

22.000

POLICY TO PROMOTE FAIR AND EQUITABLE OPPORTUNITY

The Trial Court strives to appoint a diverse workforce and encourage career advancement through equitable and fair employment practices that foster inclusion and access to all employment opportunities and benefits. The Trial Court accepts, respects, and welcomes, individual differences and supports the unique contributions of each individual as it seeks to create a work environment that maximizes the potential of all employees.

This policy helps to create diversity in the courts that is reflective of and sensitive to the needs of employees and each local community. In doing so, the Trial Court promotes public confidence in the courts, enhances the credibility of the courts in local communities, and increases employee sensitivity and awareness of the various constituents served by the Trial Court. To do so, the Trial Court shall identify and implement projects, programs, structured activities, outreach, and training using defined strategies or other preventive and affirmative steps to achieve its equal opportunity, diversity, and non-discrimination goals and will regularly review the progress being made toward the achievement of compliance with this policy.

All Trial Court employees, especially hiring authorities and Department Heads, are expected to cooperate to achieve the goals of this Policy. The Office of Workplace Rights and Compliance (OWRC) is responsible for the overall development, administration, and monitoring of all policies, procedures and programs pertinent to the implementation of this policy.

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Goals

To achieve a diverse workforce with fair and equal opportunity for appointment and advancement, the Trial Court aims to:

- A. Ensure that each court within the Trial Court reflects the communities it serves by maintaining a level of diversity that resembles the labor market availability for that court;
- B. Address and improve area(s) of deficiencies when a department or court does not reflect the labor market availability for the court.

- C. Identify any discriminatory employment practices and replace them with non-discriminatory employment practices;
- D. Broaden employee awareness regarding these goals and the Trial Court's commitment to the principles of diversity, equity, and inclusion;
- E. Ensure that fair employment practices are adhered to;
- F. Educate all employees on practices to achieve a more inclusive environment in each court; and,
- G. Evaluate the Trial Court's accomplishments and successes in ensuring equal and fair employment. Implement changes as needed to achieve the goals of diversity, equity, and inclusion.

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Coordination with Other Policies and Procedures

The success of this Policy involves the fair and consistent application of the Appointment Policies and Procedures in **Section 4.000**, both for new hires, transfers, and promotions, including but not limited to the use of a standard application form, effective outreach and recruiting, structured interviews by diverse and trained interview panels, and the avoidance of nepotism or favoritism. It is expected that all appointing authorities will comply with each provision of Section 4.000 and shall treat applicants, finalists, and candidates for appointment, transfer, professional development, or promotion fairly during the recruitment, selection, appointment, transfer, and promotion process.

The success of this Policy also depends upon strict adherence to the Policy Prohibiting Discrimination, Harassment, and Retaliation in **Section 5.000**, and cooperation with the Complaint Resolution Procedures detailed in that Section. Any applicant or Trial Court employee who believes that they have been a victim of discrimination in hiring or selection for transfer, professional development or promotion, may initiate a complaint as outlined in Section 5.000 or contact the Office of Workplace Rights and Compliance with any questions or concerns.

OWRC will monitor and enforce all areas of appointments, transfers, professional development, promotions, discharges, layoffs, terminations, and other personnel actions to assure compliance and assist with mitigation efforts. Whenever it is determined that a

process is not being implemented fully or correctly, OWRC shall intervene to ensure that the process is executed properly. Whenever it is determined that biases may be interfering in a process, OWRC will act immediately to address such bias and, when appropriate, refine the process(es), train employees to combat their biases, and protect possible victims of discrimination.

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Monitoring Progress toward Policy Goals

A. Workforce Analysis

The Trial Court shall prepare and maintain a workforce analysis, which examines the composition of its workforce using the job categories established for state and local governments. Within each job category, the workforce analysis reports the total number of employees and the number of employees by protected class (race, gender, disability status, military, and veteran status).

B. Utilization Analysis

The Trial Court shall prepare and maintain a utilization analysis in order to compare the composition of its actual workforce to the availability of workers with requisite skills in applicable labor market areas. Where a utilization analysis reflects under-utilization of protected class employees, the Trial Court will work with the hiring authority or Department Head to create a plan to increase the diversity of the workplace.

C. Internal Audit and Reporting Systems

The Trial Court will periodically review all of its employment practices and records in order to identify and eliminate any practices which may have contributed to underutilization of diverse candidates. Practices and records to be reviewed as part of an audit will include, but not be limited to, the following:

1. appointment packages or files stored or e-filed with the Human Resources Department, including applications, resumes, job postings, applicant flow logs, and other information concerning the filling of positions;

2. the content of job descriptions, in terms of their possible adverse impact on diverse candidates;
3. the use of interview committees to interview candidates and make recommendations for hire or promotion;
4. the use of pre-employment and/or promotional tests;
5. the use of other criteria which may serve as disqualifying factors for employment;
6. review of salaries offered and accepted by new hires; and,
7. summary data related to hires, transfers, promotions, discharges, layoffs, terminations, and other personnel transactions.

D. Community Outreach

The Trial Court will collaborate with local, state, and federal government agencies as well as community and national groups that have equal employment opportunity objectives, such as minority, multicultural, multiracial, disability, women's, and veterans' organizations, for the purpose of developing significant access to equal opportunity for persons of color, women, veterans, persons with disabilities, and persons of diverse gender identities and expressions, religions and national origins.

E. Annual Report

The Trial Court will annually prepare a status report that evaluates the progress toward meeting the goals of this Policy by each department and by the Trial Court as a whole, and disseminate the report as outlined in Section 22.500.

22.400 Assistance to Appointing Authorities and Department Heads

The Trial Court will provide assistance to appointing authorities and Department Heads to understand their obligations under this Policy and to support their efforts to create and maintain a diverse, equitable, and inclusive workforce. Such assistance will include problem-solving to ensure the best candidate is hired while following

all steps of the hiring process; discussion about methods to increase the availability of a diverse applicant pool for upcoming appointments; addressing concerns of potential inequity in possible discharges, layoffs, terminations or other personnel actions; and provision of training to address best practices to appoint, develop, promote, and retain a qualified, diverse team.

22.500 Policy Awareness and Dissemination

Annually, policy statements and reports regarding equal opportunity, nondiscrimination, diversity, and affirmative action will be distributed in accessible formats whether electronically or in hard copy, to all employees, and posted on the Courtyard and Mass.gov websites. Copies will be made available to the public upon request. Prospective employees will be informed of this policy statement in all advertisements posted both internally and externally.

Selection for and participation in the Trial Court's employment process shall be without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, pregnancy status, military or veteran status.

All court-related employment openings will include a statement of the Trial Court's commitment to equal opportunity, non-discrimination, diversity and affirmative action. In addition, notices of position openings will be posted on the internal Courtyard website, so that all current employees are aware of opportunities for promotion or transfer.

The Trial Court will comply with the Commonwealth's policies of notification to all contractors, sub-contractors, and vendors of its responsibilities and commitments to equal opportunity, non-discrimination, diversity, and affirmative action.