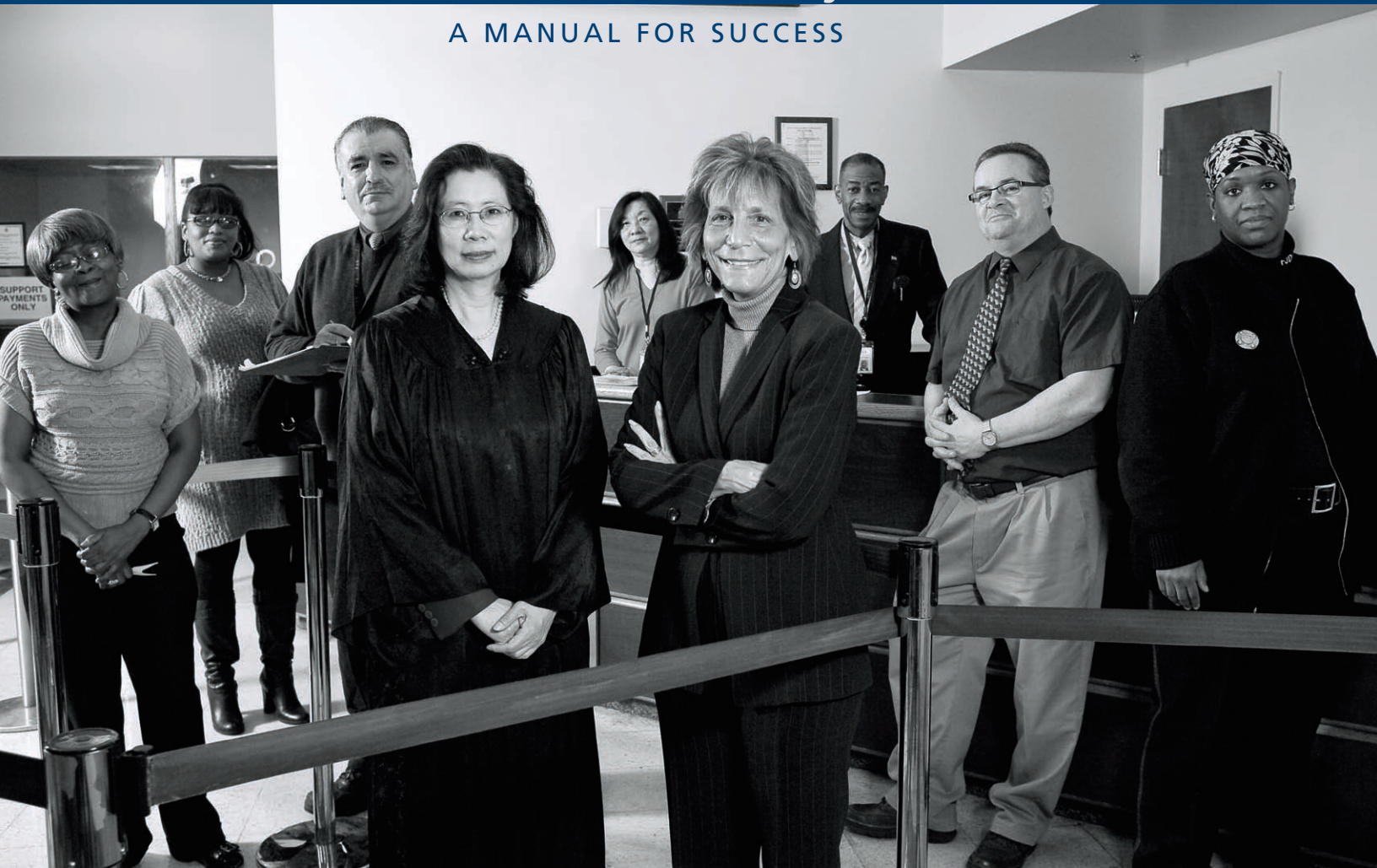




Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness
Equal Opportunity and Diversity Committee

Creating a Diverse Workforce in the Pennsylvania Courts

A MANUAL FOR SUCCESS



Pennsylvania Interbranch Commission on Gender, Racial, and Ethnic Fairness

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As always, the Commission is grateful for the support of the Supreme Court of Pennsylvania, Governor Ed Rendell and the Pennsylvania Legislature. Their ongoing commitment is vital to our mission of fostering a court system that is as inclusive and as equitable as possible.

Who Benefits from a Diverse Workforce in the Courts?

We All Do.

- Increased public confidence in the judicial system
- Improved workplace productivity
- Enhanced ability to hire qualified professionals in the future

Professionals Among Us



Susan M. Davis knows the positive impact of a diverse workforce. The courts of initial jurisdiction are often the public's first, most frequent and sometimes only contact with the judicial system, says the executive director of the Minor Judiciary Education Board, and it's important for court users to see people with whom they can identify.

"The court should reflect its constituency."

The board is doing its part to educate minor court judges on the importance of workforce diversity and how to incorporate diversity in their courts, she says. The topic is integrated into continuing education programs for 600 Magisterial District Judges, and Davis says many courts are taking steps to hire and retain a more diverse workforce.

"Fortunately we are seeing more diversity with respect to gender, and slowly seeing more racial diversity, too.

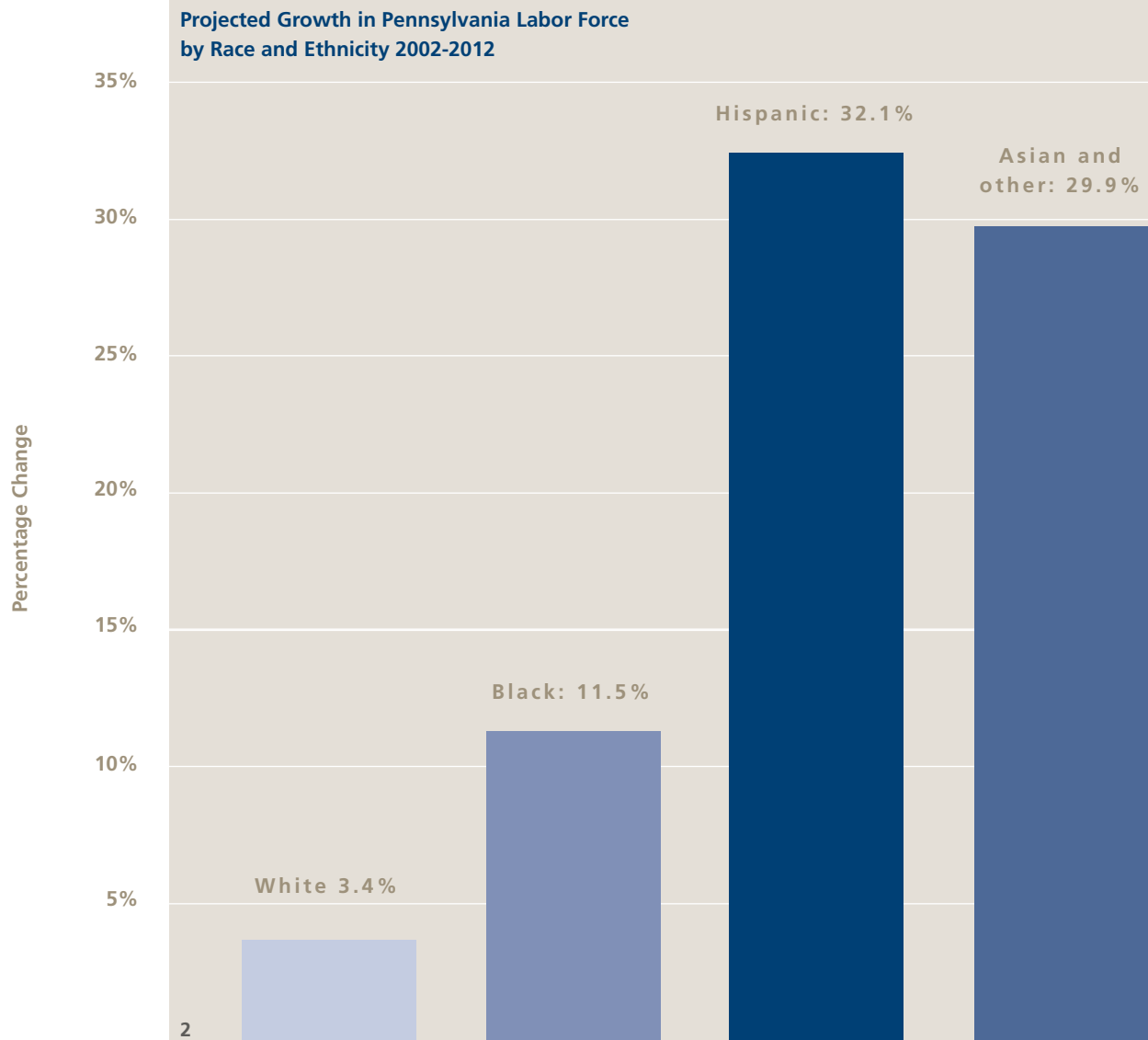
"Not everyone comes from the same walk of life," says the biracial professional.

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Pennsylvania's ongoing change in racial and ethnic composition presents a powerful opportunity for the court system.



Source: www.paworkstats.state.pa.us/forecasts/WF_2012_dem.pdf

The Time is Now

Recent years have brought extraordinary change to our country and to Pennsylvania. Chief among those changes has been an increase in the globalization of our society. Throughout the nation, we now count among our neighbors recent immigrants from all over the world. Over the last seven years in Pennsylvania alone, the number of foreign-born residents increased by 25.2%.¹ According to the United States Census Bureau, Pennsylvania was home to a total of 665,176 immigrants in 2007.

This dramatic rate of population growth is not confined to recent immigrants. The Pennsylvania Department of Labor reports that between 2000 and 2012, the state's minority population is expected to grow faster than the population as a whole, and the minority share of the labor force is expected to grow more rapidly than the labor force as a whole. Between 2002 and 2012, labor force participants categorized as black will increase by 11.5%, participants categorized as Asian/other will increase by 29.9%, and participants in the labor force categorized as Hispanic will increase by 32.1%.²

Moreover, women's share of the labor force will continue to increase, as will the average age of the workforce.³ This means that with fewer workers in the prime working-age group (35-49), Pennsylvania's employers will need to recruit younger workers who will be far more diverse.

Pennsylvania's ongoing change in racial and ethnic composition presents a powerful opportunity for the court system. The time is now for the courts to create workforce diversity in order to serve the needs of diverse residents and better reflect the community.

The court system can reap the same benefits corporations across the country have discovered with diversity initiatives—namely fresh ideas from people with different experiences and backgrounds, increased productivity among workers, increased credibility among its diverse constituents, and an enhanced ability to hire qualified diverse workers.⁴

The Pennsylvania Interbranch Commission created this manual to give judges and court administrators demographic data on the populations they serve, details on conducting a diversity needs assessment, and resources to develop an effective diversity program addressing recruitment, retention and training.

The time is now for diversity to become an intrinsic part of court culture in Pennsylvania. Judges and administrators can move toward a more diverse workforce, and this manual can provide the starting point.

Steps to a Diverse Workforce

- Secure Commitment from Judges and Administrators
- Survey Court
- Create Diversity Program for Recruitment, Retention and Training

Why is Diversity a Worthwhile Goal?

Just as public trust and confidence are essential to the justice system, a diverse workforce is crucial to the courts' credibility. Why?

Because when individuals see judges, jurors and personnel who resemble them, they are less likely to view the system as threatening. Minorities who serve the courts can provide a sense to court users that the system is administered by individuals who look like them and who understand their experiences.

A firm and sincere commitment to diversity by judges and court administrators increases public trust and confidence in the justice system. Equally important, diversity programs provide real benefits for court employees.

Before detailing the many direct benefits, it is important to be clear what diversity means.

Diversity vs. Equal Employment Opportunity and Affirmative Action

Some confuse diversity with equal employment opportunity and affirmative action, two related but fundamentally different concepts. The latter focus on specific goals established to overcome the effects of past discrimination. They may change the composition of the workforce but do nothing to alter the organizational culture. And changing the organizational culture is key to the success of diversifying the workforce.

The Washington State Minority and Justice Commission describes the critical distinction as follows:

"Unlike equal employment opportunity and affirmative action, diversity promotes the concept of differences and emphasizes qualitative, not quantitative, goals. Moreover, diversity embraces the cultural differences employees bring with them into the workplace. Employees are accepted for who they are and appreciated for the unique perspective they may bring....By appreciating a diverse employee's unique experience and overall background, employers encourage a welcoming environment, which has been proven to offset attrition and enhance recruitment."⁵

If diversity is not equal employment opportunity or affirmative action, what is it?

Narrow definitions tend to focus on visible characteristics, such as race, ethnicity, disability, and gender. These can be criticized as being too exclusive and in fact can engender a backlash among other employees. This reaction is certainly not desired and in fact, is the antithesis of diversity's goal to appreciate, value and incorporate individual differences in order to develop the best talents of everyone in the workplace.

Many employers now define workplace diversity broadly. The Society of Human Resource Management says:

"A broad definition of diversity ranges from personality and work style to all of the visible dimensions of diversity, to secondary influences such as religion, socioeconomic and education."⁶

It is important to understand that a truly diverse mix of employees presents opportunities to improve the efficiency and success of the employer, but only if the talents of all individuals are respected and effectively utilized.

And not only employers will benefit, but other employees and the community at large will derive significant benefits when diversity is an intrinsic part of the workplace culture. The Washington State Minority and Justice Commission's "Guide to Recruitment and Retention" outlines these advantages for employees and the public.

Benefits for Employees

- Creative problem solving increases with a diverse workforce.
- Motivation increases when employees see the organization making sincere efforts to tap into their full range of skills and experiences.
- Morale increases when individuals come to understand differences and similarities and respect other perspectives.
- Work teams become more successful when members contribute diverse knowledge and experiences to the team effort.

- Employee loyalty increases when individuals see their contributions to the organization's goals valued.
- Attrition and absenteeism decline because employees are more motivated to come to work in a supportive environment, resulting in less time and money on recruitment, training and grievance procedures.
- Diversity encourages colorblind performance evaluations and focuses the court and employees on performance-based criteria.
- Communication becomes more effective when the workplace encourages information sharing.
- Managers become more effective in solving business problems when employees are receptive to different ideas and alternative solutions.

Benefits for the Community

- The courthouse becomes more welcoming and not as intimidating or threatening when court users observe a diverse workforce.
- Non-English speaking court users can access and understand the judicial system with the help of bilingual staff.
- The public is more apt to use court services when interpreter and other needed services are offered.
- Better customer service results when employees utilize diverse experiences and skills to serve court users.
- The court system gains increased credibility and new public confidence.⁷

A firm and sincere commitment by judges and court administrators to “changing the face and fabric of the court”⁸ can create new benefits for employees and at the same time increase credibility with the public.

A Litigation Management Tool

A concerted effort to establish and implement a diversity plan is also an effective litigation management tool.

In Pennsylvania, employers are subject to the mandates of the Pennsylvania Human Relations Act (“Act”), which is, in large part, a state counterpart to federal Title VII legislation and the Civil Rights Act of 1991. The Act states that “it shall be an unlawful discriminatory practice... for any employer because of race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability or the use of guide or support animal because of the blindness, deafness or physical handicap of any individual or independent contractor, to refuse to hire or employ or contract with, or to bar or discharge from employment such individual or independent contractor....”⁹

In addition, several Pennsylvania counties and cities have adopted their own versions of the Act, which include prohibitions against discrimination on the basis of sexual orientation and/or gender identity.¹⁰ These ordinances may provide for additional protection to victims of employment discrimination.

If a victim sues a court employee for violating one of these statutes, the existence of a comprehensive and effective diversity plan may provide the court system with a defense to some violations of these statutes.



Pennsylvania Demographics

Diversity in the State and Your Community

Diversity Among State Residents

Demographics are vital to the task of creating and maintaining a diverse workforce. Pennsylvania has undergone dramatic changes in the demographic composition of its population and labor force, and these changes are projected to continue over the next thirty years.

From 2000 to 2012, Pennsylvania's population is expected to grow to a total of slightly over 12.6 million, an increase of 2.5%. Minority groups will continue to grow, with the Hispanic population (29.3%) and Asian/Other (26.9%) growing the fastest.¹¹

Pennsylvania Population by Race and Ethnicity 2002–2012

Race and/or Ethnicity	2002	Projected 2012	Percent Change
White	10,652,000	10,760,000	1.0%
Black	1,292,000	1,405,000	8.7%
Hispanic	399,000	516,000	29.3%
Asian/Other	334,000	424,000	26.9%
Total	12,328,000	12,639,000	2.5%

Pennsylvania State and County Population by Race and Ethnicity 2000–2030

According to the Pennsylvania State Data Center (PaSDC) "Detailed Population Projections by Age, Gender, Race and Hispanic Origin: Pennsylvania 2000 to 2030," Pennsylvania's Hispanic or Latino population is projected to grow by 184% during that period.

The percent of the state population that is Hispanic, therefore, is projected to increase from 3.2% to 8.5% in 2030. Similarly, the black population in Pennsylvania is projected to increase by 26.6% over the same period, comprising 12.1% of the state's total population by the year 2030. In contrast, the Caucasian population is projected to increase by only 0.8%.¹²

The appendix of this publication includes population projections county-by-county in "Detailed Population Projections by Age, Gender, Race, Hispanic Origin: Pennsylvania 2000 to 2030," prepared by the Pennsylvania State Data Center. For a full look at the data, visit www.pasdc.hbg.psu.edu/pasdc/PA_Stats/estimates_and_projections/estimates.html.

Pennsylvania's Hispanic or Latino population is projected to grow 184% by 2030.

Population Projections for Pennsylvania 2000 to 2030

STATE	2000	2005	2010	2015	2020	2025	2030
PA Total	12,281,054	12,422,685	12,540,718	12,690,711	12,871,823	13,048,758	13,190,400
PA White	10,675,010	10,686,463	10,676,647	10,693,353	10,737,553	10,770,653	10,758,490
PA Black	1,258,949	1,313,417	1,365,995	1,423,784	1,481,717	1,537,940	1,593,635
PA Hispanic	394,088	496,164	596,697	706,478	828,402	964,946	1,119,281

Source: Pennsylvania State Data Center (October, 2008)

Pennsylvania Population by Age

The average age of Pennsylvania's population also increases during the 2002-2012 period. The largest increases will occur in the 55-59 and 60-64 age groups, a byproduct of the aging of the baby boom generation.

Conversely, the number of Pennsylvanians aged 35 to 49 is expected to decline. This means there will be fewer workers in this prime working-age group, a significant statistic for Pennsylvania's employers, whose business plans will need to be focused on the recruitment of younger workers.¹³

Pennsylvania Population by Age

Age Group	2002	Projected 2012	Percent Change
Under 5	724,000	759,000	4.8%
5 to 9	793,000	742,000	-6.4%
10 to 14	879,000	757,000	-13.9%
15 to 19	832,000	807,000	-3.0%
20 to 24	809,000	851,000	5.2%
25 to 29	690,000	809,000	17.2%
30 to 34	812,000	833,000	2.6%
35 to 39	900,000	724,000	-19.6%
40 to 44	993,000	826,000	-16.8%
45 to 49	946,000	889,000	-6.0%
50 to 54	840,000	958,000	14.0%
55 to 59	671,000	897,000	33.7%
60 to 64	525,000	767,000	46.1%
65 to 74	920,000	1,030,000	12.0%
75 to 84	715,000	640,000	-10.5%
85+	279,000	352,000	26.2%
Total	12,328,000	12,641,000	2.5%

Pennsylvania Labor Force by Age

Pennsylvania's labor force, that is, those residents working or available for and seeking work, is projected to increase as well, as the children of the baby boomers reach working age. The Pennsylvania labor force totaled 6,247,000 in 2002 and is expected to rise to 6,535,000 by 2012.¹⁴

Pennsylvania Labor Force by Age

Age Group	2002	Projected 2012	Percent Change
16-19	358,000	351,000	-2.0%
20-24	621,000	662,000	6.6%
25-34	1,185,000	1,314,000	10.9%
35-44	1,611,000	1,336,000	-17.1%
45-54	1,493,000	1,558,000	4.4%
55-64	758,000	1,057,000	39.4%
65+	221,000	257,000	16.3%
Total	6,247,000	6,535,000	4.6%

Pennsylvania Labor Force by Race and Ethnicity

Minorities are projected to increase their share of Pennsylvania's labor force as their proportion of Pennsylvania's total population grows between 2002 and 2012.

The number of labor force participants of Hispanic descent is projected to increase by 32.1% and the percentage of individuals of Asian/Other descent will grow by 29.9% during the same period, according to Pennsylvania's Center for Workforce Information and Analysis.

Pennsylvania Labor Force by Race and Ethnicity

Race and/or Ethnicity	2002	Projected 2012	Percent Change
White	5,627,000	5,820,000	3.4%
Black	485,000	541,000	11.5%
Asian/Other	134,000	174,000	29.9%
Hispanic	165,000	218,000	32.1%
Total	6,247,000	6,535,000	4.6%

(Note: Because individuals may report more than one race, the sum of the four categories may add to more than the total population.)

Pennsylvania's labor force is projected to grow by 4.6% between 2002 and 2012, with Asian/other increasing participation by 29.9%.

Pennsylvania Labor Force by Gender

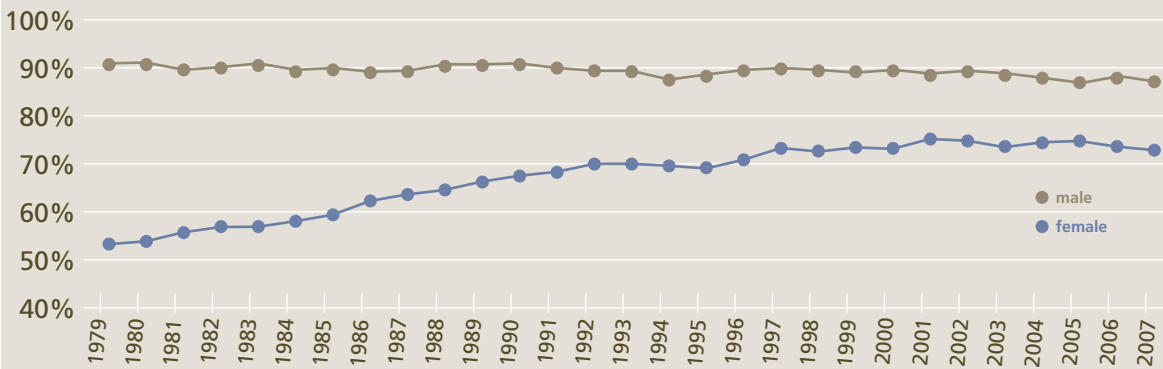
An increasing number of women also will continue to enter the labor force through 2012.

In 1979, according to the Current Population Survey (CPS), 58% of all U.S. women age 25 to 64 participated in the labor market. By 2007, that number had risen to 72%.¹⁶

It is critical for employers to note that with the increase in the number of primary caregivers seeking employment outside of the home, the need for childcare, flexible work hours and job sharing in the workplace will also increase.

Today, Just Over Seven in Ten Women Participate in the Labor Market

Percentage of Women Age 25 to 64 Participating in the Labor Market



Source: The Keystone Research Center

United States Labor Force by Disability

The Census Bureau estimated that in 2006, there were 49,746,248 individuals in the U.S. and 2,111,771 in Pennsylvania, over the age of five, living with a disability.¹⁷

Participation in the labor force among adults with severe disabilities has increased markedly since 1980 throughout the country. Current Population Reports, “Americans With Disabilities,” illustrates the trend.¹⁸

Employment of People with Severe Disabilities

1980.....	4,000
1985.....	11,000
1990.....	15,000
1996.....	27,000

Moreover, the number of disabled individuals “wanting to work” has increased over the same period. In 1986, 66% of individuals with disabilities indicated that they “wanted to work”. By 1994, that percentage had increased to 79%.¹⁹

Diversity in the State Bar

In addition to understanding demographics of the Pennsylvania labor force, the courts also should be aware of changes in the number of attorneys licensed to practice in Pennsylvania who may seek employment within the state courts over the next twenty years.

Minority Attorneys

Across the nation, minority attorneys have significantly increased their participation in the legal workforce in recent years. Between 1982 and 2002, according to the U.S. Equal Employment Opportunity Commission, the percentage of African-American lawyers in the national legal workforce increased by 70.4%. Correspondingly, the percentage of J.D. degrees conferred on African-Americans rose 71.4% during the same period. The numbers are almost identical regarding Hispanic attorney participation in the legal workforce during that period (72%), and even higher (148%) in the percentage of J.D. degrees conferred on Hispanic attorneys. Finally, the percentage of J.D. degrees conferred upon Asian attorneys during that period rose 400%.

Few statistics are collected on the race or ethnicity of Pennsylvania attorneys but anecdotally, the number of minority attorneys appears to be increasing. Over the past ten years or so, several bar associations around the state have established committees devoted to minority attorney concerns. Membership data from the Minority Bar Committee of the Pennsylvania Bar Association (PBA) is not broken down by race or ethnicity but by 2009, the committee had grown to 221 members.

In addition, individual county bar associations have established related committees including:

- Allegheny County Bar Association Diversity Collaborative Committee
- Allegheny County Bar Association Diversity Initiative
- Allegheny County Bar Association Homer S. Brown Association
- Allegheny County Bar Association Hispanic Attorneys Committee
- Allegheny County Bar Association Asian Attorneys Committee
- Philadelphia Bar Association Minorities in the Profession Committee
- Philadelphia Bar Association LGBT Rights Committee
- South Asian Bar Association of Philadelphia
- York County Bar Association Diversity Committee
- Dauphin County Bar Association Equal Professional Opportunity Committee
- Montgomery County Bar Association Diversity Committee
- Monroe County Bar Association Diversity Committee

None of these organizations is exclusive to minority attorneys, and none is mandatory, so membership rosters give only an approximation of the number of minority attorneys in that locale.

Women Attorneys

The number of females in all aspects of the legal profession has increased dramatically over the past decade.

From 1995 to 2003, the representation of women in the profession grew to 29.1% of all lawyers in the U.S. Women have increased their presence in law schools, in law firm partnerships, as general counsels of major corporations, and in the judiciary.

Between the years 1995-2003, the percentages of:

- Law school entrants who were women increased from 45% to 50%
- Women in tenured positions at law schools increased from 5.9% to 25.1%
- Women partners in major law firms increased from 12.91% to 16.3%
- Women general counsel in Fortune 500 companies increased from 4% to 15%
- Women on the U.S. Supreme Court remained at 22%
- Women on the U.S. Court of Appeals increased from 13% to 17.4%
- Women on the U.S. District Courts increased from 12% to 16.2%.²⁰

Similarly, in Pennsylvania, statistics indicate that women's presence in the legal profession has increased markedly. The PBA's Commission on Women in the Profession publishes a report card each year that tracks women's progress in the legal profession. The May 2009 report notes the following findings.

In private firms, women comprise:

- 30% of all lawyers
- 13% of Chief Administrators
- 17% of Equity Partners
- 19% of Partners
- 20% of Partner-Administrators (e.g. department and practice group heads)
- 47% of Associates on partnership track

Women are under-represented in higher-level positions and over-represented as associates, contract and staff attorneys, per diem attorneys from temporary agencies and part-timers in private firms.

In District Attorneys' offices, women comprise:

- 42% of all lawyers
- 14% of District Attorneys
- 24% of First Assistants

In Public Defenders' offices, women comprise:

- 39% of all lawyers
- 12% of the Public Defenders
- 22% of First Assistants

Among the state judiciary, elected women comprise:

- 29% of the Supreme Court
- 71% of the Superior Court
- 44% of Commonwealth Court
- 27% of all Courts of Common Pleas

Philadelphia has 34.5% of all women Court of Common Pleas Judges. Without Philadelphia, women comprise only 17.8% of all Court of Common Pleas Judges in Pennsylvania. Thirty-five counties have no women judges.

Among the federal judiciary, appointed women federal judges in Pennsylvania comprise:

Third Circuit Court of Appeals

3 women judges or 25%, with two from Pennsylvania²¹

U.S. District Court

22% of District Judges

49% of Magistrate Judges

27% of Bankruptcy Judges

Eastern District

23% of District Court Judges, 42% of Magistrate Judges, and 33% of Bankruptcy Judges

Middle District

25% of District Court Judges and 33% of Bankruptcy Judges and no women Magistrate Judges

Western District

33% of District Court Judges, 67% of Magistrate Judges, and 17% of Bankruptcy Judges

The number of females in all aspects of the legal profession has increased dramatically over the past decade.

Law Students

The American Bar Association tracks law student enrollments and graduation rates by gender, race and ethnicity.

Studies show a marked increase in the number of enrolled students in J.D. programs nationally, particularly among women and minority law students over the past few decades. That trend seems to be continuing, although in the past two years, there has been a slight decrease in the number of women students applying to law schools.

- Overall enrollment in J.D. programs grew from 42,255 to 142,922 between 1947 and 2008.
- Women in J.D. programs increased from 3.3% to 46.9% between 1947 and 2008.
- Minorities in J.D. programs increased from 6.1% to 21.9% between 1971 and 2008.
- J.D. degrees awarded to minorities increased from 8.6% to 22% between 1983 and 2007.²²
- A troubling statistic released by the Law School Admission Council in 2007 indicates that between 2004 and 2007, the number of women law school applicants and enrollees dropped by 12.7%. Among other possible factors, scholars speculate that the lack of partnership and other high-level positions in the legal arena may be dissuading women from applying to law school.²³

While it is difficult to pinpoint the actual number of minority and women lawyers who are licensed to practice law in Pennsylvania, it is safe to assume, based upon the statistics, that the profession continues to grow and that women and minorities comprise an increasing percentage of licensed practitioners in the state.

The implications of the data are considerable. The pool of potential staff attorneys and clerks from which judges and court administrators will staff their offices and chambers in the future will be increasingly diverse.

It is important, therefore, for the courts to create a strategy for making diversity an intrinsic part of their culture so that diverse employees feel accepted and are able to apply the full range of their experience and skills to the job.



Building Management Support

First and foremost, there must be management support from judges and senior management.

A successful diversity program will nurture and encourage changes in the court's culture, and change cannot occur without readiness and willingness. Therefore, support from the top is critical to ensure a long-term commitment to diversity and the financial, operational and human resource support necessary to maintain programs and initiatives.

The Washington State Minority and Justice Commission lists the following roles judges and managers can play in demonstrating their commitment to the diversity effort.

Judges and Senior Managers:

- Encourage leadership that fosters an environment of inclusion.
- Participate in diversity planning.
- Be represented on the diversity recruitment and retention committee.
- Provide feedback on assessment methods (because the process should reflect judges' and managers' expectations and objectives).
- Convey through action and words why diversity is important for the court.
- Communicate legitimate benefits derived from diversity recruitment and retention.
- Make diversity a part of management's effort to increase productivity, including team building, conflict resolution, quality improvements, coaching and mentoring.
- Ensure adequate resources are assigned to the court's diversity recruitment and retention programs.
- Encourage employees at various levels to be an integral part of the court's diversity efforts.²⁴

IV Surveying Your Court and Workforce

Why Survey Your Court and Workforce?

Confirm the Commitment

Send a clear message that diversity concerns are important to judges and management.

Convince the Participants

Validate the need for diversity programs and provide court administrators and managers with answers about why programs are needed through court-specific data.

Encourage Participation

Actively engage court employees in developing assessment tools and announcing results to give all employees a sense of ownership in the process and programs.

Demonstrate Uniqueness

Show that each court has its own culture defined by location, size, management style of judges and senior management and staff characteristics.

Correct Perceptions

Use a needs assessment to reveal not only what is actually occurring in the court but perceptions of the same.²⁵

Conducting a needs assessment will determine when your court is ready to implement an effective diversity recruitment and retention program. Each court must identify actual, rather than assumed, diversity problems in order to achieve a truly successful plan. For example, a court may assume it faces a recruitment, hiring, promotion or separation problem. Collected data, however, might highlight other areas of concern.

Although each court may address different issues in its final plan, all will ultimately have two challenges in common: managing a more diverse workforce and serving judicial needs of a more diverse society.²⁶

Methods of Assessing Diversity

Court staff and internal data are the most important and effective resources for obtaining data on diversity within the court. Gather this data using one or more of the following methods.

Written Questionnaires²⁷

- A relatively inexpensive method to collect data from the entire workforce (usually anonymously).
- Allows court to identify exactly what information it seeks and from whom.
- If confidential, encourages candid answers and increased response rate.
- Allows for open-ended questions, with the respondent writing the answers themselves, or closed-ended, with the respondent selecting from pre-determined answers.
- It is often best to seek expert advice when creating the survey and compiling and interpreting the results.

Verbal Interviews

Individual interviews

- Either face-to-face or by telephone, individual interviews are time-intensive and should be conducted by a skilled interviewer.

Group interviews

- Use a moderator to allow small groups of people to discuss their perceptions of obstacles, workplace issues and conditions.
- Take notes during interviews to use later for information compilation and assessment purposes.²⁸

Existing Records²⁹

- Review personnel records (if available) prior to developing a written questionnaire or survey. If you believe problems exist in recruiting, promotion, hiring or separation practices, mine data to gain insight into the court's actual practices.
- If available, compare your data with data from other courts and the demographic information in your court's region.
- Review existing court policies and procedures (e.g., EEO plan, leave policies, work schedules, etc.) to see how your court views diversity.

Data to Collect

The data from court personnel should identify whether specific diversity-related problems exist, whether court employees perceive that problems exist and how court employees experience or observe these problems in their interactions with peers, supervisors and the public.³⁰ The data sought should include the following:

Court Users

- What are the demographics (i.e., ethnicity, gender, age, education, income) of the county and those persons who utilize the court's services for civil, criminal and domestic matters?
- How many languages are spoken by persons using the judicial system?
- Does the court have interpreter services for non-English speaking court users and if so, for which languages?
- What is the frequency with which users need interpreter services and for which languages?
- Does the court receive complaints about inequitable treatment from court users?
- Does the court have a complaint mechanism available to the public?
- How frequently do persons of diverse backgrounds file complaints against court personnel, judges, managers or supervisors?

Court Workforce

- Do employees perceive that their talents and skills are appreciated and rewarded?
- Do interpersonal conflicts arise frequently among certain groups of employees?
- Does the court have an Ombudsman or another conflicts mediator and if so, what is that person's assessment regarding employee conflict and dissatisfaction?
- Are there general grievance patterns?
- Has there been any specific complaint of discrimination or harassment by current or former employees, and if so, has there been any complaint that resulted in legal fees or settlement costs to the court?
- Is the work environment "welcoming" to diverse candidates?

Recruitment

- What are the recruitment numbers and who is being recruited?
- How much does the court spend annually on recruitment?
- If the court uses recruitment materials, do they reflect diversity?
- Have specific instructions been given to decision-makers to increase diversity in the workplace, and if so, with what frequency?
- Are the court's policies and benefits attractive to applicants and prospective employees of diverse backgrounds?

Employee Development and Promotion

- What are the promotion numbers and who is being promoted?
- What are the training and development patterns?
- Who is being trained and why?
- How much does the court spend annually on training and development?
- Does the court offer the possibility of career advancement and development?

Retention

- What are the employee retention rates and who is staying?
- What are the employee separation rates and why are they leaving?
- Are members of certain minority groups terminated more frequently than others?
- Are members of certain minority groups voluntarily leaving employment more frequently than others?
- Is there a high level of turnover among African-Americans, Asian-Americans, Hispanic-Americans, women, disabled persons or persons over the age of 40?
- What are the effects of employee turnover, including costs, disruption, etc.?
- Does the court use exit interviews or other methods to document why an employee is leaving?
- Have any departing employees expressed that they were leaving because they felt devalued, not included or not heard?³¹

Evaluating and Presenting Data

Once the court has completed its data collection, it should consider using an expert to help analyze data and prepare a cohesive diversity status report.

The court's judges and senior managers should review and comment on the report. A committee of employees should then be invited to review it as well, as it is essential that the workforce understand the actual issues the court faces and successes already achieved.

This comprehensive report will serve as a blueprint for diversity initiatives and a benchmark to gauge the court's long-term performance.



Once the court has completed its data collection, it should consider using an expert to help analyze data and prepare a cohesive diversity status report.

V

Launching a Diversity Initiative

The most important element in a diversity initiative is a clear statement of the positive contributions that a diverse workforce can bring to an employer such as the court system.

Without this statement, the good intentions behind the launch of such a laudable program could be lost, amid accusations that the court system is planning to use certain quotas based upon race or gender in making its hiring decisions.

It is important to cite some of these benefits in a diversity mission statement as a means of demonstrating that the court is initiating the program for the correct reasons.

After drafting the statement, the court should then begin setting specific recruitment and retention objectives based on “specific demographics of the county’s population, demographics of the population of the bar within that county and demographics of the state.”³² If the court uses the actual demographics of the locality, it will be more likely to achieve its diversity objectives.

Objectives should not be set before the court has surveyed the diversity of its existing workforce and built management support for the diversity initiative. The objectives should be “clear, concise and realistic ... concrete and measurable.”³³

It is critical that the objectives be measurable, in particular, so that the court can determine whether it has reached them or not. A few examples of categories for which measurable objectives could be set include: “recruitment, hiring, retention, development/training, mentorship and advancement/promotion.”³⁴

In order to give the objectives their best chance of succeeding, the court should assign responsibility for achieving each objective to a specific individual or group. Individual responsibility and accountability have proven to be excellent motivators for achieving success in this type of initiative, particularly if the court’s senior managers have incorporated it into the official employment evaluation process.

After assigning individuals to a specific task relating to the diversity objective, the court should outline the steps that will be utilized to achieve the objectives.

Next, the court should set two separate timetables to accomplish the objectives in the mission statement. The first timetable should include the dates for short-range objectives—12 to 18 months. The second should reflect the time needed to evaluate strengths and weaknesses of the overall diversity initiative—every 3–5 years, for example.

The analysis then should be included in the court’s long-range strategic plan.

Draft a diversity mission statement

- Set specific recruitment and retention objectives
 - Assign individuals to specific tasks
- Outline steps to achieve objectives
- Set timetable to achieve short-range objectives (12-18 months)
- Set timetable to review diversity initiative (3–5 years)

VI Outreach and Recruitment

Strategies for Success

A successful recruitment effort has two major components:

- Outreach
- Equal and consistent treatment³⁵

Outreach is vital to recruitment, as the court's opportunity to find the best candidates lies in the depth of the pool of candidates from which it makes its selections.

All applications for employment must be handled fairly and consistently because the appearance of favoritism can harm outreach efforts. If your workforce is not diverse to start with, the process of finding and securing diverse candidates for job openings may be challenging but it is important to keep up the recruiting effort. An organization that already has a reputation for having a strong commitment to diversity, exemplified by its diverse workforce, has an easier time attracting additional diverse candidates.

Design the recruitment program to attract the strongest candidates prepared to meet the court's strategic goals and priorities. A successful strategy should ensure that qualifications for a position be consistent with job duties. Credentials should include criteria such as volunteerism and knowledge of subject matter as opposed to only paid employment experience.

Persons involved in the recruitment and hiring process should:

- Receive diversity training.
- Ensure that the interview panel is culturally diverse. This may minimize potential bias or allegations of bias. It also communicates to prospective applicants that the court promotes and welcomes diversity.
- Cultivate relationships with organizations that cater to the needs and interests of people of color, women, the disabled and other diverse groups.
- Establish relationships with high schools and colleges that have diverse populations.
- Utilize nontraditional networking to produce a diverse applicant pool, such as ethnic bar associations, ethnic community-based organizations, or asking diverse entities to forward job announcements to their email distribution lists.
- Encourage diverse employees who work in the court to assist in providing names of prospective recruits.
- Eliminate the negative concept that "there just aren't many or any qualified minorities" from their thought process and vocabulary.³⁶

Recruitment Resources

There are many resources that a court can utilize to recruit new employees and create a diverse workforce.

- Classified Advertising in Minority and Mainstream Newspapers and Radio
- Internet Employment Sites
- The Court's Website
- Recruitment Firms
- Employee Referrals
- College/Vocational Recruitment
- Creating a Co-op or Intern Program
- Job Fairs/Career Days
- Contacting Community Organizations and Minority Business Associations

Depending on a court's location, it may have to work harder to locate qualified applicants from specific groups. Local chapters of the NAACP, Hispanic Chamber of Commerce, Black Minority Business Association, the Urban League and organizations such as the YMCA and YWCA post available positions on a regular basis.³⁷

The Pennsylvania Interbranch Commission on Gender, Racial, and Ethnic Fairness offers a concise guide to recruitment resources – all updated with information on minority organizations, university placement programs, specialty publications and websites, and numerous other Pennsylvania resources. Look in the back of this booklet for a copy, or contact the Interbranch Commission.

Outreach is vital to recruitment, as the court's opportunity to find the best candidates lies in the depth of the pool of candidates from which it makes its selections.

Practical Measures

In addition to seeking out talented candidates, the court should adopt practical measures to reflect and reinforce its commitment to a diverse workforce. It should build networking opportunities with minority and community organizations and consider creating incentives and recognition for employees who actively recruit or mentor less-senior diverse employees.

The court also should provide training and development opportunities and adopt an open-door policy that invites employees to discuss concerns with a manager without repercussions.

It should provide reasonable accommodations to disabled persons and for religious purposes. And possibly most important, the court should strictly and consistently enforce non-discrimination and anti-harassment policies and pay attention to diversity in personnel decisions to ensure that qualified diverse employees are not overlooked. In all of these ways, the court will be building its reputation as diversity-friendly.³⁸

Interviewing Diverse Candidates

Interviewing diverse candidates is one of the most important stages in the search and selection process. The entire process must be carefully planned and standardized, with a set list of questions aimed at discovering what the candidate can bring to the position and the court. Certain inquiries should not be included because they may lead to unfair or illegal hiring decisions. **Questions and issues that must be avoided include:**

- Matters related to a candidate's race, ancestry or national origin
- Religious preference
- Jokes related to race, religion, sexual orientation, disability, sex and other protected status categories
- Marital status and living arrangements
- Childcare arrangements, birth control practices, plans for family
- Information about a candidate's spouse and employment
- Age

- Comments about the candidate's physical appearance
- Asking whether the candidate has ever been engaged in civil rights litigation with former employers
- Introducing biases into the discussion as a means of testing a candidate's reaction, such as asking a female candidate if as the only woman in the department, she could handle teasing or horseplay³⁹

Note: It is permissible to ask whether candidates have legal permission to work in the U.S., or whether they are citizens or permanent residents of the U.S.⁴⁰

References and Job Offers

Develop specific job-related questions for references. If contacting a reference by mail, the person hiring should enclose a copy of the job description and ask the reference to provide comments based upon the description. If contacting by phone, the interviewer should take written notes and place them in the candidate's folder.⁴¹

After finding a diverse and highly qualified candidate it wishes to hire, the court should be prepared to move expeditiously to make an offer of employment. When an employer is unable to make quick job offers, good candidates are often lost to competitors who move more quickly.⁴²

VII Retention and Advancement

An important part of any successful diversity program is developing strategies for retaining and advancing the diverse workforce it has built.

If an employee leaves the court's employment soon after being hired, the valuable financial and institutional resources spent on recruiting and hiring that employee are squandered.

A strong employee retention strategy will contribute to the quality and continuity of internal court operations and the services it provides to the public. In the alternative, "[f]ailure to retain key talent can lead to poor quality service, failure to meet goals and objectives, lack of organizational knowledge, and a decrease in morale and recruitment."⁴³

Supportive Work Environment

Management support is critical not only to implementing a diversity recruitment program but also to creating a culture that encourages employee retention and advancement.

Supervisors and employees in leadership positions must have the tools and resources necessary to create a positive and accepting work environment. This includes providing regular training for supervisors and managers on cultural diversity, inclusiveness, leadership, and management skills.⁴⁴

Each court should assess its current court culture, and the type of culture it wants to create, and establish inclusive programs and events that compliment the diversity of its employees and contribute towards an increased quality of life. The Washington State Minority and Justice Commission suggests a court consider programs such as the following to create a supportive, enriched work environment.

- Alternative work schedules
- On-site childcare
- Part-time employment and job sharing
- Telecommuting
- Family-friendly leave programs for at-will employees (and perhaps union employees if provided in collective bargaining agreements)
- Dependent-care support programs

- Employee Assistance Programs
- Social activities
- Volunteer opportunities such as blood or toy drives⁴⁵

Other types of events or outings that encourage inclusiveness and a supportive work environment include monthly lunches, lunch hour book clubs, annual golf outings, or staff appreciation picnics.

Development and Training Opportunities

Development and training opportunities are important reasons valued employees choose to stay with an organization.⁴⁶ Since public sector wages and salaries are historically lower than those in the private sector, development and training opportunities should be viewed and promoted as additional employment benefits.

Although most courts face tremendous budget constraints, serious consideration should be given to investing financial and intellectual capital in staff development and training. In its guide "Building and Maintaining a Diverse Workforce," the U.S. Office of Personnel Management suggests a variety of approaches that can be used to establish a climate that supports continuous learning and development.

- Establish clear paths for employees to acquire skills, knowledge and experience necessary for career development.
- Use a variety of training and development methods including formal and informal mentoring, online training technology, courses and individual learning accounts (ILAs).
- Publicize developmental opportunities for employees and give everyone interested a chance to participate in assignments that prepare them for higher-level positions.⁴⁷

Assess your court's ability to offer partial or full reimbursement for continuing education, higher education or continuing legal education programs. By continuously promoting and providing learning opportunities, the court will communicate the importance of workforce development and therefore strengthen recruitment and retention efforts.

An important part of any successful diversity program is developing strategies for retaining and advancing the diverse workforce it has built.

Rewards and Recognition

Reward and engage employees to maintain a diverse, high-quality workforce.

Most people desire to see their work efforts acknowledged.⁴⁸ Employees who feel they are undervalued or that their contributions do not matter will be more likely to seek employment elsewhere. Even in good economic times, the court's ability to give monetary rewards is often limited, so recognition becomes even more important.

Therefore, the court should consider acknowledging accomplishment as it further develops an encouraging and supportive work culture. Recognizing employee contributions can take the form of certificates, recognition events, feature articles in print or online publications or informal department potluck meals.⁴⁹

To connect with a new employee early on and encourage long-term retention, courts should put a real effort into orientation the first 30, 60, and 90 days on the job. Orientation programs give new hires a sense of belonging to the workforce and help them feel more motivated and engaged.⁵⁰

The Washington State Minority and Justice Commission warns “the court should be vigilant about ensuring that merit and results serve as the driving forces where there are differences in rewards. It should also continually monitor its use of awards, incentives and recognition to ensure that individuals and groups all receive their fair share based on transparent criteria and well-understood processes for nominating and granting awards.”⁵¹

Mentoring

A Mentor's Goals

- Support success and advancement
- Advise on career development
- Act as a personal advocate
- Advise on maneuvering political waters and opening doors
- Provide advice about strategies to accomplish work goals

Mentoring is common in many organizations because the programs, whether formal or informal, are effective in building relationships, encouraging inclusion and helping employees develop skills required for advancement. Courts need only look to their senior management as a resource to cultivate less-experienced employees for advancement. In particular, senior managers should be strongly encouraged to mentor individuals from different cultural, racial, or academic backgrounds.⁵²

Some of the roles and responsibilities of a person who serves as a mentor include sharing broad perspective on the court's structure, policies, processes and politics, and discussing work experiences related to the mentored person's interests.

Methods of mentoring include one-on-one meetings, often in casual settings. The mentor may share knowledge or direct the person to other professionals as needed. The scope of influence may include assisting with organizational and career maneuvering within the context of the person's current job and future potential.⁵³



Professionals Among Us

cont'd. from page 1

Mentors Important to Workers at All Levels

Susan Davis, executive director of the Minor Judiciary Education Board, says her mentor came from a middle-class background similar to her own, and that was part of the reason they connected.

"Throughout my career, my mentor has been someone to bounce ideas off and to discuss workplace issues. It's been invaluable, getting pearls of wisdom along the way."

Davis looked to her mentor for career advice when completing her degree at the University of Pennsylvania at night and during her various professional positions.

Whether the arrangements are formal or informal, such as hers, it's the fresh perspective that mentors bring that's key, she says. Mentors also help to develop talents that individuals don't initially recognize in themselves, she notes.

A Mentor's Goals

- Support success and advancement
- Advise on career development
- Act as a personal advocate
- Advise on maneuvering political waters and opening doors
- Provide advice about strategies to accomplish work goals

VIII Diversity Training

Attracting and obtaining a talented, diverse group of employees is only the beginning of a long-term diversity effort.

Goals of Diversity Training

- To develop employees who interact well with colleagues and court users of diverse backgrounds
- To educate employees about the unique contribution inherent in different cultures
- To anticipate the impact of cultural differences
- To remove obstacles to equity and inclusiveness⁵⁴

A successful diversity program cannot be achieved with recruitment and retention alone. Instead it must include ongoing training in order to have a work environment that is open and inclusive.

Creating a work culture where the talents of each individual are maximized and accepted is essential. Diversity training programs therefore focus on developing teamwork and conflict resolution as they relate to people from diverse backgrounds.

Training for supervisors and managers focused on recruiting and retaining a diverse workforce should be mandatory.⁵⁵

When developing such training, the court should remember what diversity is, why it is important and the implications of ever-changing demographics among Pennsylvania residents. This information can help set the stage for diversity training and to increase understanding and awareness among employees.

Some courts choose to develop their own diversity training programs, while others seek outside consultants. If it develops its own program, the court must first determine goals to identify what it wants employees to learn or be able to do at the end of the program.

If this is the first diversity training the court is conducting, it should start with introductory materials and then build on the training with topics that address problems or issues specific to that court. The court should consider these additional pointers and pitfalls in designing a diversity training program.

Pointers

- **Select** committed, experienced experts if using outside consultants.
- **Use** structured activities planned with input from participants, committee members (if you have a diversity committee) or both.
- **Focus** on the 95% of the participants willing to learn and open to the new experiences and ideas, rather than the 5% who are fearful, suspicious or cynical.
- **Create** an environment where participants are assured confidentiality.
- **Acknowledge** the present situation and aim for the future instead of dwelling on past injustices or prejudices, although some orientation to diversity as a management issue may be necessary.
- **Incorporate** diversity issues and concerns into other appropriate training programs.
- **Use** every opportunity to incorporate diversity initiatives into all court operations.

Pitfalls

- **Avoid** programs dominated by lecture and instead present interactive programs.
- **Avoid** preachy presentations and instead focus on self-assessment, reflection and awareness.
- **Do not** have sessions conducted only by women and people of color or white men. Use two experts from different backgrounds, with different characteristics (obvious and not so obvious) to illustrate diversity.
- **Avoid** programs that seek to change attitudes and opinions rather than change behavior.
- **Do not** hire content experts who design exercises and case studies without input from committee members or other court employees.
- **Do not** rely on training that focuses only on building awareness and does not emphasize building skills in such areas as communication, conflict resolution, and team building.
- **Do not** create a curriculum without first conducting a diversity needs assessment.⁵⁶

Consultants

The Administrative Office of the Pennsylvania Courts may be a significant source of assistance in providing training to court employees. There are many training curricula available on the Internet and from other courts and private institutions that the AOPC and individual courts can consult to design effective programs.

Courts may also consider working with an outside consultant to develop a diversity training program. The American Society for Training & Development (www.astd.org) is one source to contact when searching for a qualified consultant in the field.⁵⁷

When developing training, the court should remember what diversity is, why it is important and what are the implications of ever-changing demographics among Pennsylvania residents.

Goals of Diversity Training

- To develop employees who interact well with colleagues and court users of diverse backgrounds
- To educate employees about the unique contribution inherent in different cultures
- To anticipate the impact of cultural differences
- To remove obstacles to equity and inclusiveness

IX Sustaining the Commitment

In order to be sustained over time, a diversity program must be ingrained into workplace culture and processes. The Washington State Minority and Justice Commission's guide lists the following measures courts can take to achieve continuity.

Monitor Results

- Develop a measurement system to monitor effectiveness of the diversity program and to make adjustments when necessary.
- Consistently analyze data on the court's workforce profile.
- Distribute regular questionnaires to employees.
- Evaluate and monitor existing career development programs and review who is being selected for non-routine assignments, special projects, rotational opportunities and training.
- Monitor the number of diverse applicants and participants in development opportunities provided by the court.

Require Accountability

Courts can build accountability for hiring, retaining and developing a diverse and high-quality workforce into performance appraisals of its managers and supervisors. Courts should also ensure that their managers and supervisors are "culturally competent," that is, sensitive to the issue of diversity and the needs of diverse candidates for job openings.

Celebrate Success

Courts can identify and reward managers who succeed in improving the diversity of their workforce as a means of encouraging others to participate in the effort as well.

Communicate Commitment

It is critical for the court's judges and senior managers to be committed to sustaining a diversity program through ongoing training.

Avoid worst practices and pitfalls, such as:

- Believing that "the business case" for diversity will convince a dominant group of white men that diversity is the right thing to do, when resistance is based on emotions rather than reason.
- Senior leadership delegating diversity program formation to staff, when full leadership involvement is required for a successful diversity program.
- Seeing resistance to the effort as failure—if there is no resistance, nothing significant is changing. Diversity strategies must focus on engaging and transforming resistance.
- Assuming that training changes behavior. Awareness training alone cannot shift perceptions and unspoken assumptions. Rather, a successful diversity strategy must also include developing specific goals, measuring progress, providing behavior skills training to staff and requiring accountability from managers.
- Delegating implementation to subordinates who were not involved in the design of the plan, when management and employees at all levels must be involved in diversity planning in order for it to be successful.
- Beginning a diversity effort focused solely on external public relations, when the first priorities must be on establishing a change in internal culture and obtaining commitment from the management. Without that, employees will assume that leadership's interest in pursuing the program is insincere and designed for publicity purposes only.⁵⁸

X Anti-Discrimination Laws and Policies

Employment discrimination occurs when an employee is treated unfairly on the basis of his or her race, gender, religion, national origin, age, disability or any other status protected under the law. Court managers and supervisors who are responsible for enforcing anti-discrimination and harassment laws within the court workforce should be familiar with and ideally, receive training on the substantive provisions of these laws.

Federal Laws

Civil Rights Act of 1866 — protects persons from discrimination based on race and national origin in situations not covered by the Civil Rights Act of 1964.

Equal Pay Act of 1963 — prohibits sex discrimination in the payment of wages and fringe benefits and applies to both rank and file and professional employees.

Civil Rights Act of 1964 — prohibits discrimination in hiring, promotion, salaries, benefits, training, treatment of pregnancy, and other conditions of employment on the basis of race, color, religion, national origin, or sex. Most employment discrimination charges are now filed under Title VII of this Act, which applies regardless of the citizenship status of the applicant or employee. The Equal Employment Opportunity Commission (EEOC) administers the law, which applies to public as well as private employers.

Age Discrimination in Employment Act of 1967 — prohibits employers from discriminating in advertising, testing, promotions, benefits, and conditions of employment on the basis of age against anyone over the age of 40.

Vietnam-Era Veterans' Readjustment Assistance Act of 1974 — prohibits discrimination in employment practices on the basis of either disabled veteran status or Vietnam-era veteran status.

Americans with Disabilities Act of 1990 — prohibits discrimination against individuals with disabilities in private and state and local government employment, public accommodations, public transportation, state and local government services, and telecommunications.

State Laws

Pennsylvania Human Relations Act — prohibits employers from refusing to hire, discharging, or discriminating in compensation or in other terms or conditions of employment because of a person's race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of any individual or independent contractor. The law applies to all employers employing four or more persons, except religious, fraternal, charitable or sectarian corporations or associations who are not supported by governmental appropriations.

Court Policy

Pennsylvania Supreme Court Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity — prohibits discrimination on the basis of race, color, sex, sexual orientation, national origin, age, disability or religion by any "Personnel of the System or Related Staff" in any employment-related action or by any "Personnel of the System, Related Staff or attorney" in any court-related action. The policy also prohibits any form of retaliation against any person who complains about harassment or discrimination, who files a harassment or discrimination complaint, or who cooperates with, or assists in, the investigation of such complaints.

Federal Laws

- Civil Rights Act of 1866
- Equal Pay Act of 1963
- Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Vietnam-Era Veterans' Readjustment Assistance Act of 1974
- Americans with Disabilities Act of 1990

State Laws

- Pennsylvania Human Relations Act

Court Policy

- Pennsylvania Supreme Court Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity

Enforcing the Law

Experts recommend that employers establish the following practices to ensure that the remedies provided by anti-discrimination and harassment laws are made available to their employees.

Adopt and implement policies prohibiting harassment and discrimination. (The Pennsylvania Supreme Court passed just such a policy for the entire statewide court system in January 2008.)

Ensure the policy is comprehensive, clearly defines discrimination and harassment, sets forth how and to whom to report discrimination, outlines how the court will investigate allegations and how it will address violations, and includes a non-retaliation policy.

Distribute the policy to all employees periodically and have them sign a form acknowledging receipt of the policy.

Prominently post the policy throughout common areas and monitor work areas regularly.

Respond promptly upon receipt of a complaint of discrimination or harassment, treat the complaint seriously, investigate the complaint thoroughly using a trained investigator, and take appropriate actions designed to end the conduct.

Fully document all actions taken in response to reported or suspected discrimination or harassment.

Provide regular education to managerial, supervisory and non-supervisory employees on these issues.

Train managers and supervisors how to identify and report all potentially inappropriate behavior.

Ensure a zero tolerance policy regarding discrimination and harassment.

Hold supervisors and employees accountable for any inappropriate behavior that is or could be construed as discrimination or harassment.⁵⁹

XI The Judge's Role in Diversifying the Court Workforce

The commitment of the court leadership is of utmost importance to the success of court diversity programs.

The Washington State "Guide to Recruitment and Retention" lists a series of practical ways in which judges can support and actively assist in efforts to diversify the composition of their courts.

Practical Tips for Judges

- Actively recruit qualified people with different backgrounds to seek positions in the judicial system, including the judge's personal staff.
- Appoint diverse persons to chair or otherwise participate on court committees.
- Learn about specialty and minority bar groups that exist in the judge's county and state and cultivate a relationship with leaders of those bars.
- Initiate meetings, co-sponsorship opportunities and social and networking events with leaders of those bars and encourage fellow judges and court leaders to attend.
- Encourage court leaders to serve on boards and committees and to support civic, social service and other efforts in minority communities.
- Be willing to mentor within the community and serve as a role model.
- Treat all within the courthouse, both employees and constituents, with dignity and respect and strive to make the court a welcoming and supportive place for people of color, women, the disabled and others.

- Do not tolerate bigoted attitudes directed toward any member of the judicial staff, attorneys or others appearing in your court.
- Include minorities and others as panelists, speakers, writers or commentators in court-related programs.
- Include perspectives and experiences of minorities and other diverse persons in court newsletters or other court publications.
- Learn about the people, issues, causes and concerns of interest to diverse persons.
- Include diverse personnel in awards given by the court.
- Encourage informal events, such as brown bag lunches, book clubs, etc., that promote socialization among staff.
- Encourage fellow judges and court managers to subscribe to and read major newspapers, magazines and journals from diverse communities locally and nationally.
- Send representatives to national programs discussing diversity efforts and strategies.
- Using a city, county or state government directory of minority-owned vendors or other sources, solicit bids for the services of diverse vendors and suppliers.
- Remember that every judge sets an example for staff and others. If the judge engages in discriminatory behavior or tolerates bigoted conduct in others, employees will assume that they can do it too.⁶⁰

Every judge sets an example for staff and others. If the judge engages in discriminatory behavior or tolerates bigoted conduct in others, employees will assume that they can do it too.

Conclusion

A comprehensive workforce diversity program consists of many elements, including a strong commitment from leadership, knowledge of the local population base, a realistic assessment of the current workforce, a diverse candidate pool, a strong retention and advancement strategy, a cultural diversity training program for managers and staff, and a system of measuring and monitoring results.

The prospect of developing such a program and achieving measurable success may seem daunting, but as courts in other states can attest, it can be done and be done well. Moreover, it is incumbent upon the courts, as the arbiters of justice in an increasingly multicultural society, to do so.

The courts can reap many benefits with a diverse workforce. A workforce that reflects the diverse communities the courts serve increases the public's trust and confidence in the justice system. Minorities who serve the courts in visible roles give people from their communities a sense that the system is administered by individuals who look like them and who understand their experiences. They may also serve as role models for young people from those communities.

A culturally competent workforce also has been found to be more innovative and productive in dealing with work-related challenges because of the broad range of experience, background and perspective such employees bring to their jobs. Employee morale, job satisfaction and loyalty all increase when people understand their differences and similarities and respect one another's perspectives. Communication becomes more effective, and problems can be resolved when employees become receptive to different ideas and alternative solutions.

Beyond increasing employee efficiency and public confidence in the system, a court system with a comprehensive workforce diversity program in place is more likely to be in compliance with employment discrimination laws, thereby reducing the likelihood of costly legal claims.

Pennsylvania's court system and, more importantly, its citizens will reap multiple benefits from a dynamic and diverse court workforce that reflects the people it serves.

Appendix

Detailed Population Projections by Age, Gender, Race, Hispanic Origin: Pennsylvania 2000 to 2030

Prepared by Pennsylvania State Data Center, October 17, 2008

STATE	2000	2005	2010	2015	2020	2025	2030
PA Total	12,281,054	12,422,685	12,540,718	12,690,711	12,871,823	13,048,758	13,190,400
PA White (Wh)	10,675,010	10,686,463	10,676,647	10,693,353	10,737,553	10,770,653	10,758,490
PA Black (Bl)	1,258,949	1,313,417	1,365,995	1,423,784	1,481,717	1,537,940	1,593,635
PA Hispanic (Hisp)	394,088	496,164	596,697	706,478	828,402	964,946	1,119,281
COUNTIES	2000	2005	2010	2015	2020	2025	2030
Adams Total	91,292	97,061	101,426	105,438	109,237	112,386	114,689
Allegheny Total	1,281,666	1,242,881	1,210,748	1,187,708	1,169,207	1,152,254	1,132,736
Allegheny Wh	1,085,785	1,039,519	997,889	964,191	934,623	906,106	875,024
Allegheny Bl	160,510	160,192	162,661	166,472	170,419	174,204	177,731
Allegheny Hisp	11,166	13,419	15,689	18,089	20,660	23,431	26,365
Armstrong Total	72,392	70,194	68,439	67,160	66,054	64,962	63,736
Beaver Total	181,412	174,914	168,593	163,140	158,212	153,308	147,744
Beaver Wh	168,381	161,928	155,476	149,809	144,701	139,645	133,941
Beaver Bl	10,894	10,238	9,894	9,718	9,498	9,222	8,916
Bedford Total	49,984	50,421	50,988	51,399	51,751	51,938	51,926
Berks Total	373,638	394,184	412,053	430,683	450,718	471,336	491,914
Berks Wh	349,271	364,480	376,688	389,281	402,935	416,643	429,535
Berks Bl	16,237	18,661	20,837	23,026	25,342	27,665	30,135
Berks Hisp	36,357	48,486	60,838	74,478	89,541	106,283	125,361
Blair Total	129,144	125,116	121,278	117,851	114,559	111,146	107,272
Bradford Total	62,761	61,926	60,664	59,844	59,359	59,094	58,680
Bucks Total	597,635	624,569	643,095	658,468	673,124	686,308	697,961
Bucks Wh	558,410	578,663	589,336	597,588	606,178	614,122	619,608
Bucks Bl	19,977	22,220	24,841	27,796	30,877	33,882	37,015
Bucks Hisp	14,005	17,670	21,382	25,353	29,678	34,467	39,870
Butler Total	174,083	183,717	191,471	198,830	206,380	213,726	220,496
Cambria Total	152,598	147,136	141,528	136,920	132,810	128,758	124,101
Cameron Total	5,974	5,704	5,570	5,525	5,569	5,614	5,612
Carbon Total	58,802	61,095	63,170	63,110	66,843	68,041	69,098
Centre Total	135,758	144,519	147,935	151,375	156,620	161,939	166,148
Centre Wh	125,306	132,846	134,971	137,135	140,800	144,182	146,431
Centre Bl	3,671	4,043	4,144	4,336	4,666	5,034	5,344
Chester Total	433,501	479,233	519,979	561,150	604,385	647,703	692,054
Chester Wh	392,897	429,255	460,164	490,122	520,747	550,405	580,069
Chester Bl	27,781	29,786	31,278	32,813	34,351	35,720	36,938
Chester Hisp	16,126	22,713	29,304	36,396	44,217	53,206	64,106
Clarion Total	41,765	40,566	39,662	38,965	38,726	38,377	37,895
Clearfield Total	83,382	83,192	82,641	82,028	81,487	80,855	79,890
Clinton Total	37,914	36,794	35,540	34,477	33,669	33,065	32,263
Columbia Total	64,151	64,054	64,454	65,518	67,053	68,530	69,765
Crawford Total	90,366	89,795	89,281	89,201	89,515	89,961	90,088
Cumberland Total	213,674	224,463	234,902	246,392	258,880	271,275	282,921
Cumberland Wh	202,954	210,071	216,694	223,459	230,968	237,762	243,223
Cumberland Bl	5,132	6,591	8,455	10,942	14,221	18,454	23,855

Appendix (continued)

COUNTIES	2000	2005	2010	2015	2020	2025	2030
Dauphin Total	251,798	253,907	255,070	258,908	262,550	266,530	269,855
Dauphin Wh	198,799	197,903	196,847	196,110	195,763	195,463	194,526
Dauphin Bl	43,854	44,152	45,035	46,473	48,184	49,943	51,591
Dauphin Hisp	10,404	13,449	16,854	20,778	25,390	30,827	37,234
Delaware Total	550,864	552,831	553,502	558,315	566,788	576,566	583,942
Delaware Wh	445,811	423,797	399,838	377,734	355,798	330,364	296,362
Delaware Bl	81,241	99,832	122,261	150,250	184,234	225,402	274,514
Delaware Hisp	8,368	10,291	12,247	14,456	16,934	19,740	22,920
Elk Total	35,112	33,595	31,935	30,330	28,909	27,590	26,269
Erie Total	280,843	281,516	280,397	278,210	275,355	271,826	267,538
Erie Wh	258,067	256,249	252,691	248,135	243,052	237,252	230,653
Erie Bl	17,573	18,638	19,554	20,362	21,016	21,497	21,885
Fayette Total	148,644	148,490	145,762	142,581	139,362	136,006	131,874
Forest Total	4,946	6,775	7,060	7,339	7,579	7,686	7,999
Franklin Total	129,313	133,155	135,740	138,485	141,656	145,175	148,596
Fulton Total	14,261	14,883	15,480	16,043	16,603	17,101	17,506
Greene Total	40,672	40,704	40,460	40,239	40,018	39,621	38,857
Huntingdon Total	45,586	46,649	47,322	47,743	47,974	47,919	47,564
Indiana Total	89,605	85,661	81,006	76,645	72,876	69,621	66,095
Jefferson Total	45,932	45,140	44,577	44,163	43,775	43,251	42,529
Juniata Total	22,821	23,468	23,977	24,394	24,798	25,244	25,696
Lackawanna Total	213,295	209,089	204,673	201,440	199,310	197,483	194,835
Lancaster Total	470,658	485,794	498,465	511,660	526,194	540,634	553,293
Lancaster Wh	443,588	453,246	460,163	467,315	475,486	482,986	487,999
Lancaster Bl	15,102	17,460	19,797	22,156	24,583	27,068	29,574
Lancaster Hisp	26,742	33,931	40,886	48,430	56,715	65,590	74,906
Lawrence Total	94,643	92,497	89,957	87,731	86,145	84,900	83,348
Lebanon Total	120,327	121,625	122,409	123,817	126,069	128,800	131,118
Lehigh Total	312,090	323,136	336,187	349,024	361,437	372,414	381,738
Lehigh Wh	288,311	296,368	306,585	316,279	325,259	332,440	338,154
Lehigh Bl	13,111	14,789	16,976	19,128	20,992	22,859	24,587
Lehigh Hisp	31,881	42,628	53,573	66,196	81,034	98,653	119,448
Luzerne Total	319,250	313,152	306,330	300,751	296,621	292,836	287,943
Luzerne Wh	310,000	301,728	292,835	285,252	279,125	273,147	265,694
Luzerne Bl	5,599	6,613	7,667	9,006	10,647	12,598	14,864
Lycoming Total	120,044	117,833	115,866	114,326	113,105	111,845	109,969
McKean Total	45,936	45,007	43,742	42,538	41,592	40,734	39,716
Mercer Total	120,293	120,317	120,047	120,386	121,376	122,428	122,967
Mifflin Total	46,486	46,646	46,744	46,664	46,421	46,063	45,599
Monroe Total	138,687	156,626	173,357	190,438	208,142	224,709	239,824
Monroe Wh	125,944	133,999	142,469	150,688	158,447	164,355	167,915
Monroe Bl	9,080	16,713	20,895	26,082	32,315	39,261	49,957
Monroe Hisp	9,195	10,892	12,672	14,866	17,227	19,491	21,761
Montgomery Total	750,097	787,478	813,853	835,755	854,994	871,585	888,265
Montgomery Wh	654,796	669,365	673,910	675,058	674,826	672,675	669,772
Montgomery Bl	56,904	68,354	80,185	92,430	104,872	117,148	130,441
Montgomery Hisp	15,300	20,580	25,703	31,085	36,883	43,495	51,509
Montour Total	18,236	17,785	17,275	17,027	16,977	17,021	17,038

COUNTIES	2000	2005	2010	2015	2020	2025	2030
Northampton Total	267,066	281,095	291,610	303,449	316,862	330,222	342,081
Northampton Wh	252,318	260,608	265,249	270,757	277,434	283,643	288,041
Northampton Bl	8,249	10,443	12,941	15,908	19,289	23,094	27,307
Northampton Hisp	17,868	22,504	27,378	32,870	38,939	45,480	52,688
Northumberland Total	94,556	93,713	93,197	92,914	92,861	92,677	92,182
Perry Total	43,602	44,195	44,339	44,656	45,111	45,517	45,638
Philadelphia Total	1,517,550	1,470,374	1,447,889	1,432,768	1,421,328	1,414,935	1,408,232
Philadelphia Wh	752,159	695,866	662,960	635,270	610,992	590,078	570,230
Philadelphia Bl	672,393	660,537	653,731	649,356	644,626	637,627	626,567
Philadelphia Hisp	128,928	159,709	192,338	228,081	268,266	313,454	363,478
Pike Total	46,302	55,116	63,639	72,201	80,765	88,152	94,374
Potter Total	18,080	17,871	17,760	17,696	17,641	17,458	17,153
Schuylkill Total	150,336	148,404	146,972	146,408	146,457	146,614	146,078
Snyder Total	37,546	37,920	38,294	38,686	39,025	39,142	38,955
Somerset Total	80,023	79,445	78,393	77,604	77,149	76,821	76,298
Sullivan Total	6,556	6,457	6,338	6,308	6,313	6,323	6,287
Susquehanna Total	42,238	44,438	48,523	54,417	61,630	69,527	77,530
Tioga Total	41,373	41,047	40,361	39,956	39,772	39,742	39,680
Union Total	41,624	44,262	46,414	48,267	50,018	51,283	52,280
Venango Total	57,565	56,367	55,182	53,976	52,844	51,641	50,205
Warren Total	43,863	41,540	39,425	37,548	35,723	33,935	32,145
Washington Total	202,897	205,135	206,656	208,898	211,288	212,713	212,986
Wayne Total	47,722	49,469	52,499	56,545	60,607	64,022	67,197
Westmoreland Total	369,993	372,237	374,002	377,382	380,748	381,844	380,588
Westmoreland Wh	357,973	358,028	357,681	358,679	359,626	358,259	354,291
Westmoreland Bl	7,550	8,177	8,424	8,706	8,990	9,229	9,437
Wyoming Total	28,080	27,875	26,872	25,501	24,010	22,353	20,565
York Total	381,751	400,430	416,743	433,397	450,887	467,673	482,984
York Wh	359,397	373,858	385,713	397,569	409,961	421,283	430,442
York Bl	14,950	16,807	19,018	21,494	24,102	26,429	28,867
York Hisp	11,296	15,120	19,299	24,067	29,445	35,552	42,712

Endnotes

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