability, or other similar factors are issues in the proceeding. [Canon 3A (5)]

## **C. Managers and Supervisors**

Managers and supervisors shall be held accountable for implementation of the Judiciary's EEO/AA policies and procedures, for ensuring that employees are aware of these policies and procedures, and for monitoring the success of the EEO/AA program within their respective spheres of responsibility.

Managers and supervisors also shall be held accountable for ensuring equal employment opportunity in all terms and conditions of employment and for taking immediate corrective action to address discrimination when it is discovered. Managers and supervisors should make good faith efforts to broaden recruitment and training of minorities and females, especially for those jobs or classes of jobs where underutilization of minorities and females has been identified through the Judiciary's self-critical workforce analysis. In seeking to eliminate all barriers and impediments to a diverse and representative workforce, managers and supervisors should work closely with EEO/AA Officers.

All Judiciary managers and supervisors are evaluated under the Judiciary's performance management program based on a number of goals/expected results and/or competencies and standards including compliance with Judiciary policies on EEO/AA and anti-discrimination as well as with Federal and State law.

#### **D. Responsibilities of All Judiciary Personnel Who Conduct Employment Interviews**

All Judiciary staff, as well as judges, who conduct employment interviews are responsible for ensuring that job applicants are treated fairly and uniformly during the recruitment and selection processes, and are responsible for following all applicable recruitment/selection guidelines, protocols and directives. Interview panel members shall have attended the mandated interview panel orientation training prior to serving on an interview panel.

For unclassified and career service new hire and advancement recruitments, interviewers also are responsible for:

- Selecting for interview a sufficient number of applicants in order to increase the likelihood of selecting a high performer, and making reasonable efforts to ensure that minorities and females are given a fair opportunity to be part of the interview pool;
- Advising local Human Resources staff of candidates to be scheduled for interviews;
- Ensuring that all applicants are asked a uniform set of questions and are treated fairly and equally during the interview;
- Completing a Selection Disposition Form on job interviews for unclassified and career service new hire and advancement recruitments (for judicial clerkship candidates, the Interview Record Form) and submitting this completed form to the local Human Resources office.

#### **E. Human Resources Staff Responsibilities Relating to EEO/AA**

Judiciary Human Resources staff at the AOC and in the vicinages play a vital role in ensuring a successful EEO/AA Program. Human Resources staff is responsible for:

- Following the Judiciary's EEO/AA Program, the Judiciary EEO/AA and Anti-Discrimination Master Plan, the local EEO/AA Implementation Plan, and anti-discrimination policies and procedures;
- Helping to ensure that employees and job applicants are treated fairly and uniformly in all aspects of employment and ensuring that employment decisions (recruitment, selection, hiring, training, promotion, transfer, discipline, discharge, demotion, layoff, performance evaluations, re-employment after layoff, job assignment, compensation, and fringe benefits) are made without regard to race, creed, color, national origin/nationality, ancestry, sex, pregnancy, gender identity or expression,



age, religion/religious practices or observances, disability or perceived disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, affectional or sexual orientation, service in the armed forces of the United States, or other non-job related criteria, or the perception that the employee or job applicant is a member of any of these protected categories;

- Assisting senior managers and EEO/AA Officers to eliminate barriers that prevent minorities and females from participation in hiring, promotion, and training opportunities within the Judiciary;
- Working with EEO/AA Officers to identify and eliminate any barriers to the full and fair participation of minorities and females in the Judiciary's workforce, and to identify and eliminate any impediments to the successful implementation of the Judiciary's EEO/AA program;
- Establishing and maintaining recruitment-related documents for monitoring and evaluating the implementation of EEO/AA policies and procedures;
- Providing guidance to managers and supervisors during the recruitment and selection process regarding use of selection/evaluation criteria instruments and standard job-related questions that will help managers and supervisors treat job applicants fairly and uniformly and avoid illegal pre-employment inquiries;
- Partnering with EEO/AA to refine the information system's capabilities to meet changing needs related to (1) EEO reporting requirements; (2) data needs of the Judiciary EEO/AA Unit and Vicinage EEO/AA Officers; and (3) data requests of the Supreme Court Committee on Minority Concerns.
- Monitoring employment practices and procedures;
- Reviewing promotion and hiring actions for every organizational unit;
- Working with EEO/AA staff to periodically evaluate requirements on job specifications and selection/hiring criteria in order to ensure that such job specifications and criteria are consistent with the requirements of the position and comply with Federal and State anti-discrimination laws;
- Following (1) the guidelines contained in N.J.A.C. 4A for career service employees; (2) the classification and compensation system for a unified Judiciary and related guidance subsequently issued by the AOC Human Resources Division; (3) Directive #8-87 as it relates to standards for the appointment of unclassified trial court positions; (4) the New Jersey Judiciary Protocol for Selecting Court Executives, the New Jersey Judiciary Protocol for Selecting Unclassified Non-Managerial Staff, and

the New Jersey Judiciary Protocol on the Selection of Superior Court (Trial Court) Judicial Secretaries; (5) the procedures in this Master Plan; and (6) any other protocols related to recruitment that are established subsequent to the date of this Master Plan.

- In recruiting and hiring:
  - Preparing, posting and distributing job vacancy notices for the time period specified in accordance with labor contracts and Judiciary policies for titles not covered by contract;
  - Submitting all job vacancy notices in a timely fashion to the local EEO/AA Officer for review prior to posting;
  - Ensuring that job vacancy notices are sent to affirmative action recruitment sources and, when practicable, placing advertisements in minority newspapers and other publications;
  - Screening all resumes to determine whether applicants meet the minimum requirements as set forth in the job vacancy notice and forwarding the resumes of all qualified applicants for consideration to the hiring manager or supervisor;
  - Scheduling all interviews for candidates;
  - Advising EEO/AA staff of candidates who have been selected for interview;
  - Determining appropriate salaries and making all offers of employment;
  - Ensuring that Selection Disposition Forms (or Interview Record Forms for judicial clerkships) are completed by all hiring managers or supervisors on all recruitment interviews;
  - Advising all new hires of the Judiciary's EEO/AA and Anti-Discrimination Policy Statement, Master Plan and Complaint Procedures;
  - Conducting Exit Interviews of all departing employees and advising the EEO/AA staff regarding allegations of discriminatory treatment;
  - Assisting in updates to the Master Plan.

**F. Responsibilities of EEO/AA Staff at Both the AOC/Central Clerks' Offices and the Vicinage Level**

At the AOC/Central Clerks' Offices, the individual appointed to assume EEO/AA responsibilities shall follow the reporting structure established by the Administrative Director of the Courts. In the vicinages, the individual appointed to assume EEO/AA responsibilities shall report to the Assignment Judge or the Trial Court Administrator. Further, since the position requires the continuous monitoring of Human Resources policies and practices in an objective and independent manner, the EEO/AA function at the AOC/Central Clerks' Offices and in the vicinages shall be separate from the Human Resources component so as to avoid potential conflicts of interest or the appearance of such conflict.

EEO/AA Officers must possess the credibility to administer the EEO/AA program effectively, and must demonstrate the motivation, leadership ability, and knowledge necessary to carry out the duties and responsibilities of the position. Because technical expertise is necessary, the EEO/AA area of specialty as noted in the Court Executive 1b job specification must be the experience requirement listed in the posting to fill the EEO/AA Officer position (as opposed to the general experience requirement). Further, a representative from the Judiciary EEO/AA Unit shall serve on all interview committees for the recruitment and hiring of vicinage EEO/AA Officers.

EEO/AA Officers shall demonstrate a commitment and sensitivity to the mission and principles of EEO/AA, shall be knowledgeable about applicable laws and regulations, and shall routinely attend training in order to ensure that the organization is in compliance with EEO/AA laws and regulations. EEO/AA Officers shall be objective and thorough when investigating discrimination complaints. They also shall conduct outreach to ensure that minority communities, females, and other protected groups are aware of job opportunities within the Judiciary and to foster positive relationships with these groups.

Every effort shall be made to develop a group of professional EEO/AA Officers and to provide such staff with the authority, resources, and time needed to carry out their duties and responsibilities. Due to the sensitivity of the issues handled by the EEO/AA Officer, and the critical need for employees to feel comfortable visiting the EEO/AA Officer when issues of concern arise, the EEO/AA Officer should be located in a private area both accessible to employees and separated from senior management offices.

EEO/AA Officers are responsible for administering numerous Federal and State laws, regulations and Executive Orders that prohibit discrimination in all aspects of employment within the Judiciary. The changing legal landscape and the complexity of this aspect of the law makes ongoing information, resources, and training imperative for those designated to administer the EEO/AA process. To ensure EEO/AA Officers remain current on all laws governing employment and in keeping with the New Jersey Supreme Court's commitment to continuing legal education, and as recommended by the EEOC, all EEO/AA Officers should participate in six (6) hours of EEO/AA related continuing education every year, including but not limited to courses offered through the EEOC, the NJ Division on Civil Rights, the NJ Affirmative Action Officers Council, bar associations, and continuing legal education providers.

The Judiciary EEO/AA Unit has responsibility for offering technical assistance to the vicinages with respect to vicinage EEO/AA programs. This responsibility includes but is not limited to responding to inquiries from Vicinage EEO/AA Officers, meeting with Vicinage EEO/AA Officers as a group on a regular basis to exchange information, keeping Vicinage EEO/AA Officers abreast of current legal developments that may affect the program, disseminating statistical vicinage

workforce data, and providing ongoing information and assistance on the appropriate handling of discrimination complaints.

Specifically, Central Office and Vicinage EEO/AA Officers are responsible for:

- Advising the Administrative Director of the Courts, Assignment Judge, and senior managers regarding the requirements and methods for ensuring compliance with State and Federal anti-discrimination laws and regulations;
- In concert with senior management, recommending policies and guidelines to ensure fairness in the recruitment, hiring, promotion, and training of minorities and females;
- Monitoring of all employment practices and procedures on a continuous basis including, but not limited to, recruitment, selection, hiring, training, promotions, transfers, discipline, discharge, demotion, layoffs, re-employment after layoff, job assignments, compensation, and fringe benefits to ensure that minorities and females are not adversely affected, and to ensure that no barriers exist that prevent the hiring and promotion of minorities and females;
- Conducting annual evaluations of hiring, promotion, training, and other employment practices to ensure that minorities and females are not the subject of discrimination and have equal opportunity in all aspects of employment;
- Identifying impediments preventing the full and fair participation of minorities and females in the Judiciary's workforce and making recommendations to the Administrative Director of the Courts or the Assignment Judge for corrective action as needed;
- Reviewing and analyzing EEO/AA and employment policies and procedures on a continuous basis and making recommendations for updates as needed;
- Recommending updates to the Judiciary's EEO/AA and Anti-Discrimination Master Plan or local EEO/AA Implementation Plans;
- Conducting statistical analyses of the present workforce by gender, race/ethnicity, job category, and division, and identifying where minorities and females are underutilized when compared to the applicable labor pool from the U.S. Census;
- Working with management to identify barriers preventing full participation by minorities and females in the Judiciary workforce, investigating the

- origins and causes of any such barriers found, and developing and recommending to management remedial action to eliminate such barriers and promote equal opportunity for all segments of the population;
- Working with Information Technology staff to develop and maintain a database of information relevant to the EEO/AA Program such as the racial, ethnic and gender composition of the Judiciary's workforce, and EEO complaint information by race/ethnicity, gender, EEO job category, and division;
  - Working with Human Resources staff to periodically evaluate job specifications and selection/hiring criteria to ensure that they reflect job requirements and comply with anti-discrimination laws, including the ADA;
  - Providing information, technical assistance, and training for judges, managers, and other court employees on EEO/AA; sexual harassment prevention and other forms of bias, harassment and hostile work environment prevention; and new legal developments in order to encourage understanding and compliance with anti-discrimination laws;
  - As required by the Administrative Director or the Assignment Judge, investigating discrimination and sexual harassment complaints made by employees, job applicants, or court users in a timely manner and recommending appropriate remedial action as necessary;
  - Working with managers and supervisors to establish reporting procedures to keep themselves and the Judiciary EEO/AA Unit advised of discrimination complaints and the disposition of such complaints in their areas of responsibility;
  - Maintaining contact with representatives of protected class members in the workplace and actively coordinating outreach to minority communities, colleges and universities, associations, and clubs to establish liaisons, foster a positive image of the Judiciary, and further the EEO/AA Program objectives;
  - Developing and using an updated listing of affirmative action recruitment sources and minority media/press for use in advertising Judiciary job vacancy notices;
  - Maintaining a resume bank to facilitate recruitment and outreach efforts, especially with respect to those positions where underutilization of minorities or females has been identified;
  - Working with Human Resources staff to establish and maintain recruitment-related documents for monitoring purposes in accordance with EEO/AA procedures;

- Advising all employees on an annual basis of their rights under Federal and State anti-discrimination laws and of the Judiciary's EEO/AA policy;
- Providing information to employees concerning employment and promotional opportunities, and ensuring that members of underutilized groups are aware of such opportunities; and
- Assisting in planning and coordinating local supportive services and community programs, such as job and career counseling, management training, skills development, and internship/externship programs, and providing information on court services to foster awareness on the part of minorities and females of such local services and programs.

### **G. Judiciary EEO/AA Advisory Committees**

To assist in the implementation of the New Jersey Judiciary's EEO/AA Program, each Assignment Judge is responsible for appointing and maintaining a local EEO/AA Advisory Committee.

Each local EEO/AA Advisory Committee shall consist of no fewer than seven Judiciary employees and reflect a cross-section of employees in terms of race, gender and job category. Individuals selected to serve on this Committee must demonstrate the ability to work with both management and support staff. They must be committed to the mission of the EEO/AA Program and exhibit a sensitivity to issues of concern to minorities, females, individuals with disabilities, and other protected groups. The Assignment Judge may wish initially to solicit volunteers from the workforce to serve on the local EEO/AA Advisory Committee and thereafter make appointments in order to ensure that a representative cross-section of employees serve on the Committee. Should the vicinage be unable to attain a representative cross-section due to minority underutilization in the workforce, the Assignment Judge may appoint individuals from the community-at-large.

The local EEO/AA Advisory Committee shall:

- Act as an advisory body to the Assignment Judge regarding recommendations for the implementation of the Judiciary EEO/AA Program;
- Meet regularly with local EEO/AA staff to provide guidance and advice on various aspects of the program;
- Assist local EEO/AA staff as necessary in gathering information and developing specific programs to meet the Judiciary's objective of non-discrimination;

- Periodically review the Judiciary EEO/AA and Anti-Discrimination Master Plan, the local EEO/AA Implementation Plan, workforce analyses, and the EEO/AA Program and recommend improvements as needed;
- Serve as a forum for employees to raise questions concerning the EEO/AA Program generally;
- Advise the Assignment Judge on the EEO/AA Program and steps that should be taken to promote the development and utilization of minorities and females in the Judiciary workforce; and
- Assist with coordination and staffing of cultural/diversity events, job fairs, outreach to diverse students and other community outreach initiatives.

## **VII. Communication of the Judiciary EEO/AA Program**

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The Judiciary's Equal Employment Opportunity/Affirmative Action Program shall be well-publicized internally to all employees, and externally to the community-at-large.

### **A. Internal Communication of the EEO/AA Program**

- The Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination shall be distributed to all Judiciary employees and judges.
  - The Policy Statement shall be distributed at orientation sessions for new judges and new employees, including judicial law clerks.
  - The Policy Statement shall be posted on the Judiciary's Infonet.
  - The Policy Statement and Federal and State Anti-Discrimination posters (in both English and Spanish) shall be posted in prominent locations throughout the Judiciary.
- The EEO/AA and Anti-Discrimination Master Plan shall be distributed to all judges and managers and shall be available to employees upon request through their local Human Resources Office and EEO/AA Officer. Managers also shall be given a copy of their local EEO/AA Implementation Plan and the sections of the workforce analysis applicable to their administrative/geographical area. Copies of the plans shall be available to staff upon request.
- On an annual basis, every employee shall be advised of their rights under Federal and State anti-discrimination laws and of the Judiciary's EEO/AA policy.
- Articles on the EEO/AA Program shall be featured periodically in the Judiciary and vicinage newsletters and publications as appropriate, and shall be included in management handbooks, annual reports, and policy manuals.
- Training on EEO/AA policies, diversity in the workplace, sexual harassment and other forms of bias, harassment, and hostile work environment prevention shall be provided to all Judiciary employees and judges. The EEO/AA policy also shall be incorporated in other training programs as appropriate, including the annual Judicial and Staff Colleges, Entrance-Level Professional Training, and Management/Leadership Training.
- A non-discrimination clause shall be included in all Judiciary labor agreements.



**B. External Communication of the EEO/AA Program**

- The Judiciary shall conduct active outreach to minority communities, colleges and universities, and professional associations to establish liaisons with those groups, foster a positive relationship, and recruit minorities and females for employment and volunteer opportunities.
- The Judiciary's EEO/AA and Anti-Discrimination Master Plan (excluding workforce analysis) shall be sent to state and local county libraries.
- The Master Plan (excluding workforce analysis) shall be published on the Judiciary's Internet web site ([www.njcourts.com](http://www.njcourts.com)).
- The Judiciary EEO/AA Unit shall maintain a current list of Affirmative Action Recruitment Sources. These sources shall be kept informed of the EEO/AA Program and encouraged to make employment referrals.
- All Judiciary job vacancy notices, job advertisements, and letterhead used for recruitment purposes, including announcements about training programs, shall contain the statement "The New Jersey Judiciary is an Equal Opportunity/Affirmative Action Employer Committed to Ensuring an Open Door to Justice."
- All Judiciary publications, annual reports, brochures, handbooks, and videos shall use language and photographs that comport with the Judiciary's EEO/AA Policy. Where appropriate, photographs and illustrations should depict the diversity that exists within the Judiciary.
- Judiciary vendors, contractors, and suppliers shall comply with Federal and State anti-discrimination statutes, rules, and regulations.

## VIII. Recruitment/Community Outreach

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The Judiciary is committed to enhancing its visibility to the diverse communities served by the court in an effort to achieve a workforce and volunteer corps that is the product of full and fair opportunity for all segments of the population. The Judiciary is also committed to educating and addressing the concerns of the diverse constituencies who utilize the services of the court system. As deemed appropriate, all Judiciary staff, inclusive of senior managers and judges, are responsible for participating in recruitment and community outreach/education efforts to carry out this commitment.

To achieve these goals, leadership in developing these initiatives shall be undertaken jointly by the EEO/AA Committee, Ombudsman Committee, and Human Resource Conference in conjunction with vicinage EEO/AA and Minority Concerns Advisory Committees as well as the AOC Office of Communications and Community Relations.

These initiatives shall include establishing and maintaining contact with counselors and faculty at middle/high schools, colleges and universities with large minority and female enrollment, and by participating in job fairs and career day programs that encourage minority and female applicants. Ongoing contact should also be established and maintained with local community organizations, houses of worship, minority bar and veteran's associations, groups dealing with individuals with disabilities and members of the local minority Chambers of Commerce. The vicinages should tailor and target their efforts to meet local needs. These efforts should be delineated in the local EEO/AA Implementation Plans. The Judiciary EEO/AA Unit staff shall facilitate the recruitment and community outreach efforts outlined in this Master Plan.

### A. RECRUITMENT

#### 1. Recruiting Event Representatives

Staff who represent the Judiciary at recruiting events should be racially, ethnically, and linguistically diverse and should represent a cross section of job groups. These representatives should be provided with appropriate training to ensure professionalism and organizational knowledge consistent with the Judiciary's core values. At a minimum, this training should consist of a New Jersey courts overview, an orientation on the Judiciary's Fairness/ EEO-AA Program, overview of the Judiciary job group structure and volunteer programs as well as Code of Conduct, customer service, and presentation skills training.

#### 2. Non-Profit Organizations, Government, Minority Associations and Conventions, Colleges, Universities and Law Schools

The Judiciary EEO/AA Unit and local vicinage EEO/AA Officers shall maintain regular contact with organizations that assist in the recruitment and employment referral of minorities, females, individuals with disabilities, veterans, and other

protected groups, as well as non-minorities. EEO/AA Officers shall, on an ongoing basis, identify and contact new organizations serving these populations. Such organizations may include:

- a. **Minority Community-Based Organizations and Professional Associations**, including but not limited to organizations such as the NAACP, the Powhatan Renape Nation, the Hispanic Executive Directors' Association, Hispanic Chamber of Commerce, Latino Institute, Inc., Asian Diversity, Inc., National Association of Asian American Professionals, Garden State Equality, The Pride Center of New Jersey, Inc., New Jersey Affirmative Action Officers' Council, etc.
- b. **Minority and/or Specialty Bar Associations**, including but not limited to the Garden State Bar Association, Association of Black Women Lawyers, Hispanic Bar Association of New Jersey, Asian Pacific American Lawyers Association of New Jersey, South Asian Bar Association of New Jersey, Korean American Bar Association of New Jersey, New Jersey Women Lawyers Association, and the New Jersey State Bar Association's Minorities in the Profession Section.
- c. **Faith-Based Organizations**, including but not limited to Black/African American, Hispanic/Latino(a), Asian, Pacific Islander/Native Hawaiian, and American Indian/Alaskan Native community houses of worship.
- d. **Governmental/Public Sector Entities**, including but not limited to the New Jersey Department of Labor and Workforce Development; Human Relations Commissions; the Center for Hispanic Policy, Research and Development; and the Department of Military and Veteran Affairs.
- e. **Annual Minority Conventions** - The Judiciary shall display and distribute information on employment, volunteer, and vendor opportunities at conventions such as the Latino Issues Convention, Asian Diversity Career Fair, the Hispanic Chamber of Commerce Convention, and other similar forums.
- f. **Colleges and Universities** - Judiciary staff shall attend job fairs, make presentations to student audiences, and maintain contact with college and university career placement offices and departmental offices (*e.g.*, criminal justice, public administration, paralegal, computer science) at schools in the tri-state area serving significant minority populations.
- g. **Internships/Cooperative Education Programs** - Consideration should be given to establishing internship/cooperative education programs at the AOC and vicinages. The Judiciary shall make an effort to advertise any internship/cooperative education opportunities to colleges, universities and law schools, including those with significant Black/African American,

Hispanic/Latino(a), Asian, Pacific Islander/Native Hawaiian and American Indian/Alaskan Native student populations.

- h. **Minority Media** - The AOC/Central Clerks'/Dedicated Funds Offices and vicinages shall, when practicable, publicize employment opportunities, volunteer opportunities, and information on court programs in minority media, diversity job boards and specialty television serving the appropriate geographic area.
- i. **Affirmative Action Recruitment Sources** - The Affirmative Action Recruitment Sources is a list of interest groups serving females, minority and non-minority group members, individuals with disabilities, and veterans. It also contains contact information for individuals who have expressed an interest in obtaining employment with the Judiciary. These recruitment sources/individuals shall regularly receive job vacancy notices through email contact from the Judiciary EEO/AA Unit for positions available statewide in order to ensure the broadest possible pool of qualified applicants. Vicinage EEO/AA Officers, Human Resources staff, and others attending job fairs and other recruiting events may forward resumes collected to the Judiciary EEO/AA Unit for inclusion in the EEO/AA mailing list. This list may be periodically updated. Contacts on the Affirmative Action Recruitment Source list should be provided with a copy of the Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination periodically.

### 3. Judiciary Volunteer Services Program

The New Jersey Judiciary Volunteer Services Program is designed to support the mission of the court system—to justly resolve disputes for the people of New Jersey. As of December 2013, nearly 4,800 court volunteers statewide serve through 18 distinct programs. The majority of court volunteers serve in the Family Part of the Superior Court.

Court volunteers help the courts, for example, to aid children and families in crisis, mentor probationers, monitor guardianships, and mediate disputes. In complementing the work of Judiciary employees, volunteers bolster the courts ability to meet the growing demands of an increasingly diverse constituency in New Jersey as well as to strengthen the public's trust and confidence in the court system. Moreover, the volunteer programs offer a variety of opportunities for community members of diverse backgrounds to participate in the judicial process. Overall, the Volunteer Services Program helps to ensure that court users have access to essential Judiciary services.

### **a. Vicinage Volunteer Coordination**

The Judiciary is committed to obtaining a volunteer corps that reflects the diversity of the population it serves. Volunteer coordination, including community outreach and recruitment, screening, appointment, training, supervision, and recordkeeping, is handled at the vicinage level. Each vicinage is responsible for developing an annual volunteer recruitment plan which should address minority representation including possible strategies to overcome any related barriers and challenges. The various volunteer programs shall be widely advertised in minority communities.

### **b. Volunteer Demographics**

Currently, there are 4,847 court volunteers statewide some of whom serve in multiple programs. The Volunteer Management Information System (VMIS), a centralized database designed to track volunteer profiles and program activities, was implemented statewide by the AOC in 2005. Upon appointment, court volunteers may *voluntarily* identify their gender and racial/ethnic background. The self-reported information, when supplied, is recorded in VMIS and periodically analyzed on the statewide, vicinage and individual program levels.

As of December 2013, 29.3% of the existing volunteers are male and 70.7% are female. *Table 1. Volunteer Services Program: Judiciary Volunteers by County and Gender, December 16, 2013* provides a statewide profile of the breakdown between female and male volunteers. *Table 2. Volunteer Services Program: Judiciary Volunteers by County and Race/Ethnicity, December 16, 2013* reveals that 26% of the total volunteers classify themselves in a minority race/ethnicity category.

### **c. Volunteer Program Recruitment Efforts**

In general, vicinages post information regarding their local court volunteer programs throughout the courthouse complex, ensuring accessibility for court users. Vicinages also distribute advertising materials such as brochures and flyers and make presentations to a variety of local organizations such as clergy associations, religious institutions, Parent-Teacher Organizations/Associations (PTO/PTA), retirement community groups and senior citizen agencies, Neighborhood Watch groups, Block Associations, community centers, sororities and fraternities, and various professional organizations. Additionally, advertisements are placed in local publications and community newspapers, particularly including those intended for members of various minority communities.

Other local volunteer recruitment initiatives include: hosting in-house informational sessions open to the public; presence at job/career fairs, cultural events, and college/university campus events; collaborative efforts with the local bar association; marketing at malls and libraries; and participation in community outreach/public education programs organized by the Human Resources Division, EEO/AA Officer, Ombudsman, and other court divisions/personnel. Some vicinages also take advantage of free advertising opportunities with the local cable and radio stations.

On the state level, all court volunteer programs are posted on the Judiciary website ([www.njcourts.gov/public/volunteer/volunteer.html](http://www.njcourts.gov/public/volunteer/volunteer.html)) along with information for prospective volunteers such as the volunteer application and Code of Conduct and Litigation Reporting policies for Judiciary Volunteers. A volunteer recruitment video is posted on the website and has been distributed to the vicinages for use in conjunction with their local recruitment efforts. Finally, vicinages may also post volunteer opportunities through a variety of external volunteer networks/portals such as VolunteerMatch, Points of Light, HandsOn Network, and Volunteer New Jersey.

**d. Volunteer Training: Anti-Discrimination and Diversity/Cultural Competency**

Court volunteers, like judges and court staff, serve an increasingly diverse population in New Jersey. Accordingly, all volunteers shall receive training on the Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action, and Anti-Discrimination, and shall acknowledge, on an annual basis, that they have received a copy of the Policy Statement. Additionally, many vicinages include a segment on diversity/cultural issues in their mandatory volunteer orientation program and/or offer such training through continuing education programs. Some vicinages also invite volunteers to the same diversity/cultural competency training courses that are offered to court employees.

**Table 1: Judiciary Volunteers by County and Gender  
As of 12/16/13**

County	Female		Male		Total
	#	%	#	%	#
Atlantic	222	79.3	58	20.7	280
Bergen	257	70.8	106	29.2	363
Burlington	137	61.7	85	38.3	222
Camden	145	67.1	71	32.9	216
Cape May	73	70.9	30	29.1	103
Cumberland	51	82.3	11	17.7	62
Essex	336	72.3	129	27.7	465
Gloucester	89	73.6	32	26.4	121
Hudson	201	75.6	65	24.4	266
Hunterdon	44	75.9	14	24.1	58
Mercer	182	72.2	70	27.8	252
Middlesex	215	69.1	96	30.9	311
Monmouth	279	68.4	129	31.6	408
Morris	258	66.5	130	33.5	388
Ocean	198	67.1	97	32.9	295
Passaic	193	67.5	93	32.5	286
Salem	43	82.7	9	17.3	52
Somerset	109	72.7	41	27.3	150
Sussex	96	68.6	44	31.4	140
Union	260	72.0	101	28.0	361
Warren	40	83.3	8	16.7	48
<b>Total</b>	3,428	70.7%	1,419	29.3%	4,847

NOTE: The headcount for Court Appointed Special Advocate (CASA) volunteers, which is provided by CASA of New Jersey, Inc. and totals 1,428, is reported as of June 30, 2013.

**Table 2: Judiciary Volunteers by County and Race/Ethnicity  
as of 12/16/13**

County	White		Black		Hispanic or Latino		Asian/Pacific Islander/American Indian		Multi-racial		No Response		Total
	#	%	#	%	#	%	#	%	#	%	#	%	
Atlantic	166	59.3	83	29.6	21	7.5	5	1.8	5	1.8	0	0.0	280
Bergen	297	81.8	33	9.1	21	5.8	12	3.3	0	0.0	0	0.0	363
Burlington	134	60.4	31	14.0	1	0.5	2	0.9	1	0.5	53	23.9	222
Camden	131	60.6	65	30.1	11	5.1	1	0.5	5	2.3	3	1.4	216
Cape May	93	90.3	6	5.8	2	1.9	0	0.0	0	0.0	2	1.9	103
Cumberland	38	61.3	18	29.0	6	9.7	0	0.0	0	0.0	0	0.0	62
Essex	190	40.9	197	42.4	15	3.2	3	0.6	24	5.2	36	7.7	465
Gloucester	101	83.5	15	12.4	2	1.7	1	0.8	0	0.0	2	1.7	121
Hudson	95	35.7	75	28.2	69	25.9	14	5.3	9	3.4	4	1.5	266
Hunterdon	45	77.6	2	3.4	0	0.0	1	1.7	0	0.0	10	17.2	58
Mercer	172	68.3	58	23.0	12	4.8	7	2.8	2	0.8	1	0.4	252
Middlesex	190	61.1	56	18.0	19	6.1	32	10.3	2	0.6	12	3.9	311
Monmouth	358	87.7	32	7.8	11	2.7	6	1.5	0	0.0	1	0.2	408
Morris	313	80.7	10	2.6	13	3.4	10	2.6	2	0.5	40	10.3	388
Ocean	272	92.2	9	3.1	9	3.1	2	0.7	1	0.3	2	0.7	295
Passaic	117	40.9	43	15.0	30	10.5	2	0.7	4	1.4	90	31.5	286
Salem	44	84.6	7	13.5	0	0.0	0	0.0	0	0.0	1	1.9	52
Somerset	87	58.0	9	6.0	0	0.0	1	0.7	0	0.0	53	35.3	150
Sussex	101	72.1	2	1.4	4	2.9	1	0.7	1	0.7	31	22.1	140
Union	221	61.2	85	23.5	22	6.1	2	0.6	2	0.6	29	8.0	361
Warren	39	81.3	1	2.1	1	2.1	0	0.0	0	0.0	7	14.6	48
<b>Total</b>	<b>3,204</b>	<b>66.1%</b>	<b>837</b>	<b>17.3%</b>	<b>269</b>	<b>5.5%</b>	<b>102</b>	<b>2.1%</b>	<b>58</b>	<b>1.2%</b>	<b>377</b>	<b>7.8%</b>	<b>4,847</b>

NOTE: The headcount for Court Appointed Special Advocate (CASA) volunteers, which is provided by CASA of New Jersey, Inc. and totals 1,428, is reported as of June 30, 2013.



#### 4. Minority Law Clerk Recruitment Program

The New Jersey Judiciary recognizes the importance of judicial clerkships as a starting point for recent law school graduates and the desirability of a diverse judicial clerkship workforce. Approximately 480 positions are filled annually for a one-year appointment as a judicial law clerk. The Minority Law Clerk Recruitment Program was instituted in the early 1980's to increase the number of minorities seeking an appointment to judicial clerkships. Since that time the program has been recognized by other jurisdictions and by the National Center for State Courts as a unique and innovative model for increasing clerkship opportunities for minority law students.

Outreach efforts are coordinated by the AOC Affirmative Action Officer through legal career fairs serving diverse law students, and presentations by judges and current or former law clerks at area law schools. Nationwide mailings to law school placement offices and minority law student organizations ensure outreach to a wide pool of law clerk candidates.

The program encourages minority and/or specialty bar associations, law school placement officials, and members of the New Jersey Bar Association's Minorities in the Profession Section to make referrals for possible judicial clerkships.

The Judiciary has a two-pronged application process for judicial clerkships. In addition to direct application to individual judges by mailing application materials to judges' chambers, the Judiciary has developed an electronic Centralized Law Clerk Application System. The system allows judges to sort/filter resumes based on applicant court and geographic location preferences, as well as conduct keyword searches of applicant cover letters/resumes. The various features of this recruitment tool are intended to supplement the traditional application method of sending materials directly to judges' chambers. The system assists judges in selecting a diverse law clerk applicant pool to interview.

The Judiciary will continue its law clerk recruitment program, and in particular the outreach component coordinated by the Judiciary EEO/AA Unit, to expand the pool of potential minority and female law clerks. This will include, but will not be limited to visits to law schools; participation at legal career fairs, including diversity-oriented career fairs; presentation of formal programs which include diverse judges and current or former law clerks speaking to students at area law schools; serving as a point of contact for questions about the law clerk application process and other questions about the clerkship program; and mailings to law schools, placement officials, and minority law student organizations across the nation informing them of judicial clerkship opportunities in New Jersey.

## **B. COMMUNITY OUTREACH/EDUCATION**

Providing information on court operations, processes, and procedures contributes to greater public understanding and support of the court system. The Judiciary is committed to informing, educating and responding to the needs of the public. Its goal is to improve communication with all court users, with a special emphasis on racial and linguistic minorities, in order to ensure awareness of court programs, employment, and volunteer opportunities. Implementation of these goals shall consist of the following initiatives:

1. Public Awareness Educational Programs - The Judiciary shall launch public awareness educational programs directed towards diverse components of the state's population such as Black/African American, Hispanic/Latino(a), Asian, Pacific Islander/Native Hawaiian, American Indian/Alaskan Native, and people of Middle Eastern descent. Vicinages may also engage in additional outreach based on their local demographics. The events should explain court programs and services and publicize volunteer opportunities. Where appropriate, the campaign materials should also be translated into Spanish and other languages. These programs may be implemented in collaboration with vicinage Ombudsmen, EEO/AA Officers, Human Resources personnel, Advisory Committees on Minority Concerns, and other court personnel deemed appropriate. Such events should be publicized to and may be coordinated with the minority and/or specialty bar associations, minority Chambers of Commerce, and other organizations serving minority communities. Illustrative programs may include:

### **a. Information Sessions/Workshops**

- The Ombudsman Program
- Expungements
- Landlord/Tenant
- Foreclosure
- Judiciary Employment
- Volunteer Opportunities

- b. Informational Kiosks/Courthouse Displays** – Where practicable, informational kiosks or displays should be maintained at the main entrance to the courthouse or court complex. Materials displayed may include, but are not limited to:

- Judiciary published brochures
- Recruitment literature
- Judiciary Volunteer Program brochures/fliers
- Judiciary's EEO/AA Policy Statement
- Information about the Judiciary EEO/AA Program

- “Concerned About Fair Treatment” brochure
  - ADA Procedures
  - Directories of administrative units and court personnel
  - Interpreter services information
  - Division-specific brochures
- c. **Law Day** – The AOC and vicinages shall continue formal Law Day programs and include outreach to minority communities and to the public at-large. Law Day programs give the public, including minorities and females, the opportunity to meet members of the bench and the administrative staff and learn about court programs, services, and employment opportunities. Many Law Day programs have been jointly planned by the Vicinage Advisory Committees on Minority Concerns and the local county bar associations in conjunction with court staff. Such programs may also be conducted at locations outside of the courthouses within the communities served by the court.
- d. **Signage** – At all courthouse entrances, signs in English, Spanish, and in other languages where appropriate, should direct the public to the information center or to court offices where they can obtain assistance. For details, see the New Jersey Judiciary Language Access Plan.

## 2. Minority Concerns

- a. **Supreme Court Committee on Minority Concerns** - The 1993 *Supreme Court Action Plan on Minority Concerns* contains recommendations pertaining to appointments to Supreme Court Boards and Committees. In its 1994-1996 Biennial report to the Supreme Court, the Committee on Minority Concerns<sup>9</sup> recommended to the court that 1) it continue its efforts to increase the utilization of minorities among its appointees to the various Supreme Court Boards and Committees; 2) the AOC maintain a resume bank of minorities who wish to be considered to these appointments; and 3) the AOC maintain current data on minority utilization on court committees. In its 2007-2009 Biennial report, the Committee on Minority Concerns recommended to the court that the AOC establish a user-friendly database to track the race/ethnicity and gender of members of the Supreme Court Committees, and routinely issue reports on the diversity profile of these committees.<sup>10</sup>

As of December 2008, the most recent time period that race/ethnicity data was collected from members of Supreme Court committees, there were a

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<sup>9</sup> New Jersey Supreme Court Committee on Minority Concerns, *Report of the Minority Participation in the Judicial Process Subcommittee*, 1994-1996 Rules Cycle, Supplement IV, p. 124-132.

<sup>10</sup> New Jersey Supreme Court Committee on Minority Concerns, *Report of the Minority Participation in the Judicial Process Subcommittee*, 2007-2009 Rules Cycle, p. 205.

total of 312 minorities (19%) among the 1643 members of Supreme Court Committees [108 (58%) Black/African American; 97 (31.1%) Hispanic/Latino(a); and 36 (11.5%) Asian/Pacific Islanders/Native Hawaiians or American Indian/Alaskan Native].<sup>11</sup>

AOC/Central Office departments and work units shall respond to data and information requests from the Supreme Court Committee on Minority Concerns.

#### **b. Local Advisory Committees on Minority Concerns**

In 1994 the Supreme Court created Advisory Committees on Minority Concerns in all fifteen vicinages,<sup>12</sup> as well as at the AOC. The Advisory Committees complement, at the local level, the work of the standing Supreme Court Committee on Minority Concerns. The combined membership of the Supreme Court Committee on Minority Concerns and the Vicinage Advisory Committees numbers over 350 volunteers including persons from every county in New Jersey. Together, the Supreme Court Committee on Minority Concerns and the local Advisory Committees on Minority Concerns have enhanced the visibility of the Judiciary in both minority and non-minority communities through extensive public education programs and community outreach initiatives. These efforts have increased public understanding of the Judiciary within increasingly more diverse communities as an employer of choice and have enhanced the public's knowledge of court operations. The opportunity to interface with court staff in non-adversarial settings and participate as stakeholders in justice system improvements by sharing skills, knowledge, expertise and concerns enhances court users' confidence in the courts.

The Chairs of the local Advisory Committees meet quarterly to share information and learn about innovative and successful programs throughout the State. This forum also provides an opportunity for the various Advisory Committee chairs to discuss areas of common concern and share their experiences.

Staff liaisons to the local Advisory Committees also meet regularly. Liaisons are encouraged to initiate and participate in joint projects such as the production of informational videos and publications on minority concerns initiatives, internal newsletters, and Law Day programs.

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<sup>11</sup> *Id.* at p. 206-207. Gender data was not provided to the Supreme Court Committee on Minority Concerns in the 2007-2009 Rules Cycle.

<sup>12</sup> Committee appointments have been made on a rolling basis since 1992 with the exception of the Advisory Committee on Minority Concerns in Camden Vicinage, also known as SCAN (Sensitivity and Cultural Awareness Now), which was appointed by the Assignment Judge in 1994.

The local Advisory Committees have devoted substantial time and energy to educating the public about court services and programs. These initiatives have included:

- Producing cable TV programs about the Judiciary and court services and programs;
- Organizing local public speakers' bureaus;
- Reviewing and evaluating court-produced public education videos;
- Producing and distributing public information videos on restraining orders, landlord-tenant matters, and child support issues;
- Educating and assisting self-represented litigants about the judicial process;
- Promoting and supporting the establishment of the Ombudsman program within the Judiciary, now established statewide;
- Working with local community organizations to disseminate educational information about the Judiciary;
- Working cooperatively with court staff to plan and organize Law Day programs;
- Posting directional signs in courthouses to create a more "user friendly" environment;
- Expanding the circulation of published job opportunities in order to increase the pool of minority applicants; and
- Developing an automated directory of services and resources for youths under court supervision.

Examples of initiatives of local Advisory Committees in areas other than public education have included:

- Working with local Youth Services Commissions to identify innovative and successful treatment programs;

- Promoting and expanding training opportunities for court staff and court volunteers;
- Promoting the development of delinquency prevention, diversion, and after-school programs for youths;
- Convening public forums to identify issues and problem areas involving the courts;
- Developing court-sponsored mentoring programs and shadowing programs for youths; and
- Working with local attorneys to facilitate *pro bono* representation.

## **IX. Education for Employees, Supervisors, Managers and Judges**

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The Judiciary offers educational opportunities covering a wide range of topics related to EEO/AA and diversity. These courses, designed to heighten awareness of the issues in these important areas, serve to equip Judiciary employees with the competencies and tools necessary to operate effectively and appropriately in our multi-cultural and multi-ethnic work environment. The courses also assist Judiciary employees in providing equal access and quality service to court users who are increasingly culturally, ethnically, and linguistically diverse. This educational effort has been spearheaded through the Judiciary EEO/AA Unit and Vicinage EEO/AA Officers, with support from the AOC Organizational Development and Training Unit and Vicinage Training Coordinators. Additionally, Americans with Disabilities Act (ADA) training has been developed and implemented by the AOC Court Access Unit and Labor and Employee Relations Unit, with support from Vicinage ADA Coordinators. Ongoing training programs for employees, supervisors, managers, and judges should continue to be made available in the areas of EEO/AA, diversity, sexual harassment and bias prevention, ADA, and related courses.

### **A. Mandated Training for Employees**

Mandatory EEO/AA and diversity-related training shall be updated periodically due to changes in law and policy necessitating re-training of employees. New mandatory courses, as determined by the Administrative Director, may also be introduced in the future to meet the changing needs of the judiciary workforce. While some course updates and employee re-training may need to be presented in the traditional classroom format, the Judiciary will work towards developing and offering refresher courses and course updates in alternate formats where appropriate, including web-based training, to assist employees in meeting ongoing training obligations.

#### **1. New Employee Orientation EEO/AA, Sexual Harassment and Diversity Training**

As part of the Judiciary's New Employee Orientation training program, all new full-time and permanent part-time employees receive a full-day training covering such topics as the Judiciary's EEO/AA and anti-discrimination policies and procedures; sexual harassment and hostile work environment prevention; and a training module on diversity appreciation, where new employees explore how valuing the diversity in our organization fosters an inclusive work environment as well as an environment with great knowledge and expertise. This program is an introduction for new employees to build awareness and encourage communication with other employees throughout their career with the Judiciary and beyond.

## **2. Sexual Harassment and Other Forms of Bias, Harassment and Hostile Work Environment Prevention**

All Judiciary employees—full-time, permanent part-time, and temporary—are required to attend this course.<sup>13</sup> It is offered as a stand-alone refresher course for employees and new Judiciary employees receive this training as part of the New Employee Orientation curriculum (see above). In the Municipal Courts, this training is provided to administrators and employees through the Principles of Municipal Court Administration curriculum. After attending this course, participants will be able to recognize, define, prevent, stop, and report sexual harassment and other forms of discriminatory bias, harassment and hostile work environment. The course examines legal developments and the Judiciary's anti-discrimination and anti-harassment policies and complaint procedures

## **3. Valuing Diversity**

Valuing Diversity was created to provide a foundation regarding diversity and culture, and to explore how they impact organizations within the Judiciary. The course is designed to facilitate greater awareness of the rich and diverse experiences and cultures within the Judiciary's workforce, to encourage greater communication among team members, and to foster respect and value for diversity. It is intended to enhance quality and respectful customer service for the diverse public we serve and is required for all full-time and permanent part-time Judiciary employees.

## **4. Americans with Disabilities Act Training**

All newly appointed judges receive training on the American with Disabilities Act, including Municipal Court judges. New Judiciary employees receive ADA training as part of the New Employee Orientation curriculum. Additional training is provided to Judiciary ADA Committee Members, Vicinage ADA Coordinators, and other Judiciary employees likely to encounter ADA accommodation requests. In the Municipal Courts, ADA training is provided to administrators and employees through the Principles of Municipal Court Administration curriculum, and Municipal Court Access Coordinators receive additional training.

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<sup>13</sup> All Judiciary Law Clerks are required to attend an orientation on EEO/AA, Anti-Discrimination and Sexual Harassment Prevention at the commencement of their clerkship term.

Judiciary contractors are required to provide certification of having taken sexual harassment prevention and anti-discrimination training. See Appendix 5: *Memorandum from Acting Administrative Director Glenn A. Grant, J.A.D., dated May 16, 2011, Sexual Harassment Prevention and Anti-Discrimination Training – New Requirement of Certification by Contractors.*

For information on training requirements for Judiciary volunteers and unpaid interns, see Chapter VIII, section 3.d., Volunteer Training: Anti-Discrimination and Diversity/Cultural Competency.



## **5. Maintaining a Sexual Harassment and Bias-Free Work Environment: Our Managerial and Supervisory Responsibilities and Liabilities**

This course is mandatory for all Judiciary managers, supervisors, team leaders and others providing direct, indirect and/or implied supervision. Participants will learn about the principles of sexual harassment and other forms of bias, harassment, and hostile work environment; Judiciary policies and procedures; managerial and supervisory responsibilities; and personal and organizational liabilities. Participants will also explore other types of harassing situations. This course is offered as part of the Judiciary's Management Leadership training program.

## **6. EEO/AA Complaint Procedures Manual Training**

This course is mandatory for all Judiciary managers, supervisors, team leaders and others providing direct, indirect and/or implied supervision. Participants will review the roles and responsibilities of managers and supervisors in reporting and handling information or complaints which they are made aware of pertaining to discrimination or harassment based on one or more of the protected categories. It is designed to equip all managers and supervisors with the tools for implementing the Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination. This course is offered as part of the Judiciary's Management Leadership training program.

## **7. Interview Panel Orientation Training**

The goal of the Interview Panel Orientation Training is to provide guidance to interview panel members to ensure fairness and uniformity in the Judiciary's selection process. Topics covered include understanding the policies and procedures that govern the Judiciary's recruitment/hiring process, understanding your role as an interview panel member, recognizing implicit bias, formulating interview questions, and effectively evaluating candidates. Managers, supervisors and employees who will serve on interview panels for Judiciary positions are required to attend this training.

## **8. Mandated Refresher Training on EEO, Sexual Harassment Prevention and Diversity**

Refresher training on EEO, Sexual Harassment Prevention and Diversity should occur every three to five years for all Judiciary employees. Refresher courses will be developed for this purpose. The Administrative Director of the Courts reserves the right to require more frequent training on these subjects as particular needs are identified.

## **B. Other EEO/AA and Diversity Training for Employees**

To further enhance the cultural competency skills that are crucial to a productive workplace, employees, supervisors and managers should also attend elective EEO/AA and diversity-related training on a periodic basis. Elective EEO/AA and diversity-related training courses are offered through the AOC as well as vicinage locations and can be found in the on-line Judiciary Training Catalog.

## **C. Training of Judges**

The Judiciary Strategic Planning Committee Report states that in order to effectively serve an increasingly diverse public, “[d]iversity training for judges...is essential and must be an ongoing and dynamic process.”<sup>14</sup> Uniform, Judiciary-wide EEO/AA and diversity-related courses should be provided to all judges.<sup>15</sup> Judges should attend EEO/AA compliance and/or diversity-related training on a regular basis and it is recommended that judges include such training as part of their Mandatory Continuing Legal Education (MCLE) two-year cycle. The AOC Judicial Education and Development Unit shall diversify the courses offered at the annual judicial college, new judge’s orientation sessions, and municipal judge’s training, as well as other in-service training offered for new and seasoned judges to meet the EEO/AA and diversity related training requirement. Course content should meet MCLE accreditation requirements. Consideration should be given to offering courses that will assist judges in delivering services effectively to a culturally, ethnically, and linguistically diverse population; provide updated information on EEO/AA, anti-discrimination, sexual harassment/hostile work environment prevention, and judges’ responsibilities as organizational leaders; and provide guidance on appropriate interviewing and hiring practices.

## **D. Training Statistics**

The implementation of the Judiciary Learning Management System (JLMS) provides for the tracking of training participation rates statewide for both mandated and elective courses. The Judiciary shall track employee training participation rates by race/ethnicity, gender, and type of training for the combined AOC/Central Clerks’

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<sup>14</sup> Strategic Initiative 8A: The Judiciary should recruit and train staff to meet the needs of a culturally and linguistically diverse population. *New Jersey Strategic Planning Committee, Report to the Supreme Court* (March 31, 1998), p. 96

<sup>15</sup> *New Jersey Supreme Court Statement on the Final Report Action Plan on Minority Concerns* (August 10, 1992), p. 7 “All judges and other court employees shall become competent in delivering services effectively to a culturally and ethnically diverse population. The Court will require of all judges and other court employees regular training regarding the development and sharpening of such competency. ..The AOC shall develop and offer an all-day program for all judges and other court employees. In addition, the AOC shall offer specialized courses periodically both at major annual training events such as the Judicial College, the Conference of Municipal Court Judges, and the Staff College, and on an ad hoc basis as needed.”

Offices, the Dedicated Funds Offices, and the vicinages. Training participation statistics should be tracked for both internal and external training opportunities. This information should be provided on a periodic basis to the Judiciary EEO/AA Unit and may also be reviewed by the Committee on Minority Concerns.

**E. Compliance with Judiciary EEO/AA Policy During Training Sessions**

Managers, training coordinators, or other Judiciary staff conducting or coordinating any form of training for Judiciary employees should remind all speakers of their obligation to comply with the Judiciary Policy on EEO/AA and Anti-Discrimination. Further, managers, training coordinators, or other Judiciary staff conducting or coordinating training must observe and monitor all presentations to ensure that speakers refrain from making prejudicial or biased remarks that may offend members of their audience. Training staff must be sensitive to what presenters are saying and, if a presenter makes a statement that is biased or otherwise inappropriate, staff should report it to their supervisor and/or the local EEO/AA Officer to discuss appropriate remedial action.

Staff attending training should be reminded of the Judiciary EEO/AA Policy Statement and of their responsibility to report to their supervisor and/or the local EEO/AA Officer any words or actions that they believe violate this policy. Reports from staff are important because staff often see and hear conduct that, intentionally or unintentionally, occurs beyond the purview of management or training coordinators. The cooperation of staff in reporting discriminatory or offensive conduct enables management and training coordinators to remediate the situation in a timely and efficient manner.

## **X. Human Resources Policies Relating to EEO/AA**

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The New Jersey Judiciary's EEO/AA Program shall include, but not be limited to, the following recruitment and selection guidelines:

- Unlawful discrimination includes employment decisions based on the perception that an employee or applicant is a member of a protected class. In all aspects of recruitment and employment practices, discrimination is prohibited based on race, creed, color, national origin/nationality, ancestry, religion/religious practices or observances, age, sex, pregnancy, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, and status as a veteran or disabled veteran of, or liability for service in the Armed Forces of the United States.
- The AOC/Central Clerks' Offices, the Dedicated Funds Offices, and the vicinages shall follow the provisions of: Directive #8-87, as it relates to the standards for the appointment of unclassified trial court positions; the New Jersey Judiciary Protocol for Selecting Court Executives<sup>16</sup> and the New Jersey Judiciary Protocol for Selecting Unclassified Non-Managerial Staff;<sup>17</sup> applicable sections of the Judiciary's Selection, Evaluation and Employee Services manual; and the New Jersey Administrative Code, as it relates to career service employees.
- Current employees of the Judiciary shall be encouraged to apply for classified and unclassified positions, within the parameters of their applicable contracts. If analysis of the workforce reveals minority or female underutilization with respect to a position, the AOC/Central Clerks'/Dedicated Funds Offices and each vicinage shall investigate whether such underutilization is the result of barriers to equal opportunity. Efforts shall be made to eliminate any such barriers found, including recruitment efforts both within and outside the Judiciary, in order to ensure that qualified minorities and females are aware of Judiciary job opportunities.
- A good faith effort shall be made to publicize job notices to qualified Blacks/African-Americans, Hispanics/Latino(a)s, Asians, Pacific Islanders/Native Hawaiians, American Indians/Alaskan Natives and females, and to give full and equal consideration to members of such groups for jobs or classes of jobs where the Judiciary's self-critical workforce analysis indicates that these groups are underutilized in the Judiciary workforce.

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<sup>16</sup> See Appendix 1: *New Jersey Judiciary Protocol for the Recruitment and Selection of Court Executives*.

<sup>17</sup> See Appendix 2: *New Jersey Judiciary Protocol for the Selection of Unclassified Non-Managerial Staff (Excluding Judges' Secretaries and Law Clerks)*.

See also Appendix 3: Memorandum from Acting Administrative Director Glenn A. Grant, J.A.D., dated September 5, 2012, *Modifications to Central Office Hiring Process*.

- Interview/Hiring Panels comprised of at least two people should be utilized for all unclassified staff (excluding judges' secretaries and law clerks) and career service/classified staff position recruitments, and at least three people for all managerial recruitments.
- Appointments to career service/classified positions shall be made in accordance with the policies, rules, and regulations of the New Jersey Civil Service Commission.
- Only qualified individuals shall be hired, whether they are minority or non-minority.
- Pre-selection of a candidate or tailoring a job description to a particular candidate is prohibited.
- All personnel transactions, including but not limited to selection, appointment, promotion, transfer, and assignment of Judiciary employees, shall be based on *bona fide* work-related factors and shall not be based on personal relationships or on any form of favoritism or nepotism.<sup>18</sup>
- A record of recruitment and selection efforts shall be maintained for all appointments and promotions in accordance with the New Jersey State Records Retention Policy.
- The AOC Human Resources Division shall ensure that the classification and compensation systems are fair and (1) job titles and the associated work do not discriminate based on any of the above-mentioned protected categories; (2) minorities and females are not adversely affected; and (3) appropriate review and monitoring of the systems are undertaken with the assistance of the Judiciary EEO/AA Unit.
- The AOC Human Resources Division and Judiciary EEO/AA Unit shall assess the utilization of minorities and females under the classification and compensation systems and shall conduct salary comparison studies of the Judiciary workforce by race/ethnicity and gender to determine whether minorities and females are adversely affected.
- If it is determined that minorities and females are being unfairly affected by the Judiciary's classification and compensation systems, the AOC Human Resources Division and Judiciary EEO/AA Unit shall recommend appropriate measures to the Administrative Director of the Courts to establish competency training to foster career progression and to remove any barriers to equal opportunity.

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<sup>18</sup> *Code of Conduct for Judiciary Employees, Canon 7 – Nepotism.*

## **A. Shared Responsibility**

The Judiciary's overall responsibility to ensure fairness in the recruitment, interviewing, and selection of personnel, and to ensure that qualified minorities and females are aware of Judiciary job opportunities, is shared among the employing work unit or division, the Human Resources staff, and the EEO/AA staff. Human Resources and EEO/AA recruitment efforts should focus on developing a pool of candidates that includes minorities and females.

Recruitment procedures should follow the guidelines outlined in: 1) the New Jersey Judiciary Protocol for Selecting Court Executives (refer to Appendix 1 of this document); 2) the New Jersey Judiciary Protocol for Selecting Unclassified Non-Managerial Staff (refer to Appendix 2 of this document); 3) the New Jersey Judiciary Protocol on the Selection of Superior Court (Trial Court) Judicial Secretaries (refer to Appendix 3 of this document); and 4) any other protocols related to recruitment that are established subsequent to the date of this Master Plan.

## **B. Job Specifications**

The AOC Classification Section shall ensure that:

- All positions have job specifications that reflect job-related minimum requirements.
- The job specifications reflect current duties and responsibilities and are available for inspection in the Human Resources Division and on the Judiciary Infonet. To ensure statewide consistency, only the AOC Classification Section may change job specification requirements.

## **C. Applicant Disposition Data Form**

The Applicant Disposition Data form (email) is used to acknowledge receipt of an application for a particular job vacancy and is also used to monitor the applicant flow by evaluating the effectiveness of recruitment techniques in attracting minorities, females, and individuals with disabilities. It may also be used by the local EEO/AA Officer as an affirmative action tool to assess the diversity of the applicant and interview pools, and identify qualified minority and female applicants for potential interviews. Information on the form may also be used for statistical purposes.

The Judiciary will provide the Applicant Disposition Data form by email to be completed on a voluntary basis by all applicants for a particular job vacancy. Data collected on the form includes information on the position applied for; the race/ethnicity, gender, and age of the applicant; veteran's status; disability status; the educational attainment level of the applicant; and the recruitment source used in attracting the candidate. The completed forms and related reports are to

be handled only by the local EEO/AA staff and kept separate from Human Resources or anyone else involved in the recruitment/hiring process.

#### **D. ADA Accommodations for Interviewing and Selected Candidates**

- The Judiciary shall comply with the requirements of the Americans with Disabilities Act (ADA) and the New Jersey Law Against Discrimination as it relates to an individual with a disability, and shall not discriminate against any employee or external job applicant because of a physical or mental disability. Upon request by the individual with a disability, the appointing authority shall make reasonable accommodations, provided that the accommodations neither cause the Judiciary undue hardship nor present a threat to the health or safety of the employee or applicant or other employees or court users as defined under the ADA. Interviews with qualified applicants with a disability shall be scheduled at locations that provide the necessary accessibility, including auxiliary aids and services to provide necessary communication. During the interview, only the essential functions of the job and qualifications to fulfill the job shall be discussed. There shall be no discussion of the applicant's disability. The candidate's qualifications shall be evaluated on the basis of his or her ability to perform the essential functions of the job with or without a reasonable accommodation.

#### **E. Religious Accommodations for Interviewing and Selected Candidates**

- The appointing authority shall make reasonable accommodations for an individual's sincerely held religious practices unless such accommodations cause undue hardship to the Judiciary. Hiring managers who believe that business necessity justifies knowing the work-day availability of applicants prior to selection shall state normal work days and hours. The interviewer may inquire if the person would be available during the specific work days and hours. If it is indicated that the candidate is unable to work during the specified times due to sincerely held religious practices, the employer will note this only for record purposes. After qualifications of all candidates are reviewed, an appropriate candidate will be selected. If the candidate with sincerely held religious practices that conflict with the employment functions is selected, then appropriate steps will be taken at that time to evaluate if an accommodation can be made without undue hardship to the Judiciary. If the evaluation reflects that it would be a hardship, the appointing authority is justified in rejecting the candidate. However, such evaluation shall be in writing and shall be available upon request.

## **F. Access to Training**

- Equal opportunity in training ensures that all employees receive the same quality of supervision and information about training, and the same access to training, regardless of whether training is formal or informal. Supervisors are responsible for on-the-job training related to the immediate job assignment of employees.
- Publications on available training courses shall be posted in areas visible to Judiciary employees and posted on the Judiciary's Infonet.

## **G. Acting Appointments and Position Reclassifications**

- Any individual serving in an acting capacity for a managerial position must meet the minimum requirements for the title at the time of the acting appointment.<sup>19</sup>
- Acting Appointments may be made for vicinage or Central Office unclassified non-managerial positions in accordance with guidelines set forth in the applicable bargaining unit contract.<sup>20</sup>
- Changes in work duties or functions necessitating a reclassification of a position to a higher job title requires that the position be reclassified, but not the incumbent. The higher level duties are to be removed while the position is posted within the affected appointing authority and open to competition for selection. (A statewide posting would not be appropriate if there is not an actual vacancy, as it would result in an unwarranted increase in the staffing level of the affected appointing authority.) This change will foster fairness and militate against the assignment of higher level duties to an employee to reward good performance, as opposed to the creation of a higher level position because the work requires it.<sup>21</sup>

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<sup>19</sup> See Appendix 1: *New Jersey Judiciary Protocol for the Recruitment and Selection of Court Executives*, for additional requirements and guidance on Acting Appointments for Managerial Positions,

<sup>20</sup> See Appendix 2: *New Jersey Judiciary Protocol for the Selection of Unclassified Non-Managerial Staff (Excluding Judges' Secretaries and Law Clerks)*.

<sup>21</sup> Refer to *Judiciary of the State of New Jersey Policy and Procedures for Classification Review of Filled Positions*.



## **H. Termination**

- All terminations of employment shall be in accordance with established personnel policies and procedures, and shall comport with the requirements of State and Federal anti-discrimination laws.

## XI. Compliance with Americans with Disabilities Act

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The New Jersey Judiciary has taken the following steps toward developing a Judiciary-wide program that complies with the requirements of the ADA:

- The Judiciary Human Resources Division's Chief, Labor and Employee Relations, has oversight responsibilities for the ADA Title I (employment) program. The Chief, Court Access Services, has oversight responsibilities for the ADA Title II (public services) program.
- ADA Title I (employment) Coordinators and ADA Title II (public services) Coordinators have been appointed for all 15 vicinages within the Judiciary and for the Central Office and have received specialized training related to these functions.
- A Judiciary Advisory Committee on ADA Compliance has been appointed by the Chief Justice with representation from the Judiciary as well as from government and private institutions dealing with disabilities and disability law. This committee reviews the Judiciary's handling of ADA matters for compliance with State and Federal laws.
- An AOC Internal Committee on ADA Matters has been appointed to provide advice and guidance to the network of Judiciary ADA Coordinators and to judges, court administrators and judicial staff. The committee is responsible for reviewing requests for ADA accommodations and recommending to senior managers an appropriate course of action on particular requests.
- **For employees and job applicants** who want to learn more about the Judiciary's ADA Title I procedures, want to contact a Title I ADA Coordinator to discuss an ADA accommodation, or believe that they have experienced disability-related discrimination and wish to file a complaint, a detailed brochure, *The New Jersey Judiciary's Title I ADA Procedures for Employees and Job Applicants with Disabilities* can be obtained from vicinage or Central Office EEO/AA staff or Human Resources staff, and can also be found on the Judiciary's website at [www.njcourts.com](http://www.njcourts.com).
- **For members of the public** who want to learn more about the Judiciary's ADA Title II procedures, want to contact a Title II ADA Coordinator to discuss an ADA accommodation, believe that the Judiciary has failed to provide a requested accommodation for which they are qualified under the ADA, or believe that they have experienced disability-related discrimination, a detailed brochure, *The New Jersey Judiciary's Title II ADA Procedures for Access to the Courts by Individuals with Disabilities* can be obtained from the Judiciary Court Access Services Unit at the Central Office, vicinage or Central Office EEO/AA staff, and can also be

found on the Judiciary's website at [www.njcourts.com](http://www.njcourts.com). Copies shall also be made available to the public at all courthouses and other court facilities.

- The Judiciary has undertaken ADA training for judges and staff at all levels of the court system, including the Municipal Courts.

## **XII. Reporting and Monitoring Procedures**

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### **A. Monitoring of Employment Practices<sup>22</sup>**

The Judiciary's EEO/AA Officers shall monitor personnel policies and procedures on an ongoing basis in order to: (1) ensure uniform and fair treatment of all employees and applicants; (2) determine if any step in the hiring process has an adverse impact on groups protected by State and Federal anti-discrimination laws; and (3) evaluate the Judiciary's progress in meeting EEO/AA objectives. Such monitoring shall extend to the entire selection and assignment process, including procedures for initial hire, transfer, promotion, training, disciplinary action, layoff, and termination. EEO/AA Officers shall make specific recommendations as appropriate for processes and procedures designed to ensure equal opportunity for employees and applicants for employment.

Human Resources and EEO/AA staff shall follow all applicable Judiciary personnel and EEO/AA policies, guidelines, and directives. The EEO/AA Officer shall review: (1) all job vacancy notices (prior to posting) to ensure conformity with EEO/AA guidelines, and to ensure that postings do not present any barriers to equal employment opportunity; (2) qualified/not qualified lists; (3) interview questions and interview lists (prior to interviews).<sup>23</sup> In this regard, the EEO/AA Officer may recommend that efforts be made to broaden the applicant pool to attract qualified minorities or females; and (4) the Selection Disposition packet (including employment applications and resumes of individuals interviewed). The EEO/AA Officer shall sign the Selection Disposition Forms to affirm that the recruitment has been carried out in accordance with the Judiciary's Equal Employment Opportunity policies and procedures. If the EEO/AA Officer identifies a problem with the recruitment process, the matter should be discussed with the Human Resources Manager and the manager/supervisor responsible for the selection. If the matter is not able to be resolved, the issues identified by the EEO/AA Officer shall be forwarded to the senior hiring manager and/or the Administrative Director or Trial Court Administrator along with the relevant Selection Disposition Forms.

All personnel records and files related to the recruitment and selection process for announced vacancies shall be retained for at least three years. Records indicating reasons for selection or non-selection shall also be retained for at least three years and made available to EEO/AA staff upon request.

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<sup>22</sup> Also refer to Chapter X, *Human Resources Policies Relating to EEO/AA*.

## **B. Exit Interview Form**

The exit interview form, a questionnaire which is utilized across the state to assess the work environment as well as any possible discriminatory practices, is administered to all employees by the local Human Resources Division. The form is provided to employees upon their indicating that they are leaving their current employment, either to transfer to another department or vicinage, or to leave Judiciary employment altogether.

Any EEO-related information collected on the form is to be shared with the local EEO/AA Officer. The EEO/AA Officer will then follow up on any allegations of discrimination or sexual harassment pursuant to the EEO Complaint Procedures. Aggregate data shall also be shared with the local EEO/AA Officer. The local Human Resources Manager and EEO/AA Officer will assess the exit interview survey results on an ongoing basis and conduct evaluations at the local level. This evaluation shall track trends over time (e.g., multiple indications of a weakness that needs to be addressed in one particular division). This aggregate review shall be conducted at both the vicinage and Central Office level. Local Human Resources and EEO/AA managers should report findings as necessary to their TCA or senior manager.

## **C. Analysis of Employment and Workforce Data<sup>23</sup>**

The Judiciary EEO/AA Unit shall, on an annual basis, conduct a detailed statistical analysis of the Judiciary workforce to comply with EEO reporting requirements, identify areas of underutilization of minorities and females as compared to the applicable civilian labor force, and, if areas of underutilization are found to exist, conduct further investigation to determine if such underutilization is the result of barriers limiting equal employment opportunities. Human Resources staff at the Central Office and in the vicinages shall fulfill requests from the local EEO/AA Officer for data necessary to facilitate the development of the workforce analysis report (e.g. data on new hires, promotions, or separations, etc.) The Judiciary EEO/AA Unit and Central Office Human Resources shall also respond to requests for data from the Supreme Court Committee on Minority Concerns. The local EEO/AA Officer shall prepare a workforce analysis for their respective vicinage and respond to data requests from their Vicinage Advisory Committee on Minority Concerns.

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<sup>23</sup> Also refer to Chapter XIII, *Workforce Analysis and Data Collection*.

#### **D. Compliance with Federal/State Requirements Pertaining to EEO/AA**

As a recipient of Federal funds, the Judiciary is required to respond to a Single Audit Questionnaire of all the Judiciary's Federal grant programs. An integral part of this audit is an assessment of the Judiciary's compliance with Federal statutes pertaining to equal employment opportunity/affirmative action. To assist the Judiciary in responding to the annual pre-audit questionnaire, each vicinage shall provide the Judiciary EEO/AA Unit with a response to the following two questions by December 15 of each year:

1. Describe the manner in which the civil rights laws and policies were communicated to employees during the previous fiscal year, e.g., posting of the civil rights laws, disseminating the laws along with the payroll checks, the training programs on sexual harassment, AIDS awareness, EEO/AA, diversity and ADA, and new employee orientation. Provide documentation of distributions to State employees.
2. How many EEO complaints, including sexual harassment and ADA, were filed during the fiscal year ended June 30? Provide the status of unresolved complaints of investigations and any action taken on resolved complaints or completed investigations.

#### **E. Request for Accommodation under the Americans with Disabilities Act<sup>24</sup>**

All requests for reasonable accommodations shall be documented by the local ADA Coordinator(s) on the ADA Accommodation Report form. A completed copy of the form shall be forwarded to the Judiciary's ADA Coordinator(s), who are responsible for providing technical assistance regarding ADA matters and for monitoring accommodations provided for employees, job applicants, and court users.

The Judiciary's ADA Coordinator(s) shall prepare an annual report indicating the number of accommodations provided by category of disability, cost, employment/court access, and judicial agency.

#### **F. Reporting of Complaints Filed with Agencies Outside the Judiciary**

In order to ensure that the Judiciary properly responds to charges of discrimination filed with the Division on Civil Rights, the Equal Employment Opportunity Commission, or in the Superior Court against judges and employees, a copy of the notification of any such charge shall be forwarded expeditiously to the Counsel to the Administrative Director and the Judiciary Chief EEO/AA Officer. The Counsel to the Administrative Director shall contact the Office of the

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<sup>24</sup> Also refer to Chapter XI, *Compliance with the Americans with Disabilities Act*.

Attorney General regarding legal representation and the Judiciary's response to the charges.

The Judiciary Chief EEO/AA Officer shall capture and report data on all discrimination complaints filed against judges and employees, provide technical assistance as necessary in responding to the charges, and work with senior managers to identify programs, policies, and procedures that will deter and eliminate discrimination in the workplace.

**G. Evaluation of EEO/AA Programs at Both the AOC/Central Clerks'/Dedicated Funds Offices and the Vicinages**

In order to measure and ensure the effectiveness of the Judiciary EEO/AA and Anti-Discrimination Master Plan and local EEO/AA Implementation Plans, the Chief Judiciary EEO/AA Officer shall periodically review and evaluate employment practices and patterns in the hiring, promotion, and training of staff at the AOC/Central Clerks'/Dedicated Funds Offices and the vicinages to: 1) ensure that minorities and females are given full and fair opportunity for advancement; 2) ensure compliance with the EEO/AA program; and 3) determine the effectiveness of the EEO/AA program. There also will be periodic evaluations to measure the effectiveness of the Judiciary EEO/AA Unit.

The EEO/AA program evaluations may include a review of employment practices, recruitment documents, and any procedures implemented as part of a good faith effort to comply with the requirements of this Master Plan. If any organizational unit is not in compliance with program policies, the Chief Judiciary EEO/AA Officer shall meet with the senior manager of that unit to discuss the findings of the evaluation and develop remedial measures as appropriate.

Judiciary EEO/AA Officers shall monitor both formal and informal structures to ensure that workplace policies, including the Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, Complaint Procedures Manual, and all mandatory EEO training, communicates the message to all Judiciary employees that discrimination and harassment will not be tolerated at any level within the organization. The exit interview form, single audit questionnaire, fiscal year-end complaint summary report, personnel transaction report, and workforce analysis will also serve as effective monitoring tools to examine trends and develop strategies to identify and eliminate barriers to equal employment opportunities within the Judiciary.

### **XIII. Workforce Analysis and Data Collection**

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#### **A. Workforce Analysis**

An essential tool used for measuring the Judiciary as an equal employment opportunity employer is its workforce analysis (WFA). This document is an in-depth statistical review of the Judiciary workforce which analyzes employees in various categories either as of a particular date or by showing a comparison over several years. The workforce analysis shall be prepared annually by the Judiciary EEO/AA Unit and on a biennial basis at the vicinage level for their respective workforce only.<sup>25</sup> The following data (showing numbers and percentages) shall be included in the annual workforce analysis prepared by the Judiciary EEO/AA Unit:

1. **Detailed breakdowns of the Judiciary workforce** (at the AOC, for each vicinage, and for the total Judiciary statewide) – by race and gender within the following categories:

- \* Judges;
- \* Court Executives;
- \* All Employees (by job band,<sup>26</sup> by division, and by county);
- \* Law Clerks (by court and by county); and
- \* Miscellaneous (i.e., by salary, for new hires and separations, and for bilingual positions).

Select data charts from those categories named above shall compare incumbent employees to a percentage of potential applicants from the Experienced Civilian Labor Force ('ECLF' - from the U.S. Census data)<sup>27</sup> to determine if areas of underutilization for a particular race/ethnic/gender group exist. Should the results of those data indicate that there are, in fact, underutilizations, either in a particular division or within the organization overall, prompt action shall be taken to assess contributing factors to the underutilization and possible barriers to equal employment opportunity.

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<sup>25</sup> The local workforce analyses, prepared on a biennial basis by the Vicinage EEO Officer, capture data only on the workforce in that vicinage (e.g., for total employees, employees by job group, employees by division, new hires, separations, and promotions, etc.).

<sup>26</sup> For data which reports on employees by 'job band,' similar titles in the same occupational category (within a band level) are grouped together for the purpose of comparison with the Experienced Civilian Labor Force statistics from the U.S. Census. For example, the titles of *Court Services Officer 1* and *Probation Officer* would be tabulated together, since these positions fall under the same job band and level, and would therefore draw from the same pool of applicants.

<sup>27</sup> The ECLF percentage of 'potential applicants' is determined through a process by which Judiciary job titles are compared to analogous titles from the U.S. Census within a 'reasonable geographic area.' Also see the 'Additional Information re: the Workforce Analysis Process' section (at the end of this chapter) for more detail in this area.



2. **AA Planner Reports** – The Judiciary EEO/AA Unit shall run annual downloads of employee data and utilize *AA Planner*, a specialized software designed to assist in developing Workforce Analyses, to produce summary reports. The reports shall capture employees by job band, race, and gender (for the AOC, the vicinages combined, and the total Judiciary), as well as show incumbent employees compared to the ECLF, and whether any underutilization exists in each job area by numbers of persons underutilized.

## **B. Additional Information on the Workforce Analysis Process**

The following information provides additional detail relative to the compilation of some of the data referenced above:

1. **Personnel Transactions Report** (used for new hire, separation, and advancement/promotion data) – In order to effectively report on personnel transactions, data shall be maintained on an ongoing (monthly) basis by the Judiciary EEO/AA Unit (in the Central Office) or by the local EEO Officer (in the vicinage).<sup>28</sup> This data shall capture race/Hispanic ethnicity and gender detail on all personnel transactions (including summary totals for each), including:

- \* New Hires<sup>29</sup> – employees hired into vacant positions from outside the Judiciary;
- \* Separations – employees who are leaving judiciary employment; and
- \* Advancement/Promotions – current Judiciary employees advanced or promoted to a higher level position.

## **2. Comparing the Judiciary’s Workforce and Personnel Practices to the Experienced Civilian Labor Force (ECLF) Data from the U.S. Census**

A principal purpose of analyzing the Judiciary’s workforce is to compare it with the Experienced Civilian Labor Force (ECLF) statistics of the U.S. Census data to determine if areas of underutilization<sup>30</sup> exist. The ECLF portrays the number of individuals available for employment in various occupational categories. An

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<sup>28</sup> The local Human Resources Division shall provide monthly update reports of all personnel actions which have taken place within their organization.

<sup>29</sup> Note that for New Hires and Advancements/Promotions, the *Personnel Transaction Report* captures information on qualified applicants, applicants interviewed, and the selected candidate.

<sup>30</sup> Underutilization is determined by comparing incumbent Judiciary employees by race/Hispanic ethnicity/gender in a particular job band/level with employees in analogous occupational groups, also by race/Hispanic ethnicity/gender (within a reasonable recruiting area), according to the Experienced Civilian Labor Force (ECLF) statistics of the U.S. Census. If the number of Judiciary employees in a particular job band/level and race/ethnic/gender group is less than the number of employees in the ECLF statistics, that area may be considered to be underutilized for that race/ethnicity/gender.

underutilization of minorities and/or females in the Judiciary workforce may indicate the existence of barriers to their full and fair participation in the workforce. In an effort to eliminate any such barriers to equal employment opportunity, the Judiciary EEO/AA Unit and vicinage EEO/AA Officers shall, on a routine basis, review applicant pools, qualified employee lists, and interview lists, to ensure they are diverse.

To ensure that a meaningful analysis is undertaken, the Judiciary EEO/AA Unit has evaluated each job band/level, and established an appropriate sampling of analogous ECLF occupation codes within a 'reasonable geographic area' to which workforce statistics can be compared. Factors considered in determining a 'reasonable geographic area' include job title (with lower level titles being assigned a more local geographic area, and higher titles being assigned a broader geographic area) and commuting patterns of Judiciary employees.

If this self-critical analysis discloses any areas of underutilization, the Judiciary shall make its best efforts to address the issue by studying the origins of such underutilization, and if barriers to equal employment are found, the Judiciary will take remedial action to remove such barriers. The Judiciary will further take action to eliminate any discrimination or any other barriers that interfere with the equality of job opportunities for minorities and females, or where appropriate and permitted by law, other means of affirmative action, including hiring and promotion goals.

#### **XIV. Discrimination Complaint Procedures**

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The New Jersey Judiciary has procedures in place for reporting, filing and handling discrimination or sexual harassment complaints against judges, non-judge Judiciary employees, and non-employees by Judiciary employees, attorneys, litigants, witnesses, and others who come into contact with the court system. Employees, applicants, clients and users of the courts who have questions, problems or complaints regarding EEO, disability, sexual harassment, sexual orientation, racial/ethnic bias, hostile work environment or other categories covered by the anti-discrimination laws, may communicate their concerns to the judge or senior manager, supervisor in charge of the court unit, program, service, or activity. A complaint can be oral or in writing. Once a discrimination or sexual harassment complaint is received, it will be handled in accordance with the Judiciary's complaint procedures. Whenever possible, the confidentiality of witnesses and complainants will be maintained.

If the complainant is dissatisfied with the handling of the matter, or if the complainant prefers, the complainant may contact the local EEO/AA Officer or may pursue his or her complaint according to the New Jersey Judiciary's discrimination and sexual harassment complaint procedures. Complaints may also be filed directly with the Judiciary EEO/AA Unit at the Administrative Office of the Courts in Trenton, New Jersey, by calling (609) 815-2915, or 711 for New Jersey Relay Services for individuals with hearing impairments. A copy of the Judiciary's EEO Complaint Procedures may be obtained from the Judiciary Chief EEO/AA Officer at the AOC/Central Clerks' Offices in Trenton, the Vicinage EEO/AA Officer, or the judiciary's website <http://www.njcourts.gov/public/access/eeo.html>. An abbreviated, plain language brochure is separately available to provide employees or other interested individuals with an outline of the complaint procedures and guidance on how they can use it.

The Judiciary has established a standard complaint intake form for use in filing complaints in the AOC/Central Clerks' Offices, the Dedicated Funds Offices, and in each vicinage. All complaints of discrimination shall be recorded on the appropriate form. The procedures and form for filing a discrimination complaint have been made available to all employees and to the public via the Judiciary's infonet and website. The Judiciary has issued a poster (in English and Spanish) of its Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination which is prominently posted throughout Judiciary public and work locations. Additionally, the Judiciary EEO/AA Unit shall provide specialized training for Judiciary managers and supervisors on the Judiciary's discrimination complaint procedures and the handling of discrimination complaints.

The Judiciary has developed a poster and brochure (in English and Spanish) to inform the public about the Judiciary's Fairness Program entitled, "Concerned About Fair Treatment?" The posters and brochures shall be prominently posted in each vicinage to publicize to court users their right to fair treatment and the avenues of redress available to them to ensure fair treatment, including the various Judiciary complaint procedures.

## **A. Retaliation**

Retaliation in any form by anyone in the court system against any person who files a discrimination complaint, or who assists in the investigation of such complaints, or who opposes discrimination in the workplace, is prohibited. A charge of retaliation may be raised at any step of the complaint procedure or may form the basis of a new complaint. Retaliation may be the basis for a charge of misconduct even though the complaint of discrimination has been dismissed.

## **B. Procedures for Processing Complaints**

This procedure provides guidelines for individuals who feel that their rights protected by the *Policy Statement* have been violated. There are a number of different approaches that individuals may take to invoke the protections of the *Policy Statement*.

Complaints may be brought to any manager/supervisor of the Judiciary at any time, orally or in writing, but should be filed as soon as possible after the alleged misconduct. Managers/supervisors who receive such complaints must immediately report them to the EEO/AA Officer (see below)<sup>31</sup> and, if warranted, should take interim remedial action. The manager/supervisor's contact with the EEO/AA Officer is an essential step in the process for two reasons. First, the EEO/AA Officer will provide consultation to assure that any response or remedial action taken is suited to the circumstances, assess whether the matter can be handled without a detailed investigation, and ensure that the complaint is resolved as expeditiously as possible. Second, the EEO/AA Officer is responsible for keeping a record of complaints and their disposition. Thus, the response to a complaint brought to a manager/supervisor is to be handled in collaboration with the EEO/AA Officer. In all cases, the manager/supervisor/EEO/AA Officer is to inform the complainant of the steps that will be taken to address his/her complaint.

While individuals may look to managers/supervisors to address complaints of violations of the *Policy Statement*, they also have a right to contact and/or file a complaint directly with the EEO/AA Officer at any time. The same procedure applies in both the vicinages and in the Central Office. For the Central Office, the official named below as the EEO/AA Officer refers to the Chief Judiciary EEO/AA Officer in the Administrative Office of the Courts. For the vicinages, the official named below as the EEO/AA Officer means the vicinage EEO/AA Officer, but vicinage complainants may also seek advice from or file a complaint directly with the Chief Judiciary EEO/AA Officer.

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<sup>31</sup> The procedure described here covers complaints filed within a vicinage or the Central Office involving only Judiciary staff. Complaints may also be filed against Judiciary vendors, contractors, suppliers, etc. and may involve more than one vicinage or office. Questions concerning such complaints should be discussed with the Chief Judiciary EEO/AA Officer in the AOC, who will provide guidance as to the proper procedure to follow to initiate an investigation.

As noted above, when a Judiciary manager or supervisor becomes aware of alleged discriminatory conduct, he/she must take appropriate action. Judiciary managers/supervisors are expected to be receptive and responsive to all complaints, to cooperate in investigations, and to resolve complaints promptly by remedying the effects of any discrimination, harassment or hostile work environment that may have arisen, and to ensure that the discriminatory conduct is not repeated. The confidentiality requirements of Section XI of the EEO Complaint Procedures Manual must be observed by Judiciary managers/supervisors when acting on EEO matters.

Every effort shall be made to address and resolve complaints expeditiously through a preliminary inquiry in order to avoid escalation of the matter. If the matter is not resolved informally to the satisfaction of the complainant, the complainant should again be advised of his or her rights to file a written complaint. If such a complaint is filed with the local EEO/AA Officer, the complaint will be forwarded to the Chief Judiciary EEO/AA Officer in the Administrative Office of the Courts in accordance with the Complaint Procedures Manual.

The complainant has a right to use the external procedures available under State law (NJ Division on Civil Rights) and Federal law (Equal Employment Opportunity Commission). Information regarding external procedures is contained in the *Policy Statement* and on posters located in the local Human Resources work area.

### **C. Procedures for Conducting Complaint Inquiries and Investigations**

The preliminary inquiry into discrimination and sexual harassment complaints at the AOC/Central Clerks' Offices and the Dedicated Funds Offices shall be handled by an EEO/AA Investigator or by an individual designated by the Administrative Director. If the complaint is handled by someone other than an EEO/AA Investigator, then the Chief Judiciary EEO/AA Officer, who is responsible for maintaining a database of all complaints, shall be informed of the complaint and final disposition.

At the vicinage level, the local EEO/AA Officer or an individual designated by the Assignment Judge shall be responsible for conducting a preliminary assessment of discrimination and sexual harassment complaints to ascertain if the matter complained about is covered by the Policy Statement. The local EEO/AA Officer may try to resolve the complaint informally by talking with the persons involved within five (5) days of filing if the matter is not egregious and the nature of the complaint lends itself to an informal resolution. If they are able to resolve the complaint in that time period, they will be responsible for recording the complaint in the statewide Complaint Management Information System (CMIS) and any local database/log they maintain. If the matter cannot be resolved within five (5) days of filing, the EEO/AA Officer will send the complaint to the Chief Judiciary

EEO/AA Officer in the Central Office. The Chief EEO/AA Officer will review the complaint to ensure that the matter is covered by the Judiciary's policy. If it is determined that the allegations in the complaint do not fall within the jurisdiction of the Judiciary's *Policy Statement on Equal Employment Opportunity, Affirmative Action, and Anti-Discrimination*, no formal investigation will be undertaken, and the complainant will be notified in writing as soon as that decision is made. If the complaint does properly allege a violation of the policy, the Chief Judiciary EEO/AA Officer will acknowledge receipt of the complaint in writing. The Respondent will be notified of the complaint in writing and provided a copy of the completed complaint form. The matter will be assigned to an EEO/AA Investigator to investigate. In this case, EEO/AA Unit staff in the Central Office will be responsible for recording the complaint in CMIS.

The investigator will interview the complainant, the respondent(s), and relevant witnesses. To protect the privacy of those involved and to avoid disrupting the workplace, the investigator will inform the complainant, respondent(s) and witness(es) that the matter should be kept confidential to the extent possible. The investigator will transcribe the interview summary statements for the signatures of all persons interviewed to sign. The investigator will also review relevant documents and records. All Judiciary employees are required to cooperate with the investigator.

Once the investigation is completed, senior management will be provided with the final investigative report. Senior management refers to the Trial Court Administrator and/or Assignment Judge in a vicinage, and at the AOC Central Office, Directors, the Chief of Staff, and Clerks of the Courts. Senior management will issue a determination letter to the parties involved as to whether the policy was violated and determine what remedial actions are appropriate if a violation occurred. The complainant and the respondent(s) will receive the determination letter that outlines the decision and the reasons for that decision. While the investigative report is generally treated as confidential, it may be disclosed if litigation or disciplinary proceedings require it.

If the complainant or respondent(s) are not satisfied with the determination, he/she may file a written appeal with the Administrative Director of the Courts within 15 working days after receipt of the determination letter, with a copy of the appeal filed simultaneously with the Chief Judiciary EEO/AA Officer.

The appeal must set forth the reason(s) for the appeal and any evidence available to support the appeal. Upon receipt of the appeal, the Chief Judiciary EEO/AA Officer will notify all individuals who received the original determination letter of the appeal, and the reasons therefore. The Chief Judiciary EEO/AA Officer will then provide the Administrative Director with a copy of the complete investigative file, the investigator's report, and the determination issued by the Assignment Judge/TCA or Central Office senior manager. The Administrative Director will issue a determination as to the merits of the appeal within 30

working days of his/her receipt of the complete investigative file, with copies to the individuals who received the original determination.

In the event the Administrative Director concludes that additional information is needed to address the appeal, he or she will designate the Chief Judiciary EEO/AA Officer, the EEO/AA Investigator who prepared the original report, or another person to obtain the additional information required.

**D. Database Log for Tracking/Reporting on Discrimination Complaints**

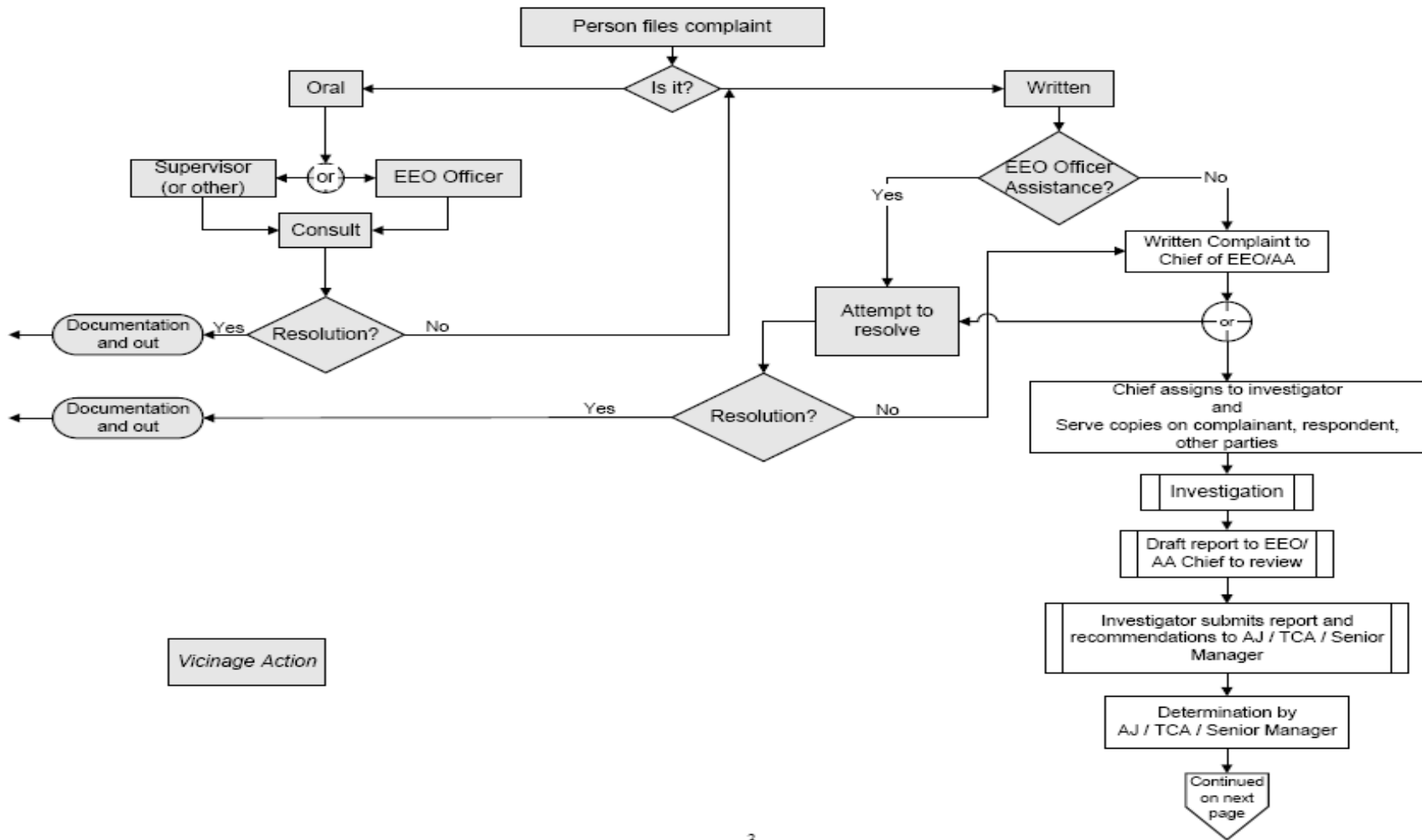
The local EEO/AA Officer shall maintain a local database or log of all complaints filed at the vicinage level and provide quarterly reports to the Judiciary EEO/AA Unit. The Judiciary EEO/AA Unit shall maintain a database or log of all complaints filed at the AOC/Central Clerks'/Dedicated Funds Offices, and a central database for tracking complaints Judiciary-wide. This database also shall capture information regarding complaints filed with the NJ Division of Civil Rights, the Equal Employment Opportunity Commission, and in Superior Court against judges and Judiciary employees.

The Judiciary EEO/AA Unit shall consolidate on an annual basis the information contained in the local complaint databases. This data shall be captured in the workforce analysis and used as an integral part of the information provided to the Office of the State Auditor in support of the single audit of the Judiciary.

**E. Records Retention**

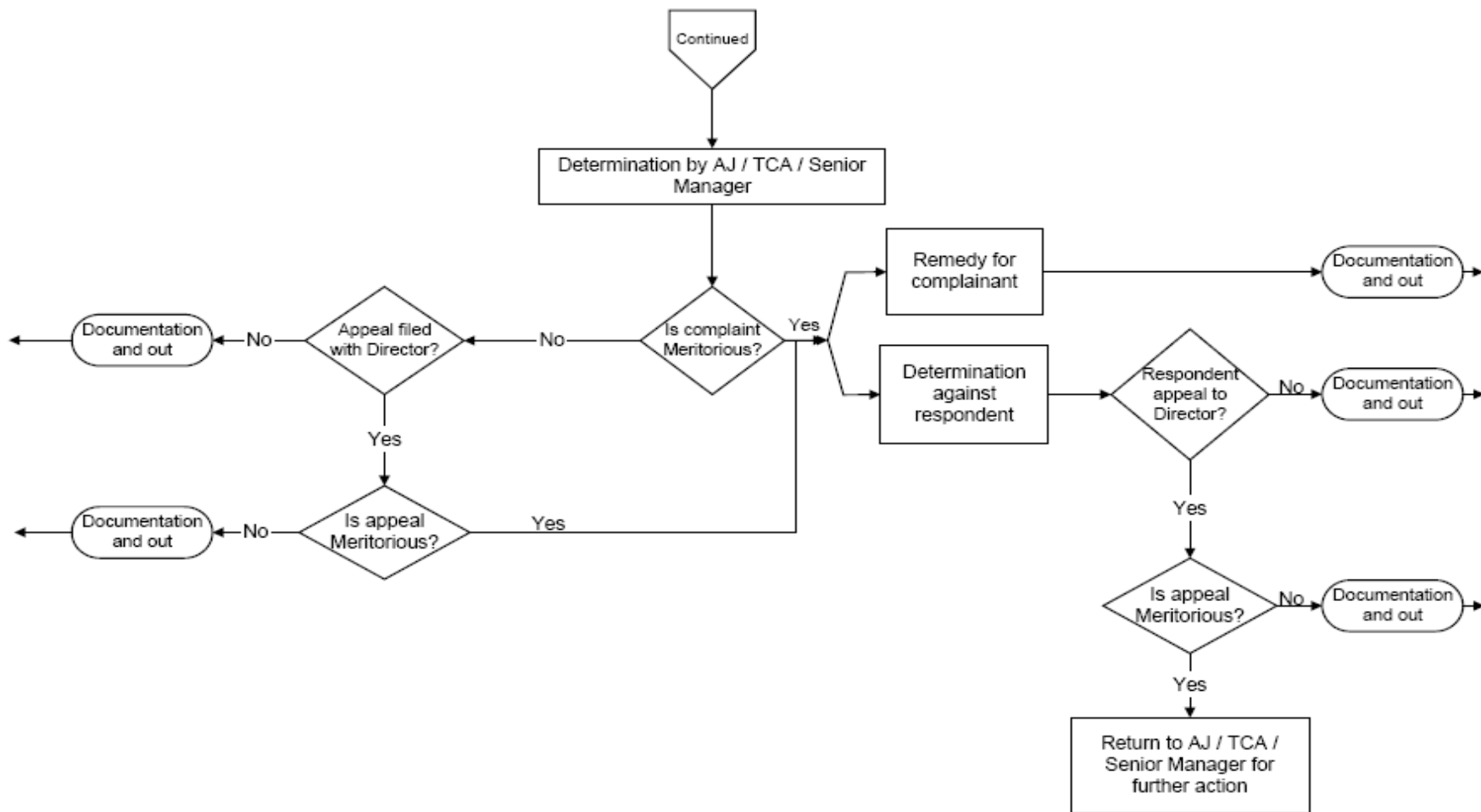
All records and documents pertaining to EEO complaints and Inquiry/Investigation Reports and exhibits shall be retained by the Judiciary EEO/AA Unit and Vicinage EEO/AA Officers for ten (10) years, in either hard copy or electronic format.

**EEO Discrimination Complaint Procedures Flow Chart  
Part 1 - Complaint to Determination**





EEO Discrimination Complaint Procedures Flow Chart  
Part II - Appeals



## XV. Best Practices and Suggested Initiatives

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The Judiciary is committed to maintaining a court environment with zero tolerance for bias of any kind and that meets the needs of a culturally and linguistically diverse population. As such, this chapter identifies the foundational principles upon which the Judiciary will strive to maintain a work environment that maximizes the potential of its diverse workforce in meeting the needs of an increasingly diverse customer base and proactively offers a number of best practice initiatives which serve to implement those foundational principles.

This Master Plan adopts the components of a best practice as articulated in the New Jersey Judiciary Strategic Initiative and the U.S. Equal Employment Opportunity Commission's (EEOC) Task Force Report on Best Practices of Private Sector Employers. In its 1998 report to the New Jersey Supreme Court, the New Jersey Judiciary Strategic Planning Committee set three criteria for a best practice, stating "[t]he practice must result in demonstrably improved service without substantial increase in cost, or result in demonstrable cost efficiency without sacrifice of service quality;...[b]e consistent with the Judiciary's core values and management philosophy; and...[b]e reasonably capable of replication on a statewide basis."<sup>32</sup>

These criteria are used here in concert with the EEOC Task Force Report's list of factors constituting a best practice, namely a best practice: complies with the law; promotes equal employment opportunity and addresses one or more barriers that adversely affect equal employment opportunity; manifests management commitment and accountability; ensures management and employee communication; produces noteworthy results; and does not cause or result in unfairness.<sup>33</sup>

The best practices are not static but are constantly evolving in response to the demographics and constituencies being served. The Judiciary should use the criteria set forth above to guide the organization's commitment to continuous system improvement to revisit these best practices, and where appropriate develop additional best practices to ensure that the Judiciary is keeping pace with the needs of its customer base and the mandates of the Judiciary EEO/AA program.

Consequently, the following initiatives do not constitute an exhaustive list of the ways in which to implement the best practices principles in EEO/AA but rather serve as a baseline upon which to continue to build an effective and responsive EEO/AA program capable of meeting the needs of both its internal and external constituencies.

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<sup>32</sup> Strategic Initiative 7A: The Judiciary should identify and implement "best practices" statewide. *New Jersey Judiciary Strategic Planning Committee, Report to the Supreme Court* (March 31, 1998), p. 89-90.

<sup>33</sup> U.S. Equal Employment Opportunity Commission Task Force, "Best Equal Employment Opportunity Policies, Programs, and Practices in the Private Sector." December 1997. [http://www.eeoc.gov/eeoc/task\\_reports/best\\_practices.cfm](http://www.eeoc.gov/eeoc/task_reports/best_practices.cfm)

## **A. Community Outreach**

### Employee Alumni Program

The Judiciary is encouraged to establish an Employee Alumni Program in which Judiciary employees participate in recruitment and outreach programs by visiting their alma maters to speak about careers in the Judiciary.

### Youth Outreach

The Judiciary is encouraged to develop youth outreach and education programs about careers in the court system. Outreach at local Middle, Junior High, and High Schools should be focused on creating a long-term pipeline of diverse talent. The AOC and vicinages are encouraged to: 1) establish formal mentoring programs for minority middle and high school students; 2) establish an Adopt-a-School Shadowing Program where at least once a month students from schools with significant minority student populations shadow employees to observe various aspects of court operations and learn about Judiciary careers; and 3) sponsor a day-long conference for minority high school students to explore Judiciary career opportunities.

### Speakers Bureau

The Judiciary is encouraged to develop Speakers Bureau Programs at the AOC/Central Clerks'/Dedicated Funds Offices and vicinages statewide. All employees and court volunteers should be invited to participate, and the Judiciary should ensure broad participation from Black/African American, Hispanic/Latino(a), Asian, Pacific Islander/Native Hawaiian, and American Indian/Alaskan Native personnel. Participants should be trained by a collaborative team from EEO/AA and Human Resources. The Judiciary is encouraged to make available to the public, via the Judiciary's web site ([www.njcourts.com](http://www.njcourts.com)), a statewide list of the names of the individuals participating in the Speakers' Bureau and a listing of topics.

## **B. Recruitment**

### Social Media

The Judiciary is encouraged to use social media as a recruitment tool in order to bring a personal connection to the recruitment process and put a brand on the Judiciary. Social media is media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Social media uses internet and web-based technologies to transform broadcast media monologues (one to many) into social media dialogues (many to many). To obtain a competitive edge on college campuses and to connect with the generation of the virtual world (texting, posting and reading of digital media), it is important that the Judiciary develop a presence on social media networking sites such as LinkedIn, Twitter and Facebook.

## Applicant Tracking

The Judiciary should establish a single unified automated system to track and manipulate EEO/AA applicant flow data in order to track, for example, the race, ethnicity and gender of Judiciary job applicants, interviewees and selected candidates; new hire, promotion, reclassification data and salary data by race, ethnicity, gender and job title; the recruitment sources for underutilized minority applicants; etc.<sup>34</sup>

## Informational Job Fairs

The Judiciary is encouraged to host informational job fairs on a regional basis to attract Black/African American, Hispanic/Latino(a), Asian, American Indian/Alaskan Native, or Native Hawaiian/Other Pacific Islander applicants for those job groups where there is minority underutilization. Human Resources staff and staff from divisions with minority underutilization should be encouraged to assist in coordinating and staffing these job fairs.

## **C. Career Development**

A key component in any fairness or diversity program is the ability of the organization to create a work environment that supports and promotes the development and advancement of a diverse workforce. Development and advancement opportunities are key factors in the retention of a well-qualified and motivated workforce. The Judiciary should strive to ensure that all employees have access to opportunities for professional development and to participate in assignments or activities that prepare them for higher level responsibilities.

Both the Committee on Minority Concerns and the Strategic Planning Committee emphasized the importance of establishing a comprehensive, long-range career development and retention program for employees. A Career Development Program assists employees at all levels in the organization to define their career objectives, assess existing skills, and develop the professional knowledge and skills needed for a desired career path. A Career Development Program is a long-term process which benefits both the organization and the individual by enabling them to be more efficient, productive and successful.

The following section outlines the initiatives that the Judiciary should pursue to ensure that career development opportunities are accessible to all Judiciary employees.

## Employee Development Plans/Career Expectation Profiles

The Judiciary should explore the use of Individual Professional Development Plans (IPDPs) in conjunction with the performance feedback process. IPDPs provide a mechanism that enables employees to create an action plan to address their career and

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<sup>34</sup> Currently, this information is not integrated into a single system, but is instead tracked in JHRIS and various external Excel-based sources (e.g. Personnel Transaction Report).

personal goals, as well as motivations, strengths and developmental needs. These plans are tailored to the individual employees, usually in consultation with a mentor or coach. IPDPs should be used in conjunction with the Performance Advisory System (PAS) and the manager or supervisor should be a collaborative partner with the subordinate employee in the development of the plan.

### Career Path Information

The Judiciary should establish clear paths for employees to acquire skills, knowledge and experience necessary for career advancement. The Conference of Human Resources Division Managers should develop a flow chart of these career paths and create a user-friendly web-based resource that provides employees with information on available career path or advancement/promotion options based on current job title. In addition, the Human Resource Division Managers should conduct periodic seminars to advise employees of career path options.

### Networking Forums

The Judiciary should provide networking opportunities for its employees at all levels to discuss their concerns and ideas with organizational leadership. The Judiciary should ensure that a broad spectrum of diverse employees have equal and full access to such networking opportunities by tracking participation rates by race, ethnicity, gender and job group.

Networking forums are ways that employees can communicate in a professional setting with other employees. For example, such forums may provide a platform for lower level employees to communicate and share ideas with upper management level staff. These forums are designed to broaden both the outlook and network of the organization's employees as well as reinforcing the Judiciary's commitment to an inclusive working environment.

### Mentoring Programs

The Judiciary should develop a mentoring program as a means of building relationships, encouraging inclusion, and assisting employees in developing the necessary professional and social skills required for advancement within the organization.

A mentoring program will enhance the stature of the Judiciary by helping all employees reach their full potential. The specific goals of a mentoring program should be to develop and enhance employee skills and abilities for professional growth; increase employee satisfaction and retention; and improve communication throughout the Judiciary.

In order to achieve these goals, the program should be accessible to any interested employee; provide training for both mentors and mentees; and encourage and reward effective mentoring. The role of the mentor will include offering their perspectives on

organizational culture and norms, providing information on policies, processes and politics, and discussing work experiences relevant to the mentee's career aspirations. Judiciary senior leadership at the Administrative Office of the Courts and in the vicinages should be strongly encouraged to participate as mentors and to mentor individuals from different cultural, racial, and academic backgrounds.

The Judiciary should ensure that a broad spectrum of diverse employees have equal and full access to mentoring opportunities by tracking participation rates by race, ethnicity, gender and job group.

### Employee Resource Groups

The Judiciary should establish Employee Network or Affinity Groups at both the statewide and vicinage level. Employee Resource Groups (ERGs) – also known as affinity groups, inclusion groups, or diversity networks – are organizationally supported and employee-run and organized groups that promote personal and professional growth, enhance career advancement and provide a stronger sense of community within an organization for employees with common interests. ERGs also assist the organization with strategic business goals such as employee development, diversity awareness, recruitment, and community outreach.

The Judiciary should facilitate the maintenance of ERGs through allocation of resources and senior management involvement and support. Successful ERGs provide a mechanism for direct communication with senior management regarding issues that are important to diverse groups of employees. In addition, ERGs often assist the organization with strategic business goals, such as employee development, diversity awareness, recruitment and community outreach. ERGs often play a major role in educating the organization about issues that concern diverse communities.

### Job Exchange/Rotation Program

A Job Exchange Program allows employees to be assigned to work and cross-train in a different area/department within their organization where they will learn or teach skills to improve the operation of their organization and enhance their own knowledge, skills and abilities. The Judiciary should develop a formal program that expands opportunities for career path advancement by extending open invitations to a broadly diverse and widely inclusive pool of employees when opportunities arise to acquire a new skill set, take on an additional task or learn a new area of responsibility.

### Management Accountability

Managers and supervisors should be held accountable for extending invitations to all subordinate employees when opportunities arise to assign tasks which have the effect of expanding skills and the potential to position the employee for future advancement opportunities. The Judiciary is encouraged to adopt a formal process that holds organizational leadership accountable to this open process thereby enhancing the

organization's commitment to cultivating a workplace characterized by equal access to advancement opportunities for all Judiciary employees. In addition, the Judiciary should develop a procedure and accompanying mechanism that allows the organization to track by race, ethnicity, and gender, employee access to special projects, assignments, and job rotation or transfer opportunities when these assignments allow employees to gain additional skills or experience beyond their current job title.

#### **D. Miscellaneous Recommendations**

##### Annual Statewide Exit Interview Assessments

It is recommended that an electronic system be developed to collect information from employee Exit Interview Questionnaires. The electronic system should allow each vicinage's Human Resources Division to generate reports containing a summary of responses to the Exit Interview Questionnaires for that vicinage. Vicinage Human Resources staff, on an annual basis, would provide the reports to the AOC Assistant Director for Human Resources and the Judiciary Chief EEO/AA Officer for assessing issues and trends statewide in their respective areas.

##### Data Analysis for Judiciary Volunteer Services Program

In 2005, the AOC developed and implemented a centralized statewide database to systematically track statistical data for court volunteers, including demographic information such as race/ethnicity and gender.

Presently there is no process in place to determine, on a regular basis, a benchmark for analyzing minority participation in court volunteer programs and areas of underutilization. The AOC should develop a standard for determining underutilization of minorities in the various court volunteer programs. This standard should include factors such as current U.S. Census data for the particular geographic region, court user demographics, etc.<sup>35</sup>

##### Employee Surveys

The Chief Judiciary EEO/AA Officer and Vicinage EEO/AA Officers, in collaboration with Human Resources and Vicinage EEO/AA Advisory Committees, may periodically conduct workforce surveys in an attempt to obtain feedback from its employees on their experiences with regard to various workplace concerns such as promotion and advancement opportunities, career development support, and performance feedback. The surveys can also be an effective sensing and monitoring mechanism to assess the

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<sup>35</sup> Recommendation #59: The Supreme Court should set the standard for determining underrepresentation (SDU) in court volunteer programs in two stages: First at the level of minorities in the county population and second at the level of minorities among the constituency served. *New Jersey Supreme Court Statement on the Final Report Action Plan on Minority Concerns* (August 1992), p. 30

work environment, providing the Judiciary an opportunity to gauge the perceptions of its employees with regard to equal opportunity.

### Work/Life Programs

The Judiciary should examine its current organizational culture to assess whether the policies of the work environment embrace the complexity and diversity of the work/life issues of its employees. Examples of Work/Life Initiatives include alternative work schedules, flex time and job sharing. On July 29, 2011, the Judiciary promulgated a Policy on Alternative Work Arrangements. The court should consider the use of focus groups, surveys, or other methodologies to evaluate whether this and other work/life supportive programs meet the needs of its diverse workforce.

### Master Plan Amendments

This Master Plan should be reviewed and updated on a periodic basis to reflect statutory amendments, case law updates, and changes in Judiciary policies and procedures. The Judiciary should create a process to review the Master Plan at minimum on an annual basis to determine the need for modification. The process should include a means to expedite the organizational vetting process that will enable the Master Plan to be updated on a timely basis. It is recommended that a standing committee of representatives from EEO/AA, the conference of Human Resources Division Managers, the Administrative and Judicial Councils, and Counsel to the Administrative Director be appointed by the Administrative Director to carry out this annual review of the Master Plan.



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<sup>36</sup> Note that some page reference numbers refer to the **beginning** of the section where the index item is addressed.

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