EEOP Utilization Report

Mon Sep 19 16:08:07 EDT 2016

Step 1: Introductory Information

Grant Title:	MD Statewide Adult Drug Court: Comparative Analysis and Expansion of Services	**Grant Number:**	2011-DC-BX-0132
Grantee Name:	Maryland Judiciary	**Award Amount:**	$1,500,000.00
Grantee Type:	State Government Agency		
Address:	580 Taylor Ave, A-2 Annapolis, Maryland 21401		
Contact Person:	Gray Barton	**Telephone #:**	410-260-3617
Contact Address:	2001E Commerce Park Drive Annapolis, Maryland 21401		
DOJ Grant Manager:	Tracy Lee-Williams	**DOJ Telephone #:**	202-514-1499

Grant Title:	Maryland's Adult Drug Courts Performance Management System	**Grant Number:**	2015-DC-BX-0062
Grantee Name:	Maryland Judiciary	**Award Amount:**	$175,419.00
Grantee Type:	State Government Agency		
Address:	2003 Commerce Park Drive Annapolis, Maryland 21401		
Contact Person:	Gray Barton	**Telephone #:**	410-260-3617
Contact Address:	2001E Commerce Park Drive Annapolis, Maryland 21401		
DOJ Grant Manager:	Kerri Vitalo-Logan	**DOJ Telephone #:**	202-353-9074

Grant Title:	Judicial Education Project of the Administrative Office of the Courts - 2012	**Grant Number:**	2010-WC-AX-0003
Grantee Name:	Maryland Judiciary	**Award Amount:**	$99,813.00
Grantee Type:	State Government Agency		
Address:	580 Taylor Ave Annapolis, Maryland 21401		
Contact Person:	David Shultie	**Telephone #:**	410-260-1726
Contact Address:	2009A Commerce Park Drive		

Annapolis, Maryland
21401

DOJ Grant Manager: Julie Aldrich **DOJ Telephone #:** 202-616-1590

Policy Statement:

It is the policy of the Maryland Judiciary to provide employment and advancement opportunities to qualified individuals without regard to race, color, national origin, marital status, sexual orientation, gender, political or religious opinion or affiliation, physical or mental disability, or age, except where age is a bona fide job requirement. Under the Genetic Information Nondiscrimination Act, (GINA), discrimination by health insurers and employers based on individuals' genetic information is prohibited. This policy includes but is not limited to the following personnel practices:

Recruitment
Recall
Selection
Discipline
Promotion
Termination
Demotion
Reclassification
Transfer
Assignment of duties
Compensation
Training and development
Layoff
Use of leave

The Judiciary is committed firmly to providing a work environment free from discrimination, harassment, and retaliation. Discrimination, harassment, and retaliation shall not be tolerated. Any employee found to have engaged in such activity shall be subject to disciplinary action up to and including termination of employment. The Judiciary reserves the right to take corrective action even if conduct is not illegal.

The Judiciary makes its full Policy on Equal Employment Opportunity and Harassment publicly available online (http://www.courts.state.md.us/hr/pdfs/policies/eeo_harassment.pdf). This policy is currently being revised and will be reissued shortly. A copy of the current policy is being submitted via email.

Step 4b: Narrative Underutilization Analysis

This Report compares the statewide workforce in the Judiciary to statewide labor market statistics, since the primary source of our employees is the State of Maryland. The AOC's Judiciary Human Resources Department ("JHRD") and Fair Practices Department ("FPD") reviewed the Utilization Report and Chart and note the following:

Officials and Managers: Minority groups which are underutilized are Hispanic males (-2%) and Asian males (-3%) and females (-2%). White males are also underutilized (-24%).

Professionals: Minority groups which are underutilized are Asian males (-4%) and females (-2%). White males are also underutilized (-2%).

No significant underutilizations were noted in the Technicians category.

Protective Services (Sworn): Minority groups which are underutilized are Hispanic males (-2%) and white and black females (both -6%).

The Maryland Judiciary does not employ individuals in the Protective Services (Non-Sworn) category.

Administrative Support: Minority groups which are underutilized are Hispanic males (-1%), Black males (-3%), and Asian males (-1%). White males are also underutilized (-16%). Underutilizations were also denoted in the category of "other" for both males and females (both -0%) but there is insufficient information to conduct an analysis.

No significant underutilizations were noted in the Skilled Craft category. The Maryland Judiciary does not employ individuals in the Service Maintenance category.

The FPD and JHRD note that groups with underutilization in multiple job categories are Hispanic males, Asian males and females, and White males. The Hispanic and Asian demographic groups have been two of the fastest growing minority groups in the state of Maryland; members of these groups who move to Maryland are likely attracted by the private sector employment. It is also noted that underutilization percentages for most minority groups have decreased slightly since the Judiciarys prior utilization report in 2013.

Step 5 & 6: Objectives and Steps

1. The Maryland Judiciary's overall objective is to provide equal employment opportunity and equal access to opportunities. This objective includes eliminating barriers to full inclusion by identifying trends which may impact participation of racial/ethnic groups at multiple levels of the Judiciary system. This objective also includes encouraging and maintaining a workforce that is representative of Maryland's Civilian Labor Force (CLF).

a. The Fair Practices Department ("FPD"), together with the Judiciary Human Resources Department ("JHRD"), will evaluate trends in applications and hiring to better understand whether noted underutilizations reflect under-representation in the respective applicant pools, hiring outcomes, or other factors and use this evaluation to adjust recruitment and hiring practices. The FPD and JHRD will collaborate to identify and propose responses to likely barriers to full inclusion.

b. The FPD and the JHRD will evaluate whether underutilization may be connected to use of internal-only recruitments and whether minimizing the use of internal-only recruitments could result in an application pool more representative of the CLF.

2. To continue to incorporate the positive and continuing support of management at all levels to ensure equal employment opportunity without regard to race, color, religion, age, sex, marital status, national origin,

physical or mental disability, familial status, genetic information, gender identity or expression, sexual orientation, or any other characteristic protected by State or federal law.

a. The FPD, together with the JHRD and the Judicial College of Maryland, is developing an online, interactive training for all Judiciary supervisors covering the Judiciary's Policy on Equal Employment Opportunity and Harassment ("EEO Policy") (which is undergoing revision), best practices for supporting EEO principles in recruitment and hiring, and best practices for building an inclusive work environment in order to build awareness and utilization of equal opportunity employment practices.

b. The FPD is working with the JHRD to monitor completion of equal opportunity employment training in order to verify that all supervisors receive regular training.

c. The FPD provides in-person training when possible to support hiring managers and HR representatives throughout the Maryland Judiciary to identify and eliminate barriers to equal opportunity employment.

3. To continue to inform all present and prospective employees of the Judiciary's Equal Employment Opportunity and Harassment Policy, its upcoming revision, and best workplace practices for building an inclusive work environment.

a. The FPD, together with the JHRD and the Judicial College of Maryland, is developing an online, interactive training for all Judiciary employees covering the Judiciary's EEO Policy and best practices for building an inclusive work environment in order to build awareness and utilization of equal opportunity employment practices.

b. The FPD and the JHRD will continue to collaborate to review dissemination and awareness of the EEO Policy among all Judiciary employees.

c. The JHRD will continue to participate in minority job fairs. JHRD will evaluate the potential to utilize local minority newspapers and media outlets to advertise job opportunities. JHRD will review and revise the organization's recruitment strategies to ensure underutilized groups are targeted as identified by the internal analysis.

d. The FPD and JHRD will collaborate to evaluate training opportunities, including employee awareness of Professional and Technology Education opportunities offered by the Judicial College of Maryland as well as the Judiciary Educational Assistance Program that provides reimbursement for college course work for professional development.

Step 7a: Internal Dissemination

Provide the EEOP Utilization Report to all hiring managers in the Judiciary Human Resources Department ("JHRD").

Notify employees using announcement on employee intranet that the EEOP Utilization Report is available to all employees via the Fair Practices Department webpage.

Identify groups of employees without regular intranet access and provide hard copies in an appropriate location.

Continue to publish the Judiciary's Policy on Equal Employment Opportunity and Harassment ("EEO Policy") on intranet sites so it is available to all Judiciary employees and identify ways to improve access and knowledge of the EEO Policy.

Develop up-to-date, interactive online training on the EEO Policy for all Judiciary employees and supervisors to prevent discrimination, harassment, and retaliation.

The Fair Practices Department has been added to the permanent schedule of presenters at the New Employee Orientation presented by the Maryland Judicial College together with the JHRD.

Continue to distribute the EEO Policy at orientation sessions for new judges and provide access information to new employees.

Continue to post federal and State Anti-Discrimination posters in prominent locations throughout the Judiciary.

Step 7b: External Dissemination

Continue to publish the Judiciary's EEO Policy on internet sites so it is available to the public (http://mdcourts.gov/hr/policies.html).

Notify public users that the EEOP Utilization Report is available via the Fair Practices Department webpage.

Provide hard copies in appropriate locations (e.g., human resources).

Notify contractors and vendors that the EEOP report is available via the Fair Practices Department webpage.

Include in all Judiciary job vacancy announcements, job advertisements, and letterhead used for recruitment purposes, and announcements about training programs, the statement "The Maryland Judiciary is an Equal Opportunity Employer."

Include in all Judiciary job vacancy announcements the statement, "The Maryland Judiciary is a drug-free workplace and an equal opportunity employer, committed to diversity in the workplace. We do not discriminate on the basis of race, color, religion, age, sex, marital status, national origin, physical or mental disability, familial status, genetic information, gender identity or expression, sexual orientation, or any other characteristic protected by State or federal law. Applicants who need an ADA Accommodation for an interview should request the accommodation when notified of a request to be interviewed."

Utilization Analysis Chart

Relevant Labor Market: Maryland

Job Categories	Male								Female							
	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other
Officials/Administrators																
Workforce #/%	41/19%	0/0%	18/9%	0/0%	0/0%	0/0%	0/0%	0/0%	109/52%	1/0%	41/19%	0/0%	0/0%	0/0%	1/0%	0/0%
CLS #/%	160,575/43%	8,305/2%	29,200/8%	270/0%	9,770/3%	15/0%	1,660/0%	890/0%	107,765/29%	6,105/2%	36,965/10%	475/0%	7,905/2%	145/0%	1,400/0%	770/0%
Utilization #/%	-24%	-2%	1%	-0%	-3%	-0%	-0%	-0%	23%	-1%	10%	-0%	-2%	-0%	0%	-0%
Professionals																
Workforce #/%	217/27%	11/1%	53/7%	1/0%	9/1%	0/0%	4/0%	0/0%	302/38%	11/1%	164/20%	1/0%	16/2%	0/0%	13/2%	0/0%
CLS #/%	183,270/31%	8,480/1%	39,595/7%	460/0%	29,915/5%	130/0%	2,470/0%	1,490/0%	217,420/37%	10,555/2%	67,040/11%	545/0%	25,485/4%	50/0%	2,940/0%	1,890/0%
Utilization #/%	-4%	-0%	-0%	0%	-4%	-0%	0%	-0%	1%	-0%	9%	0%	-2%	-0%	1%	-0%
Technicians																
Workforce #/%	9/24%	0/0%	7/19%	0/0%	3/8%	0/0%	0/0%	0/0%	9/24%	0/0%	9/24%	0/0%	0/0%	0/0%	0/0%	0/0%
CLS #/%	23,190/29%	1,570/2%	7,135/9%	50/0%	3,275/4%	0/0%	245/0%	330/0%	25,090/31%	1,285/2%	14,695/18%	95/0%	3,330/4%	50/0%	490/1%	80/0%
Utilization #/%	-4%	-2%	10%	-0%	4%	0%	-0%	-0%	-7%	-2%	6%	-0%	-4%	-0%	-1%	-0%
Protective Services: Sworn																
Workforce #/%	274/62%	1/0%	110/25%	1/0%	2/0%	0/0%	5/1%	0/0%	15/3%	1/0%	34/8%	0/0%	0/0%	0/0%	0/0%	0/0%
CLS #/%	27,320/46%	1,495/3%	14,965/25%	60/0%	515/1%	0/0%	325/1%	130/0%	5,525/9%	300/1%	7,875/13%	55/0%	160/0%	0/0%	270/0%	115/0%
Utilization #/%	16%	-2%	-0%	0%	-0%	0%	1%	-0%	-6%	-0%	-6%	-0%	-0%	0%	-0%	-0%
Protective Services: Non-sworn																
Workforce #/%	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/
Civilian Labor Force #/%	1,895/32%	110/2%	745/13%	0/0%	25/0%	0/0%	30/1%	40/1%	1,725/29%	140/2%	1,070/18%	0/0%	20/0%	0/0%	65/1%	40/1%
Utilization #/%																
Administrative Support																
Workforce #/%	146/6%	9/0%	119/5%	0/0%	13/1%	0/0%	10/0%	0/0%	1036/46%	60/3%	802/35%	7/0%	45/2%	2/0%	26/1%	0/0%

Job Categories	Male								Female							
	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other
CLS #/%	145,405/22%	11,615/2%	57,065/9%	355/0%	12,505/2%	165/0%	3,020/0%	1,310/0%	266,125/40%	21,765/3%	117,320/18%	785/0%	15,725/2%	330/0%	4,010/1%	2,580/0%
Utilization #/%	-16%	-1%	-3%	-0%	-1%	-0%	-0%	-0%	5%	-1%	17%	0%	-0%	0%	1%	-0%
Skilled Craft																
Workforce #/%	2/67%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	1/33%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
CLS #/%	135,655/62%	31,465/14%	31,135/14%	400/0%	5,280/2%	250/0%	1,640/1%	1,080/0%	6,265/3%	1,095/1%	2,725/1%	80/0%	925/0%	0/0%	110/0%	130/0%
Utilization #/%	5%	-14%	-14%	-0%	-2%	-0%	-1%	-0%	30%	-1%	-1%	-0%	-0%	0%	-0%	-0%
Service/Maintenance																
Workforce #/%	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/	0/
CLS #/%	147,775/26%	47,835/8%	94,405/17%	610/0%	12,625/2%	65/0%	2,765/0%	1,515/0%	124,085/22%	35,040/6%	82,330/14%	575/0%	15,085/3%	125/0%	2,725/0%	1,335/0%
Utilization #/%																

Significant Underutilization Chart

Job Categories	Male								Female							
	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other	White	Hispanic or Latino	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Two or More Races	Other
Officials/Administrators	✔	✔			✔								✔			
Professionals	✔				✔								✔			
Protective Services: Sworn		✔							✔		✔					
Administrative Support	✔	✔	✔		✔			✔								✔

I understand the regulatory obligation under 28 C.F.R. § 42.301-.308 to collect and maintain extensive employment data by race, national origin, and sex, even though our organization may not use all of this data in completing the EEOP Utilization Report.

I have reviewed the foregoing EEOP Utilization Report and certify the accuracy of the reported workforce data and our organization's employment policies.

Certified As Final By: Warren E. Hedges	Fair Practices Officer	09-19-2016
[signature]	[title]	[date]

STATE OF MARYLAND
JUDICIARY

Policy on Equal Employment Opportunity and Harassment

I. PURPOSE

The purpose of this policy is to ensure compliance with all applicable federal, state, and local laws and regulations governing Equal Employment Opportunity (EEO) and harassment.

II. DEFINITIONS

A. Administrative Official (for purposes of this policy)

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or Court-Related Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

B. Complainant – An individual who initiates a complaint of discrimination, harassment, or retaliation under this policy.

C. Complaint Procedure – The process that allows a complainant to file a complaint when the complainant believes an act of discrimination harassment, or retaliation occurred.

D. Discrimination – A distinction in employment treatment, whether intentional or unintentional, illegally based on an individual's race, color, national origin, marital status, sexual orientation, gender identity or expression, gender, political or religious opinion or affiliation, physical or mental disability, protected genetic information, or age.

E. Equal Employment Opportunity (EEO) – The absence of partiality or distinction in employment treatment, so that the rights of all persons to

work and advance on the basis of merit, ability and potential are maintained.

F. **Office of Fair Practices** – The department within the Judiciary charged with the enforcement, development and conduct of plans, programs, and policies to establish and promote anti-harassment and non-discriminatory employment and personnel practices within the Judiciary.

G. **Harassment** – Behavior directed toward an individual that demeans, belittles, intimidates, or otherwise makes the individual feel uncomfortable or threatened, illegally based on the individual's race, color, national origin, marital status, sexual orientation, gender identity or expression, gender, political or religious opinion or affiliation, physical or mental disability, protected genetic information, age, or because the employee opposed job discrimination or participated in an investigation or proceeding conducted under EEO statutes or this policy. To qualify as harassment, the behavior must have resulted in a tangible employment action being taken against the complainant, or the behavior complained of was so severe and pervasive as to create a hostile or intimidating environment from the perspective of a reasonable person.

This definition includes sexual harassment, which is any unwanted physical, verbal, or visual sexual advances, requests for sexual favors, and other unwanted sexually oriented conduct when:

- Submission to such conduct is made either plainly or by inference 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 the individual; or
- Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

H. **Probable Cause** – A determination by the Office of Fair Practices that, based on the facts and circumstances examined during an investigation, it is more likely than not that the complainant suffered discrimination, harassment, or retaliation as defined and prohibited by this policy.

I. **Respondent** – The party against whom a complaint of discrimination, harassment, or retaliation has been brought and who has been asked to respond to the allegations.

J. Retaliation – Actions taken against a complainant as reprisal for the complainant having filed a complaint of discrimination, harassment, or retaliation, or actions taken against a complainant as reprisal for the complainant serving as a witness in the investigation of a complaint of discrimination, harassment, or retaliation.

III. SCOPE

This policy applies to all employees of the Maryland Judiciary.

IV. POLICY STATEMENT

It is the policy of the Judiciary to provide employment and advancement opportunities to qualified individuals without regard to race, color, national origin, marital status, sexual orientation, gender, political or religious opinion or affiliation, physical or mental disability, or age, except where age is a bona fide job requirement. Under the Genetic Information Nondiscrimination Act, (GINA), discrimination by health insurers and employers based on individuals' genetic information is prohibited. This policy includes but is not limited to the following personnel practices:

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- Demotion
- Transfer
- Compensation
- Layoff
- Recall
- Discipline
- Termination
- Reclassification
- Assignment of duties
- Training and development
- Use of leave

The Judiciary is committed firmly to providing a work environment free from discrimination, harassment, and retaliation. Discrimination, harassment, and retaliation shall not be tolerated. Any employee found to have engaged in such activity shall be subject to disciplinary action up to and including termination of employment. The Judiciary reserves the right to take corrective action even if conduct is not illegal.

V. RESPONSIBILITY

The Office of Fair Practices is responsible for compliance and oversight of this policy, as well as overall EEO compliance and oversight within the Judiciary. The department will provide general and specific policy guidance to prevent harassment and retaliation and to assure equal opportunity. The Office of Fair Practices for the Judiciary is responsible for the development of equal

opportunity and anti-harassment/retaliation programs; providing periodic updates on EEO laws, etc.; monitoring employee recruitment and selection activities; and assisting the Administrative Officials to ensure compliance with federal, state and local EEO and anti-harassment laws and regulations. It is the responsibility of each Administrative Official to ensure that this policy is adhered to and that each location/department within the Judiciary is in compliance with all applicable laws and regulations governing EEO, harassment, and retaliation.

Employees have the right to work in an environment free from discrimination, harassment, and retaliation. It is the responsibility of managers and supervisors, as well as all other employees, to assist in the prevention of discrimination, harassment, and retaliation. All employees, from top management on down, are expected to act in a responsible and professional manner that encourages an environment free from discrimination, harassment, and retaliation.

VI. FILING COMPLAINTS

A complaint procedure exists for prompt and effective investigation into incidents of alleged discrimination, harassment, and retaliation. Employees are strongly encouraged to utilize this procedure.

All employees and applicants for employment will receive fair and impartial treatment in all phases of employment. Every employee has the right to file a complaint alleging discrimination, harassment, or retaliation. Every employee will be free from restraint, intimidation, harassment, interference, coercion, retaliation or reprisal because the employee has filed a complaint, testified, assisted, or participated in any phase of an investigation.

All employees and all levels of management in the Judiciary will cooperate fully with the Office of Fair Practices by furnishing information as requested regarding policies, regulations, and procedures that have a bearing on the complaint of discrimination, harassment, or retaliation. The Office of Fair Practices will determine what information is relevant during the investigation of the complaint, but in no event shall any person give information that cannot be legally disclosed.

A. Employee's Responsibility

1. Employees who feel they have been subjected to discriminatory, harassing, or retaliatory behavior are encouraged to address their questions and concerns with their supervisor or Administrative Official;

2. If that does not resolve the complaint, or when the supervisor and Administrative Official are the persons about whom the employee wants to complain, the aggrieved individual should complete a Complaint of Discrimination/Harassment/Retaliation Form (**Exhibit 1**, **Page 9**) and forward it to the Office of Fair Practices;

3. The complaint must be based on discrimination, harassment, or retaliation as defined in Section II, D, G, and J;

4. The complaint should be filed with the Office of Fair Practices within 120 days from the time the alleged act of discrimination, harassment, or retaliation took place, or 120 days from the time the aggrieved individual had knowledge of the alleged act;

5. All complaints must contain the following:

   a. the full name and address of the complainant;
   b. the full name and address of the department or person against whom the complaint is made;
   c. a clear and concise statement of facts constituting the alleged act(s) of discrimination, harassment, or retaliation, including when the alleged act(s) took place;
   d. a statement of how factors listed in Section II, D, G, or J are believed to have been a basis for the alleged discrimination, harassment, or retaliation;
   e. the signature of the complainant and the date the complaint was filed.

B. Management's Responsibility

1. Once a supervisor becomes aware of an act or allegation of discrimination, harassment, or retaliation, the supervisor shall immediately notify the Administrative Official of the allegations in writing and submit a copy to Office of Fair Practices;

2. The Administrative Official shall notify Office of Fair Practices of alleged discriminatory, harassing, or retaliatory practices or behavior;

3. If the complaint is against the Administrative Official, instead of notifying the Administrative Official the supervisor shall notify the Office of Fair Practices.

4. In the event a charge of discrimination, harassment, or retaliation against the Judiciary is filed with any regulatory agency (such as the Maryland Commission on Human Relations or the U.S. Equal Employment Opportunity Commission), Office of Fair Practices is to be notified immediately by the individual receiving notice of the complaint.

C. Office of Fair Practices' Responsibility

The Office of Fair Practices will accept a complaint for investigation if it meets the requirements as outlined in Section VI, A. and will counsel the complainant of:

1. The right to amend the complaint to clarify and amplify allegations or to correct technical defects or omissions;

2. The right to file a complaint with other external administrative bodies (i.e. Maryland Commission on Human Relations and the U.S. Equal Employment Opportunity Commission);

3. When a complaint is filed with the Judiciary, the Office of Fair Practices shall contact the complainant, and the individual against whom the charges have been brought, promptly after it has been filed;

4. The Office of Fair Practices will conduct an impartial and thorough investigation;

5. The Office of Fair Practices shall investigate the complaint to ascertain all facts surrounding the complaint. All records, policies, as well as witnesses, and any other information shall be made available to the Office of Fair Practices during the conduct of the investigation;

6. Upon conclusion of the investigation, the Office of Fair Practices shall counsel the aggrieved individual again on available courses of action such as conciliation;

7. The Office of Fair Practices also shall make a recommendation to management (when applicable) regarding the appropriate action to be taken;

8. In the event the complainant reports alleged discriminatory,

harassing, or retaliatory behavior directly to the Office of Fair Practices, the Administrative Official shall be notified of the allegations and the results of the investigation.

VII. COMPLAINT WITHDRAWN

A complainant may withdraw his or her complaint at any time. After a complaint has been withdrawn, the Office of Fair Practices will notify in writing all parties involved of the withdrawal. The complainant must certify that the withdrawal was made without threat, abuse, restraint, intimidation, harassment, interference, coercion or reprisal.

VIII. CONCILIATION

A. After an investigation is conducted and if "probable cause" is found, the Office of Fair Practices shall meet with the complainant and respondent in an effort to resolve the matter through conciliation.

B. If an agreement is reached in conciliation, then the written agreement must be signed by all three parties. The complainant signs indicating acceptance of the agreement. The respondent signs acknowledging the mandate to perform or cease to perform certain actions. The Office of Fair Practices signs indicating that the agreement is in accord with Equal Opportunity mandates.

C. Upon execution of the written conciliation agreement, the complainant will withdraw all other administrative complaints and legal suits which make the same allegations upon the same facts.

D. Whenever negotiations with the respondent and the complainant break down and it appears impossible to reach an agreement that is satisfactory to all parties, the Office of Fair Practices shall advise the complainant and respondent in writing that efforts to conciliate will be terminated unless the respondent or complainant requests a resumption of those efforts in writing.

E. Copies of the final written findings and recommendations for corrective action will be forwarded to the complainant, and to the respondent(s).

F. Findings and recommendations must be forwarded no later than thirty (30) days after the completion of the investigation.

IX. RIGHT TO FILE A COMPLAINT WITH OTHER AGENCIES

The Office of Fair Practices shall inform the aggrieved individual of the right to file a complaint with the Maryland Human Relations Commission or the Equal Employment Opportunity Commission if the complainant is dissatisfied with the findings and recommendations of the Office of Fair Practices.

X. FILES

A. The Office of Fair Practices shall establish a file containing all documents pertinent to all complaints including all documents authored by or received by the Administrative Official or designee.

B. The initial file shall include, but not be limited to the following:

1. Initial complaint form;
2. All documents pertinent to the complaint and subsequent investigation;
3. Findings and recommendations;
4. Decision against which the complaint was filed;
5. All documents authored by or received by the Administrative Official or designee; and
6. The appeal documentation, when applicable.

XI. INTERPRETIVE AUTHORITY

The Judiciary Office of Fair Practices, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.

ADMINISTRATIVE OFFICE OF THE COURTS

FAIR PRACTICES DEPARTMENT
MARYLAND JUDICIAL CENTER
580 TAYLOR AVENUE
ANNAPOLIS, MARYLAND 21401

Complaint Form

Discrimination/Harassment/Retaliation

Complainant: _____
(The employee making the Complaint)

Location: _____
(Your office address)

Department/Unit: _____

Your preferred contact information: _____ _____
(Phone) (Email)

Respondent(s): _____
(The employee(s) against whom the Complaint is made)

Location: _____
(Respondent(s)'s office address if known)

Department/Unit: _____

STATEMENT OF FACTS

Basis for the alleged discrimination, harassment, and/or retaliation (Please check the applicable box(es) below)

- ☐ Race
- ☐ Color
- ☐ National Origin
- ☐ Religion
- ☐ Sex
- ☐ Age
- ☐ Disability
- ☐ Sexual Orientation
- ☐ Gender Identity or Expression
- ☐ Political Affiliation
- ☐ Marital or Family Status
- ☐ Genetic Information
- ☐ Retaliation
- ☐ Other: _____

Date(s) of Action(s)/Knowledge of Occurrence: _____

Nature of Complaint: (Provide a clear and detailed statement of the facts which you believe show discrimination, harassment, and/or retaliation.)

_____

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(Please attach additional sheets if needed)

Remedy sought: _____

_____

_____

Before filing this complaint I made the following attempts to resolve this matter: _____

_____

_____

_____

I am represented by (if applicable): _____

(Name and Title of Representative)

Complainant's Signature: _____ Date: _____

Contact Information
The Fair Practices Department

Phone: 410-260-3679 **Fax:** 410-841-9849

Mailing Address:
Fair Practices Department
Internal Affairs Division
580 Taylor Avenue, 2nd Floor
Annapolis, MD 21401

Email: fairpractices@mdcourts.gov

Fair Practices Department use only

I certify that the FPD received this Complaint of Discrimination/Harassment/Retaliation on:

_____ _____ _____

Date **Signature** **Title**